

The Weather
Forecast: Cloudy tonight and Tuesday. Not much change in temperature.
Highest yesterday 34
Lowest this morning 30

MEDFORD MAIL TRIBUNE

Paid-Up Circulation
People who pay for their newspapers are the best prospects for the advertiser. A. O. circulation is paid up circulation. This newspaper is A. B. C.

Twenty-Seventh Year

MEDFORD, OREGON, MONDAY, JANUARY 9, 1933.

No. 247.

NEALON APPOINTMENT UPHOLD

Comment on the Day's News

By FRANK JENKINS.

THE JOINT ways and means committee at Salem votes to ask the legislature, instead of levying new taxes, to slash three and a half millions from the budget.

Upon reading this, most of us will say: "Good! That's the way to do it. Cut costs instead of adding to taxes."

IT SOUNDS just that simple, you see. But wait.

The cost of government can't be cut without also reducing the services that have been rendered by government. And as soon as we start reducing the services that have been rendered by government, and to which the public has become accustomed, we run into trouble.

Somebody objects to this cut. Somebody else objects to that one. The first thing anybody knows, such a rumput is stirred up that any reduction at all becomes very difficult.

WHO is really responsible for the high cost of government?

Most of us will answer unhesitatingly: "Why, our tax-leaving bodies, of course. They've piled tax after tax onto us, until now the burden is almost unbearable."

LET'S see about that. And by way of seeing let's go back a few years to the time when the upward movement in taxation was getting under way.

Who, in those days, was demanding bond issues and new tax levies in order to obtain things that were wanted?

Andor compels this answer: "It was the people—the voters."

Time and again, in those days, the tax-leaving bodies were beset by delegations of enthusiastic voters who wanted this or that and who berated these bodies for their slowness in providing what the public wanted.

FOR MANY YEARS you know, voting bond issues and going ahead with vast new improvements was known generally as PROGRESS, while unwillingness to do these things was referred to alighting as mossbackism.

HERE is the point: Taxation follows public opinion. When public opinion is favorable to expansion, taxes RISE. When public opinion demands retrenchment, in no uncertain terms, taxes fall.

Public opinion is the positively controlling factor in taxation in this country.

PUBLIC OPINION is now mightily demanding tax reduction. Taxation has become a serious burden on business. It must be reduced before business can get as good as we want to see it.

But taxation can't be reduced all at once. We have too many debts to pay—debts contracted in the years when public opinion was demanding large new expenditures.

CONGRESSMAN BUTLER, of the Eastern Oregon district, dies, and immediately this question arises: "Who will be his successor?"

Three possible courses seem to be open: 1. The governor may appoint. 2. A special election may be held. 3. The position which lasts only until March 4, may be left vacant.

The attorney general has been asked to render an opinion as to what shall be done.

IF THIS WRITER were making the decision, it would be this: Appoint Walter M. Pierce, who was elected in November, for the term beginning on March 4.

Mr. Pierce will become congressman from the Eastern Oregon district on March 4, anyway. The time is short. It would be a manifest absurdity to hold a special election. It would be practically futile to appoint a successor, who would hardly get to Washington before his term expired.

Since Mr. Pierce will become congressman anyway on March 4, why not name him now and let him be learning the ropes?

BAKER, Jan. 9.—(AP)—Ed Woodcock of Bridgeport suffered the loss of a finger on his right hand when hit by a wild horse on the Woodcock ranch Sunday. Woodcock put his hand through a corral fence to frighten the horse away from the fence and the animal clinched its teeth on his hand. The man strained the tendons in his arm when he attempted to pull his hand from the horse's mouth.

STATE ATTORNEY GENERAL BACKS CODDING OPINION

Confirming Opinion Nullifies Contempt Proceedings Instituted Against Lamkin and Bursell, View Held

Appointments of R. E. Nealon to fill the unexpired term of John Barneburg, resigned, is legal and valid, and he is duly qualified county commissioner, according to an opinion received today by the district attorney. The finding concerns in detail with the opinion given to the county judge a week ago by District Attorney George A. Coddling, when the controversy started.

The opinion holds that "the negligence of the county clerk in failing to fully record their proceedings cannot nullify their acts." The case of the state vs. McElrath, 48 Ore. 294, is cited on this point as follows: "The statute requiring business of the county to be docketed and disposed of in a certain manner and entered in and kept in certain books, is only directory."

Fell Disagrees
County Judge Fell through his counsel, M. O. Wilkins of Ashland, contended that the appointment of Nealon was illegal and invalid, because former County Judge C. B. Lamkin of Ashland, and former County Commissioner Victor Bursell of Central Point, signed the county court journal Tuesday, January 3, instead of on the day of Nealon's appointment.

The ruling further cites that the appointment is valid and legal, because it was "the assent and agreement of the members of the court when in session, and acting as a court which gives validity to the act."

Attorney E. E. Kelly and other attorneys of the city, hold that the attorney general's ruling nullifies the contempt proceedings which are pending against the two former officials by

(Continued on Page Three)

ASHLAND BARN BLAZE PROBED

Investigation into cause of the fire that last week destroyed the large barn on the former Bluff, Guthrie ranch near Ashland, was underway today by the state fire marshal's office. The barn belonged to George High of Astoria, and according to reports was insured for \$15,000, in two policies. Deputy Fire Marshal Geo. Stokes of Salem made a preliminary investigation. The barn, the largest in the south end of the valley, contained 75 tons of hay. Origin of the fire is unknown.

Reports from Ashland today, said that one of the circumstances was that a door, that could be unlocked only from the inside was open, after the fire.

It is the supposition that a wanderer, seeking shelter in the barn, might have ignited the hay accidentally, and perished. A search of the ruins was made, but no confirmatory evidence found.

Fire Chief Baughman of Ashland today said that insurance companies holding the policies would make a thorough investigation.

SNOW NOW 126 INCHES AT RIM CRATER LAKE

Report from Crater lake this morning stated that snow was falling in the park, and snow measurements showed that the depth is rapidly mounting toward last year's record.

Ninety inches of snow was reported at government headquarters, with 80 inches at Annie Springs, and 126 inches at the rim of the lake. The measurements were made this morning, according to information from the park headquarters in Medford.

WIDOW WILL TELL STORY FREE LOVE RENDEZVOUS

CHICAGO, Jan. 9.—(AP)—Attorney James M. Burke today told police investigating the slaying of Edwin Schildhauser that the bandmaster's widow had decided to "reveal that their home became a free love nest where married couples shared husbands and wives indiscriminately."

Mrs. Frances Schildhauser will come from seclusion in the home of friends and tell Captain John Stege "the whole story of her life," Burke said.

"If she was unfaithful so was her husband and so were all the others," he said. "Frances is anxious to cooperate with authorities and assist

CROSS-STATE R. R. ORDER RESCINDED BY HIGHER COURT

Attempt to Require O.-W. R. and N. to Build Extension From Crane to Crescent, Oregon, Loses On Appeal

WASHINGTON, Jan. 9.—(AP)—The Interstate Commerce commission today failed before the supreme court in its attempt to require the Oregon-Washington Railroad and Navigation company to construct an extension from Crane, Ore., to the line of the Southern Pacific near Crescent, Ore.

The public utilities commissioner of Oregon and the public utilities commission of Idaho joined the federal commission in its effort to enforce the order. The Interstate Commerce commission having failed in the lower courts.

Justices Brandeis, Stone and Cardozo dissented.

PORTLAND, Ore., Jan. 9.—(AP)—The celebrated Oregon cross-state railroad case appeared to have been brought to a conclusion today with the ruling of the United States supreme court that the Union Pacific railroad cannot be forced to construct 185 miles of lines from Crane, Ore., to Crescent Lake.

The two houses convened at 10 a. m. and both re-elected officers, with no change in the setup. Fred Kiddle, president of the senate; Earl Snell, speaker of the house, and their staffs which have functioned during the five days of the special session, will proceed following the formality of reorganization. The business of the session will be started thereafter without delay.

The joint ways and means committee, which have already been in session two days on the state budget, will resume their meetings tonight and start their systematic perusal of the budget with a view of carrying out some of the drastic retrenchment suggestions already made, but with definite recommendations based on a detailed study.

Meter Pens Message
Governor Meter yesterday was busy writing his message, which he said he could not do earlier pending the action of the special session. The action of the special session was believed would play a major part in the executive's message.

Both houses will again go into joint hearing at two o'clock in the afternoon to hear the demands of the "hunger marchers" which arrived here yesterday. The group will be given an hour and a half in which to present its demands. The marchers last night held a meeting in Salem and arrangements were made for their appearance before the legislature.

During the interval, it was expected a score of bills would be introduced. During the past week, while the houses as a whole marked time pending committee reports, many members prepared bills for the opening day's introduction of the regular assembly. These probably will be dropped into the hopper late today.

Senate Kills Sales Tax
The Saturday night session here was concentrated in the senate chambers where three hours of debate proceeded final vote on two major bills passed during the late afternoon meeting of the house, where the debates were a little more than an hour.

By a vote of 15 to 13 the senate defeated the eleventh-hour amended two per cent general sales tax. The

(Continued on Page Two)

WASHINGTON HAS FLOOD TROUBLE

SEATTLE, Wash., Jan. 9.—(AP)—Rampaging rivers, fed by heavy rains and melting snow, flooded lowlands of Washington today. Families were marooned, a railroad bridge washed out, highways inundated, and train and stage schedules disrupted.

A number of farming families were marooned south of Seattle as the White River poured over dykes, flooding several hundred acres of rich bottom lands. Highway patrolmen reported main roads through the valley were closed.

Two automobiles were caught by an earth slide which hurtled across the highway near Falls City, east of Seattle. The two occupants of one of the machines were severely lacerated.

The Snoqualmie, Hagging and Green rivers of western Washington were also over their banks.

WEYERHAEUSER PUTS 350 MEN TO WORK

LONGVIEW, Wash., Jan. 9.—(AP)—More than 350 men returned to work in the logging camps of the Weyerhaeuser company today, ending a shutdown period that began December 23.

Heavy rain in the past few weeks has softened railroad fills on the company roadbed and improved conditions expected in the next few days will result in the return of about 150 other men to work in the Weyerhaeuser camps.

Hunger Marchers, Tax Raising and Budget Cuts Face New Legislature

SPECIAL SESSION DROPS PROBLEMS WITHOUT SOLVING

SALEM, Jan. 9.—(AP)—Pleas of the "hunger marchers" for various forms of "relief," the biennial message of Governor Julius L. Meier, reorganization of both houses and possible introduction of a score of bills will constitute the calendar for the opening day of the regular session of the 1933 Oregon legislature here today.

And for 40 days and 40 nights the 90 legislators will be faced with problems which have become even more complicated as a result of the special session, which adjourned shortly after midnight Saturday.

The extraordinary session, in brief, placed the state on a warrant basis, repealed the property tax for state purposes for 1933 and 1934 without providing any substitute revenue raising measures, defeated the general sales tax proposal and adjourned after appropriating \$10,000 to pay expenses.

Same Officers Elected
The two houses convened at 10 a. m. and both re-elected officers, with no change in the setup. Fred Kiddle, president of the senate; Earl Snell, speaker of the house, and their staffs which have functioned during the five days of the special session, will proceed following the formality of reorganization. The business of the session will be started thereafter without delay.

The joint ways and means committee, which have already been in session two days on the state budget, will resume their meetings tonight and start their systematic perusal of the budget with a view of carrying out some of the drastic retrenchment suggestions already made, but with definite recommendations based on a detailed study.

Meter Pens Message
Governor Meter yesterday was busy writing his message, which he said he could not do earlier pending the action of the special session. The action of the special session was believed would play a major part in the executive's message.

Both houses will again go into joint hearing at two o'clock in the afternoon to hear the demands of the "hunger marchers" which arrived here yesterday. The group will be given an hour and a half in which to present its demands. The marchers last night held a meeting in Salem and arrangements were made for their appearance before the legislature.

During the interval, it was expected a score of bills would be introduced. During the past week, while the houses as a whole marked time pending committee reports, many members prepared bills for the opening day's introduction of the regular assembly. These probably will be dropped into the hopper late today.

Senate Kills Sales Tax
The Saturday night session here was concentrated in the senate chambers where three hours of debate proceeded final vote on two major bills passed during the late afternoon meeting of the house, where the debates were a little more than an hour.

By a vote of 15 to 13 the senate defeated the eleventh-hour amended two per cent general sales tax. The

(Continued on Page Two)

BRIDE OF MATHEWSON KILLED IN PLANE CRASH



SHANGHAI, Jan. 9.—(AP)—Christopher (Christy) Mathewson, Jr., son of the famous baseball player, was improving today from serious injuries received in a plane accident which took the life of his bride of two weeks.

His wife, the former Margaret Phillips, of Philadelphia, was taking off for her first flight with her flying instructor-husband yesterday when the giant two-motored plane sank on the outskirts of Shanghai.

She died a half-hour later in a hospital where young Mathewson was lying today with two broken arms, a broken leg and other injuries.

The couple were married last Christmas eve in a double-wedding here which was to have climaxed a holiday celebration in the American community, cut short that same day by the sudden death of Colonel Richard S. Hooker, the marine commandant.

The other couple married that day, Miss Shannon, who like Mathewson was an instructor in the Chinese aviation school at Hangchow, and the former Elizabeth Reid, of Richmond, Va., were spending the week-end in Shanghai with the Mathewsons.

They had planned to return to Hangchow in the plane with the Mathewsons but just before the departure, decided to go by train. Mrs. Mathewson, Sr., widow of former New York Giants pitcher and the "big six" of baseball fame, was in Hangchow. She left for Shanghai when informed of the accident.

The plane Mathewson was piloting belonged to Dr. T. V. Soong, the minister of finance of the Chinese nationalist government.

Funeral services for Mrs. Mathewson will be held Tuesday. The body will be sent to Philadelphia.

GRIEVING SOLON TAKES OWN LIFE

WASHINGTON, Jan. 9.—(AP)—Fort months Representative Samuel Austin Kendall of Pennsylvania, grieved over the death of his wife, he tried to carry on, but the loss was too great. So yesterday he killed himself.

He was found dead in a big leather chair in his office in the House office building—a bullet through his head and a new pistol in his hand.

A verdict of suicide was issued after a note was found at the home of the 73-year-old Republican who served the 24th Pennsylvania district.

COPCO REPORTS FAIR NET PROFIT

SAN FRANCISCO, Jan. 9.—(AP)—California Oregon Power Co. showed 11 months net profit at the end of November, after all charges, of \$559,778 compared with \$481,015 in the like 1931 months. This was achieved from a gross of \$3,469,102, compared with \$3,535,414 in 1931.

November net was \$40,095, compared with \$64,778 in November 1931. The company is a subsidiary of Standard Gas and Electric Co.

BIRTHS INCREASE SLIGHTLY IN '32

There were a few more people alive in Medford when 1932 rolled around than when 1931 made its debut. If birth and death records indicate anything, Dr. L. D. Inakeep, city health officer, stated today. In 1932 a total of 355 children were born in Medford and 307 persons died.

In 1931 there were 352 births in Medford, and 212 deaths, the deaths showing a decrease of five and the births an increase of three for 1932.

JAMES M. CAREY IS NEW MANAGER CRATERIAN SHOW

James M. Carey has been selected by the Fox Corporation to succeed Don Geddes as manager of the Fox Craterian of this city, according to an announcement today. Mr. Carey, an experienced theatre man, assumed active management of the Craterian today.

"I am delighted with Medford and the Rogue River valley," Mr. Carey said in an interview with a Mail Tribune representative. "I have passed through this city in past years and have always had a desire to make Medford my home. It is gratifying to me that this opportunity to manage the Fox Craterian theatre has presented itself so that Mrs. Carey and I may live in southern Oregon."

Before coming to this city, Carey was manager of a well known theatre in Salem. He has resided in the northwest for the past two years. While in Salem he was an active member of Capital Post, number 9, American Legion.

Don Geddes, who has very successfully managed the Fox Craterian for the past several months, will enjoy a long deserved vacation after which Mr. and Mrs. Geddes will make their home in Seattle. While in this city, Don Geddes has been active in civic affairs and as many friends in Medford who wish him success in his future theatrical enterprises. Elmo Hemmilla, manager of the Rialto theatre for the Fox Corporation, will continue to direct the activities of that west-side theatre in Medford.

ESTATE OF COOLIDGE ENTIRELY TO WIDOW

NORTHAMPTON, Mass., Jan. 9.—(AP)—Calvin Coolidge's entire estate was left to his widow by the terms of a will drawn up while he was president, Ralph W. Hemenway, his former law partner and now attorney for Mrs. Coolidge announced today.

The car which struck her was driven by Henry Bricker of Route 2, Springfield, Bricker told state police who investigated the accident that he met another car just before he struck the woman in the dark, that he did not see her on the highway.

AUTOS TAKE HEAVY TOLL OF LIFE OVER WEEK-END

SALEM, Ore., Jan. 9.—(AP)—E. L. Meyers, 60, was almost instantly killed here Sunday when an automobile which he was driving was struck by a passenger train at a crossing in the residential section. Meyers, long a resident of Salem, was en route to Mill City to attend a funeral.

PORTLAND, Ore., Jan. 9.—(AP)—A hit-and-run motorist took the life of Joseph Russell, six-year old son of Mr. and Mrs. C. Earl Russell, here Sunday night and vanished into the darkness without stopping to render aid.

Jack Barron, 12, was the only witness to the tragedy and gave police a description of the death car.

EDGEMO, Jan. 7.—(AP)—Mrs. W. H. Paine of Pleasant Hill was fatally injured Sunday night when she was struck by an automobile as she was walking along the Willamette highway near her home. She died from a fractured skull and a pierced lung an hour later in a hospital here.

Those killed, all sons of employees of the Nevada Consolidated Copper company, were: Charles Everle Jr., Chris Collins, Tom Baker and Joe Montfione.

Erlend Linnell was so seriously injured physicians said he may not live. His skull was fractured.

WALL ST. WOLVES PUSH INFLATION PLAN IS CLAIM

Baruch and Other New York Financiers Supposed to Be in On Scheme—Borah Is Made Leader in Congress

By PAUL MALLON.
Copyright by McClure Newspaper Syndicate.

WASHINGTON, Jan. 9.—Some of the wolves of Wall Street are working closer than you know with the sons of the Wild Jackass on this inflation business.

Bernard Baruch is supposed to be in on it. Also certain other New York financiers who helped Senator Borah finance the revaluation-of-the-dollar bill he has been working on. That is because industries are in exactly the same fix as the farmers, so far as devaluated currencies and paying their creditors are concerned.

Borah has been designated as leader in the movement. He tried in the cloakroom early in the week to tack the revaluation idea on to the Glass banking bill. Senator Glass did not want his measure loaded down with such a rider. He thought it might lead to a presidential veto. Borah held off in deference to Glass.

There are plenty of bills coming up that Borah can use as a horse for his cart. No pushing policy will be followed, however, unless the demand for the bill continues to get louder and louder.

The Washington boys were generally lukewarm toward the Roosevelt may budget sound-out prior to the recent council. They thought the president-elect might have the right fundamental idea but they favored a different way of obtaining the same objective.

(Continued on Page Two)

COUNTY COURT IN FRIENDLY SESSION AFTER DECISION

The county court—County Judge Fehl and Commissioners Billings and Nealon present, voted this morning upon two resolutions presented Saturday by the county judge. One proposed that the legislature pass an emergency act empowering the withdrawal of \$50,000 from the \$21,000 sinking fund. The other concerned the recommendations of the grand jury on county affairs.

On the \$50,000 withdrawal proposal County Judge Fehl voted the acceptance of the plan, Commissioner Billings against it, and Commissioner Nealon said he was not prepared to vote upon it at this time.

Commissioner Billings took the position that what he recommended was the need of relief money, he felt some other way should be found, "besides impairing the credit of the county."

The commissioner held that if the legislature passed the emergency act, there was some question about how soon the money would be available as the county would probably be enjoined and "then we will be up against legal costs, and in worse shape than we are now." It was also stressed that the 1932 budget provided \$34,000 for relief work on road, and that a way could be worked out to use these funds. Commissioner Billings said he had talked to the grand jury, and asked them for a solution, which they had not given.

On the question of the recommendations of the grand jury, Commissioners Billings and Nealon voted for them, "but judge Fehl voted against County Judge Fehl votes for them as presented. The main contention was the question of an audit of the county books. Both commissioners stated they were as desirous of having a complete audit as anybody, but that no provisions had been made for financing it. Both the county court and the commissioners made their positions on the audit clear, that it was a question of finances. The budget committee made no provision for an audit. Estimates of its cost vary from \$3000 to \$5000. Commissioner Nealon said an estimate called for \$10 per day. "That," he said, "would soon eat up the county."

A petition signed by 36 citizens, chiefly from the Griffin Creek district, with a few from this city, offered aid to the county court, "individually and collectively." The petition was ordered filed.

Routine matters were also disposed of.

There was a noticeable slackening of the tension around the courthouse this morning, and fewer were in attendance than last week. A number of the leaders in Jackson county grange circles were present at the court session. There was a better feeling prevailing. The county court today accomplished its first real work, after a week of controversy. This was a reflection of the firm public attitude, which developed last Friday and Saturday, that "it is time to settle down and do business."