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**NEW YORK DAY BY DAY**  
 By O. O. McIntyre

NEW YORK, May 22.—Diary of a modern Peppy Up, carrying Major Dickson's Pekinese puppy to Buff Dobb Brody's daughter, Pat. Then strolling by the clock and sag of the East river and through Sutton Place, a workman crying a pox on me for stepping on his newly laid cement. So to my typing.

By and by George Rector stopped in his countenance always suggesting the man in the moon and we fell to a game discussion upon the best foods and upon his departure sneaked out and faded the ice box. Some Henry sell swifter over that this brochure called "No Nice Girl Swears".

The Karl Kitchens and Robert Garlands to dinner and they away to a play and my wife and Will and Jessie Hays to a new reel. Afterward to a drug store fountain and, becoming suddenly rotundly drunk with prosperity, spent 65 cents at a penny sale. Then home, dressing for the bon voyage to Lady Furness.

Such natty blades as Francis Lederer, Basil Durant and Tommy Manville sport wider shoulders than ever with pinched-in waists dropping in straight line from the hips. Roomy sleeves also taper to a light wrist. Favorite color appears to be tobacco brown with bottle green shirtings. Too, I notice several ton dresses in ex-King Alphonso's newest combination—a suit of fog grey with collar and shirt to match and jet black tie. O, yes, also a black silk display handkerchief.

That quality Thackeray described as New York's "uncommon splendorousness" is vanishing at the luncheon hour. Hundreds who used to ride in limousines, away with orchids, "now walk unadorned." Instead of cocktails and jazz there are beer and strains of Johann Strauss, the cory dollar-for-celery-and-olives places are deserted for barn-like spots with a hattrack near each table.

T. S. Stribling, whose "The Store" was this year's Pulitzer prize winner, comes up from the south every summer to spend a few weeks in his flat overlooking the park of greenery and rocky outcrop called Morning-side Park. With all his success, he has never given up turning out seven moral tales weekly for a Sunday school paper.

Personal nomination for the most stately calm among the younger matrons—that of Ellen Mackay Berlin. There appear to be no more plane-lets whose light improvisations gave a chance to stage drawing rooms. I think of Melville Ellis and Edith Baker, but there were others. Eddie Duchin is perhaps the sole exception, but he devotes most of his talents to leading an orchestra. Pianists today are in two classes—irony thumpers or those who strive to be Padreswickis. Those in the middle grade have vanished.

Thingumbobs: DeWolf Hopper fell in love with his fourth wife, Nella Bergen, because of the way she topped high C. . . Fatty Arbuckle is an expert chili maker. . . Charles M. Schwab has a boy tie with one many. . . Jack Campbell has an automatic organ that synchronizes with a mechanical piano in the largest office in town. . . Mrs. Irving T. Bush's paintings are inspired by an "spirit control," although she is not a spiritist. . . Nathan Burkan, famous lawyer, was wiled Luchow's to perpetuate the name of the proprietor. . . Queenie Smith's dogs howl mournfully when they hear her on the radio. . . Jimmy Durante went native at the Dutch Treat luncheon and put the grand piano on the frill. . . Dick Maney got five per cent of "20th Century" gross for the impersonation of him by Bill Crowley. . . The late Willie F. Sweatman, minister, dunked doughnuts in gin and ginger. . . Douglas Fairbanks no one to trick ride on a bicycle when no one is looking.

Educational Notes: Two students in the recent private economic class of Miss Finch, who confuses a finishing school for girls by that name, were Otto Kahn and Felix Warburg.

**A Great Victory**

THE Banks verdict was a great victory for the state, and nothing short of a personal triumph for Ralph Moody, assistant attorney general, who directed the prosecution and determined not only the tactics and strategy, but the basic principles, upon which the state's case was conducted. When one considers the trial was held two hundred miles away from Jackson county, in a community very friendly to the defendants, before a jury which while GIVING CONCLUSIVE EVIDENCE OF ITS INTELLIGENCE, INTEGRITY AND CONSCIENTIOUSNESS, by the nature of things, could not appreciate the TRUE situation in Southern Oregon—only residents of Jackson county COULD appreciate it—the outcome was the more remarkable.

MR. MOODY disclaims any particular credit, and informs this newspaper that he was only the medium, through which the district attorney's office, the state and local police, and the aroused citizenship of Medford and Jackson county worked.

In a certain sense, of course this is true. The results could never have been obtained without the loyal and untiring support which the assistant attorney general received. District Attorney George Codding and Deputy Neilson, literally worked night and day, in supplying their chief with the material he required, and at all times unselfishly subordinated themselves to the cause of justice in which they put everything they had. The same splendid spirit was displayed by the state and local police, and by many local citizens—particularly attorneys—who without remuneration and at considerable personal sacrifice, when called upon never failed to do their bit.

BUT the Mail Tribune believes in giving honor where honor is due, and that honor belongs to Mr. Moody and to Mr. Moody alone. Without notice or preparation, Mr. Moody was placed in charge of the case, when by a sudden stroke of tragic fate, Deputy Attorney General Levens was removed, and from that time to the end conducted the prosecution, in simply a masterful fashion. He received invaluable aid from his staff assistants, from men in the ranks, but he was the GENERAL first, last and all the time.

This paper wants Mr. Moody to know that the law-abiding and right thinking people of Medford and Jackson county appreciate this, and are deeply grateful to him for what he has done,—the invaluable public service to this community which he has performed. It is a service they will never forget.

**Unworthy Tactics Rebuked**

ONE of the most gratifying features of this victory for REAL law and order, is the stinging rebuke the jury's verdict delivered, to the sort of defense that the attorneys for Mr. and Mrs. Banks, put up.

Tricky misrepresentation, irrelevant and abusive personalities, and downright perjury were resorted to. It is significant to note that when in his final words to the jury, Attorney Moody CHARGED perjury, there was no protest from the defense, no rebuke from the court. Every informed person in the court room knew that charge was justified.

IN SHARP contrast to the defense tactics, were the tactics of the state. Throughout, the state's case was conducted with dignity, restraint, and in conformity with the highest ideals of legal practice. Considerable evidence the state regarded as important was ruled out, but the state accepted such rulings without complaint. In the face of rambling and immaterial testimony, the state seldom objected,—just let them rave on.

Irrelevant personalities, abusive tactics, on one side COULD have been matched with the same on the other. There was considerable evidence of a personal and damaging nature that might have been introduced to influence the jury, had the state cared to open up the records of the past.

BUT the state had a murder case to try, and it was on the evidence pertaining to that crime, and that crime ALONE, that it concentrated. Undoubtedly pressure was brought to bear to persuade the state to deviate from this course. Undoubtedly at times, the temptation to do so, was strong. But the temptation was resisted, and all right-minded people are glad it WAS resisted.

Legal procedure in this country—particularly criminal procedure—needs to be placed upon a higher plane. The conduct of the state's case, marked a real step forward in this direction. The state won a great victory, but to our mind it can take even greater pride in the WAY that victory was won.

**Forget It!**

COMPLAINTS have come to this office, that the Banks verdict was a compromise—that Mr. Banks should have been given the maximum, and Mrs. Banks the minimum, etc., etc., etc. Well undoubtedly it was a compromise. Most jury verdicts are. But those who complain, fail to realize that the jury could only judge on the EVIDENCE WHICH WAS PRESENTED, and the knowledge of the situation they had,—not on ALL the evidence available, or the situation in Jackson county as it actually EXISTS.

From this viewpoint, in our opinion the verdict was eminently a just one, and reflects great credit upon the good sense and clear thinking of the members of the jury which delivered it.

It was a just verdict,—but justice was tempered by mercy. L. A. Banks escapes the noose but is placed in the penitentiary for life, where he belongs. Mrs. Banks is released, and is allowed to be with her young daughter and give her a home,—which we feel is where SHE belongs. Those who think she escapes punishment simply do not understand life or the individual's place in it.

We quite understand those who want justice WITHOUT mercy, as we understand those who want mercy WITHOUT justice. Both reactions are natural, depending upon where one's sympathies are.

But we prefer justice with mercy,—not for any sentimental reasons—but because IN THE LAST ANALYSIS we believe, that with such justice the public welfare is better served.

brothers, Willie Collier introduced the brothers to guests as they arrived. This is Groceries, this is Harpo. At a Hollywood binge for the Marx him Collier concluded: "And this is Beppo, this is Chico. And as Darko!"

**Personal Health Service**

By William Brady, M.D.  
 Signed letters pertaining to personal health and hygiene, not to disease diagnosis or treatment, will be answered by Dr. Brady if a stamped, self-addressed envelope is enclosed. Letters should be written in ink. Owing to the large number of letters received only a few can be answered here. No reply can be made to queries not conforming to instructions. Address Dr. William Brady in care of The Mail Tribune.

**A THIRTY POUND HANDICAP.**

Everybody needs a wee drop of iodine in one form or another every day, every week or at least every month. Doesn't matter which form you choose, so long as you get your iodine. A great many individuals do not get sufficient iodine for health, and suffer physically, mentally and in morale or spirit from the deficiency. Children in their early teens develop simple goitre if they do not get enough iodine. Older children are likely to have whether they show noticeable or palpable enlargement of the thyroid gland or swelling just above the breast bone or not. Young adults whose iodine ration is inadequate manifest disturbances of health too various to mention in a brief article. Adults of mature age go stale, become prematurely gray, lose pep and animation when they get insufficient iodine.

Here's a testimonial from a reader. It may have some significance, and it may not. You never can tell about a testimonial. Who knows whether it is made of constance or just coincidence? But anyway, I believe it will do no harm and so I print it with the blessing of Hippocrates: Dear Doctor Brady: I think that I owe you a letter of gratitude. Last November I wrote you about the Iodine Ration for stiff joints. I started on it December 1st, a drop a week. After I had taken it only three months, I noticed a great improvement. My limbs were not so stiff and my take-out became much faster, if I may use that expression. Now if you can help me with some more trouble, I am 56 years old, 63 inches tall and weigh 168 pounds. I am very short-winded.

QUESTIONS AND ANSWERS. Teachers Register Now. I am 23 years old, in good health so far as I know, but suffer much embarrassment from my trick of blushing whenever any one speaks to me or I have to speak in the presence of a number of people. . . . B. G. F. Answer—Take a term of instruction in vocal music or elocution, and learn by training to be at ease among your friends or before any audience. Hesitation. I have hesitated to take the medicine you prescribed in your article on "dead friends" . . . B. A. B. Answer—That's wise. I didn't prescribe any medicine. The Bike Is Back. I plan an extensive bicycle trip, pedalling the greater part of every day for about a year—throughout the United States. Would any injury to health result from such excessive riding?—A. J. G. Answer—On the contrary, it should be a fine health-building experience. Of course, you will train for it, riding a fair distance daily to get in condition to endure the regular work. Be immunized against typhoid first. Send S. A. E. for instructions for pocket emergency kit. (Copyright, 1933, John F. Dille Co.)

When it comes right down to the point who can vote legally, we doubt if they will be able to muster 60. Amazing, too, is the defense insult to Judge Skipworth, demanding a new trial and plans for an appeal, after that eminent jurist went the limit in fairness to the defense. Even Banks admitted that, before and after the verdict. It is the opinion of legal authorities that a new trial is ill-advised if these lawyers really have the interests of the defendants at heart. Perhaps the "distinguished defense lawyers" do not realize that the prosecution, deemed necessary, can take a page from the defense methods and go into back history and show a true picture of the defendants that would make their present sentence seem airy in comparison with what a new trial could bring forth. "A PATRIOT" (Name on File.)

**DESERT 'FISHING' DIVORCE GROUNDS DECLARES COURT**  
 By S. S. HAHN  
 (Written for the United Press.)  
 LOS ANGELES, May 22.—(U.P.)—The court's decision as to the maternity of the child was not the most perplexing. Here is a case in which a judge was appealed to for a decision as to whether a man can fish on the desert. R. E. Boone of Hollywood asked for a divorce on the ground of mental cruelty. He complained that his wife distressed him and otherwise made married life unpleasant. He charged the accused him of improper conduct with a lady acquaintance, when as a matter of fact, he averred, he was on a fishing trip. But Mrs. Zillah Boone countered that when she suspected her husband's fishing trip, she followed him in her car into the Mojave desert. She said she saw him enter a bungalow. She waited outside and watched. Four o'clock in the morning, she said, she greeted her husband as he emerged from the bungalow with the remark, "So you call this fishing?" He sped away in his automobile, she said. Mrs. Boone, entering the bungalow, told the judge she found: "An amazed lady in a pink nightgown; one bed; a picture of her husband on the dresser; a letter." "This woman told me," testified Mrs. Boone, "that my husband posed as an unmarried person." Superior Judge Gould, in a stern voice, decreed: "The court rules that Mr. Boone was not fishing on the Mojave desert." Mrs. Boone was granted a divorce and alimony.

**Table Rock**  
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**Editorial Comment**  
 Took it Quite Calmly. So they said to him, this young Central Point orchardist, upon report that he had taken 1000,000, they said, "How do you feel about it?" It would be a natural curiosity. Just managing to get along, as you might put it, and then—well, how would you feel? But he answered them, "It's nothing to get excited about," and probably it isn't. Now if you can help me with some more trouble, I am 56 years old, 63 inches tall and weigh 168 pounds. I am very short-winded.

**Communications**  
 Defense Lawyers Condemned To the Editor: More power to you, Compatriot, for your timely editorials in Sunday's issue of the Tribune, namely "Is Perjury No Longer a Crime?" and "Let Us Forget." It is only right that Oregon at large and the "distinguished attorneys" themselves who employed such outrageous methods in defending Llewellyn and Edith Banks, should know that the recent, patriotic citizens of Jackson county are stirred up to a high pitch of resentment at the tactics employed by the defense and the slander these lawyers have put on the record. The only criticism I have heard concerning your editorials, is that you did not condemn these "distinguished lawyers" strongly enough. It was especially amazing, after Banks had editorialized for years that defendants should be tried on evidence and not on character or reputation, that his lawyers should utterly ignore all evidence, and based their appeal entirely on Banks' own long-winded court statement of his alleged character—which the jury was permitted to listen to on the understanding that it was NOT evidence, but was to be taken by which to measure Banks' insanity. And what was this story of Banks' merely a verbal repetition of the libel, misrepresentation, vilification and abuse which Banks was unfortunately allowed to publish for years against every public official, the state, the law enforcement bodies, all civic organizations and scores of respected private citizens. Finally a long-suffering public and the law (which had been too good to Banks instead of "persecuting" him as his "distinguished lawyers" claim), had to take lawful steps to stop him and protect themselves and our government against the actual "revolution" and "wholesale bloodshed" fomented and boldly threatened by Banks. Banks in three years injured Jackson county financially and in reputation and by strife, to an extent requiring a generation to overcome. Yet knowing full well this situation, his well-paid "distinguished lawyers" by broadcasting to the nation over the press wires of the country, all this vicious misrepresentation concerning our county and its officials and private citizens, have increased the damage to Jackson county tenfold. No, we will not forget this! If one of the "distinguished lawyers" ever aspires to election to a high office, over 12,000 of the voters of Jackson county and some 4000 in Josephine county and many in other parts of the state, will not forget the tactics employed in the Banks trial, including perjured testimony. He may think that he has served up the alleged 6000 votes of the so-called Good Government congress, but

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**HITLER ACTIVITIES DROVE ROOSEVELT INTO PEACE MOVE**

(Continued from Page One)  
 That may have fooled some people but not the rest. They realized that intent is everything in recognition. A technical recognition is not worth two cents. It is only a legal technicality and there are no international courts to enforce it. What is important is the establishment of usual diplomatic intercourse. That requires the appointment of diplomatic representatives. It will come later, but not by sending world notes addressed to Moscow. What caused all that rumpus in the bonus army was Louis Howe backed the wrong horse. The presidential secretary started off doing business with the communists leader Levin. Apparently Howe thought they were being socially snubbed. It was they and not the radicals who caused the trouble. Do not be too hard on Mr. Roosevelt's leading economist, Prof. Moley, for writing syndicated newspaper articles on the side. Hotel bills drove him to it. He called the newsmen into his office and explained the situation to them. He asked their mercy, hinting that it was all a leading economist could do these days to make both ends meet. They too have had hotel bills so a camaraderie of mutual misery was immediately established. However, one said as he wiped the tears from his eyes leaving the room: "If I had been an economist, I would have figured out that the thing to do would be to move to a less expensive hotel." State Secretary Hull was the only one who could not see the joke in his assistant joining the literati. He was silent and somewhat morose about it. The understanding is that Moley will write nothing that will be embarrassing to the administration. There also was of the other officials and members of the president's family writing for magazines. The latest addition is Mrs. Dall on the regular staff of Liberty. Some persons around the state department, who could not be called friends of Prof. Moley looked up the law about government officials taking outside employment. They found nothing for their trouble except a regulation stating no government official could take outside pay for the same work he did for the government. That clearly was not a hindrance to Moley's literary ambitions.

**Flight 'o Time**  
 (Medford and Jackson County History from the Files of The Mail Tribune of 20 and 10 Years Ago.)  
 TEN YEARS AGO TODAY  
 May 22, 1923  
 (It Was Tuesday)  
 Four auto loads of Gypses arrive at the free auto camp, and are chased north by Patrolman Joe Cave. The cottonwood trees along Bear creek have started to shed, and the air is full of fleecy white. The Minneapolis Symphony Orchestra appears at the Page, bringing out the social notables in their swallow-tail coats. Japanese diplomat predicts, "The war in China may last forever." Woman in Ohio poorhouse discovered after death to be worth \$715,478.32. TWENTY YEARS AGO TODAY  
 May 22, 1913  
 (It Was Thursday)  
 WANTED  
 Two men who can furnish horse and harness and good references to act as collectors and salesmen, Medford and Jackson county. Good pay to right parties. Singer Sewing Machine, A. A. Allen, Mgr., Hotel Medford. Aroused by the charge of an upstate paper, that he does not write his own editorials, the editor says: "This sheet flies by day, lies by night, and lies for the pure love of lying." Another charge to be filed against the man who tried to burn down the Rogue River church. Crowd of 800 watch trotting and pacing races at the county fair track north of town. Miss Marie Gates is elected president of the student body of the high school. Dolph Philpotts was elected treasurer. At the Isals: "The Stolen Bride," It's a Biography. At the Star, "For Another's Sin," a two reel Thanhouser special of love, lust, and lingerie."

**Desert 'Fishing' Divorce Grounds Declares Court**  
 By S. S. HAHN  
 (Written for the United Press.)  
 LOS ANGELES, May 22.—(U.P.)—The court's decision as to the maternity of the child was not the most perplexing. Here is a case in which a judge was appealed to for a decision as to whether a man can fish on the desert. R. E. Boone of Hollywood asked for a divorce on the ground of mental cruelty. He complained that his wife distressed him and otherwise made married life unpleasant. He charged the accused him of improper conduct with a lady acquaintance, when as a matter of fact, he averred, he was on a fishing trip. But Mrs. Zillah Boone countered that when she suspected her husband's fishing trip, she followed him in her car into the Mojave desert. She said she saw him enter a bungalow. She waited outside and watched. Four o'clock in the morning, she said, she greeted her husband as he emerged from the bungalow with the remark, "So you call this fishing?" He sped away in his automobile, she said. Mrs. Boone, entering the bungalow, told the judge she found: "An amazed lady in a pink nightgown; one bed; a picture of her husband on the dresser; a letter." "This woman told me," testified Mrs. Boone, "that my husband posed as an unmarried person." Superior Judge Gould, in a stern voice, decreed: "The court rules that Mr. Boone was not fishing on the Mojave desert." Mrs. Boone was granted a divorce and alimony.

**Table Rock**  
 TABLE ROCK, May 22.—(Sp.)—Pupils of Mrs. Collins' room and 17 women patrons of the district surprised her Tuesday afternoon with a miscellaneous shower. Many useful and attractive gifts were presented to her with the appreciation of Mrs. Collins' work here. Miss Betty Cully of Medford spent Wednesday as a guest of the Tony Seabrooke home. An interesting Mothers' Day program was given by the Young People's society here Sunday evening, under the direction of Miss Ollie Hart and Edith Sage. Following the program, floral boutonieres were given the mothers present and a large bouquet to the mother of the largest family. Several Table Rock families drove to Prospect Sunday to witness the baseball game, in which the local team met defeat. Mr. and Mrs. August Waldorf and Mrs. Howard of Agate attended the young people's meeting here Sunday. Superior Judge Gould, in his congratulatory letter, owing to a mistake made in the printing of Table Rock items some two weeks ago, the baby boy was born to Mr. and Mrs. Willard Howler. Miss Blanch Runels, county health nurse, visited Table Rock school one day last week. Mrs. Bob Sutton was a patient at a Medford hospital several days last week. Mrs. Rand of Irrigan, Ore. is visiting her sister, Mrs. C. T. Hamilton, here this week. Low temperatures here Thursday and Friday nights caused some anxiety among orchardists. A large crowd gathered at the school house Friday night to witness the graduating exercises held there for the eighth grade composed of the following young people: Elizabeth Hamilton, Janice Nealon, Neta Newman and Robert Sage. School Superintendent C. R. Bowman delivered the class address and during his talk stated that according to the Stanford achievement test given throughout the county this spring, this class rated the highest in the county. The program marked the completion of the school year, which was a highly successful term as shown by the grades and standing of pupils. Roy Parr, teacher of the upper grades, will spend his vacation at his home in Ashland and Mrs. Collins will take up the duties of a housewife in the same city. The people of this community extend their best wishes for these excellent young people. Frank Myers spent Tuesday at the Sacred Heart hospital with his brother, Arthur Myers, who recently underwent an operation.

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