

The Weather
Forecast: Fair tonight and Tuesday;
frost tonight.
Temperature
Highest yesterday 61
Lowest this morning 31

MEDFORD MAIL TRIBUNE

AWARDED
Pulitzer Prize
FOR 1934

Thirtieth Year MEDFORD, OREGON, MONDAY, APRIL 1, 1935. No. 8.

NRA LUMBER TEST CASE DROPPED



By PAUL MALLON
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WASHINGTON, Apr. 1.—The southern branch of the democratic family in congress is again showing signs of what the divorce lawyers politely call incompatibility.
The speech made in the senate the other day by Senator George of Georgia was only a symptom of an imminent disintegration which may go beyond the bounds of the flurry last year led by Senator Byrd.
The deep significance of the George speech was apparent to all those who heard it. A dozen democratic senators (including Byrd) were grouped closely about him, silently indicating approval of every word while he suggested that a member of his own party government (Agriculture Secretary Wallace) was unfit to hold office. No administration spokesmen arose to defend Wallace or to contest the suggestion.
The unacceptable low price of cotton and the shrinkage of the export market are the two roots of the trouble. No one expects Wallace to be forced out of the cabinet or anything like that. But unless he straightens out the cotton situation, he is going to have a rough time from now on.

The holding companies are getting along unexpectedly well in their inside and outside resistance against the holding company bill. They have succeeded in delaying the measure somewhat in the house and will do the same in the senate. Their hopes of forcing the bill against the end of the congressional session and thus cornering it are high, at least that is probably will not succeed. President Roosevelt will renew pressure for the bill as soon as he returns. Incidentally, their wrath against Mr. Roosevelt is increasingly bitter. There is open talk here that they will burn their last kilowatt to see that vengeance is wrought at the polls next year. They may not be responsible, as a group, for such talk, but it exists and is accredited in the choicest of political circles.

The head of a large company thought that the stock of his company was going up a few years ago. His brokerage house in New York thought so, too, and started buying. It accumulated quite a bundle of it at around 70.

The purpose was to sell when it went up to about 92, but, as usual, it went the other way.

The smart inside buying continued for a while as the stock went down, but, after it got to 20, the buyers began to wonder. After all, there is a limit to confidence, even inside confidence. The brokerage house called on the head of the company to take over the stock and absorb the loss.

An RFC examiner ran across the situation not long ago during the course of an investigation of the company's finances. A dispute then developed as to who was responsible for such wise inside buying which cost the company treasury so much money.

The head of directors had authorized the board of directors to buy the stock. But the examiner decided he pulled the board and found only one member who knew anything about the transaction.

This story is what is behind the Wheeler resolution calling for an investigation or railroad financing. At least it is the story as pieced together privately by those planning the inquiry. It may be proved or disproved in some particulars when the inquiry starts and the time comes for mentioning names.

For the present, the recital of it on the inside has furnished mysterious impetus, which is causing the senate to move toward a formal investigation.

You will hear the story again, possibly within a few weeks, with names and correct figures (those used above have been disguised for obvious reasons).

It has been more or less an open secret that Mr. Bernard Baruch was slated for an uneasy time before the senate munitions investigators. From time to time, weeks ago, came the published stories that Baruch's wartime income tax returns had been destroyed in the treasury.
As soon as Baruch appeared, and before they had a chance to open up on him, he submitted personal records of his tax payments. Then when they expected him to income tax returns, he informed a program as radical as any of the investigators ever thought of.
The result was Baruch sat, easy with the show.

HINT GOVERNMENT DESIRES TO OFFER STRONGER CLAIM

Constitutionality of Recovery Act Remains Moot Question — Senators Urged Decision Be Allowed

WASHINGTON, April 1.—(AP)—The supreme court agreed today to permit the government to drop its NRA case against William E. Belcher of Alabama, which has been expected to determine the constitutionality of the recovery act.
The motion of the government was granted after Senator Hastings (R., Del.), and Senator Clark (D., Mo.), members of the senate finance committee which is considering permanent NRA legislation, had introduced a resolution urging the attorney general to permit the case to go to a decision by the high court.

A similar resolution was introduced in the house by Representative Treadway (R., Mass.).
Judge William L. Grubb of the federal district court at Birmingham had held the act and the NRA lumber code invalid.
Belcher, an Alabama lumber manufacturer, was indicted on a charge of failing to observe hours of labor and wages prescribed by the code of fair competition for the lumber and timber products industry challenging the validity of both the act and the code.

He also challenged the validity of the act as an unconstitutional delegation of legislative authority to the president.
Counsel representing the lumber code authority was refused recognition by the supreme court to make a motion in the Belcher case.
Chief Justice Hughes asked the attorney if he represented Belcher and when he replied in the negative the chief justice told him he could not be heard.

It was suggested the government, in view of the importance a supreme court ruling would have on new deal policies, desired to bring to the court a more satisfactory case.

CONSERVATIONISTS WIN SUPREME COURT FIGHT FOR MALHEUR RESERVE

WASHINGTON, April 1.—(AP)—The supreme court ruled today that the United States had title to the bed of the lakes and connecting waters in the Lake Malheur bird reserve, Oregon, except for Mud lakes and the Narrows. It held Oregon had title to the latter.

Title to the land in the largest bird reserve west of the Rocky mountains and probably the largest in the United States, was claimed by Oregon, the United States and by owners of the upland.

PORTLAND, Ore., April 1.—(AP)—Naturalists and wild life conservationists learned with joy today of the action of the United States supreme court in ruling that the government has title to the beds and waters of the vast Malheur bird refuge in eastern Oregon.

William L. Finley, famous Oregon naturalist, said the way has been cleared for establishment of the largest and finest wild fowl refuge in the United States. Antelope herds and sage grouse also will benefit. The refuge will embrace more than 100,000 acres.

Grand Treasurer Of Elks Passes

PROVIDENCE, R. I., April 1.—(AP)—James F. Duffy, grand treasurer of the Benevolent and Protective Order of Elks since 1932, died today. His widow and a son, survive.

Italian Diplomat



Fulvio Suvich (above) is Italy's undersecretary for foreign affairs and is one of the principals in the three-power conference between his country, France and England. (Associated Press Photo)

CARROLL RECEIVES PEN TERM, PAROLE FOR FATAL CRASH

Rosier P. (Red) Carroll, service station employe, was sentenced to a state prison term, not to exceed three years, and paroled to the state parole officer, this morning by Circuit Judge H. D. Norton. Carroll had previously entered a plea of guilty to an involuntary manslaughter charge as the result of an auto accident on West Main street, February 9 last, in which June Rose Hansen, 13, sustained mortal injuries.
Before passing sentence upon Carroll the court issued a prophecy and a warning, as follows:
"The time is rapidly approaching when the public will arise and demand a stringent curb on this wild mania for speed by young fellows. We see it every day on Okanite avenue, between Main street and the high school. It is only a question of time until there will be a terrible fatality. I expect it every day."
Besides the sentence and the parole, the court said he would recommend to the secretary of state, that Carroll's drivers license be revoked for the period of the parole.

DENTIST LOSES ADVERTISING CASE

WASHINGTON, April 1.—(AP)—An Oregon law regulating advertising by dentists was upheld today by the supreme court.

Harry Semler, a Portland dentist, contended the act was not for the welfare of the general public but for the financial benefit of a part of the dental profession at the expense of the public.

He said he favored a law prohibiting dentists from using deceptive or fraudulent advertising.
The state, he asserted, was attempting to enforce the ethics of the American Dental Association and to enable what he termed a small group of politically appointed dentists constituting the state board of examiners to revoke licenses.

SURPLUS MILK AGENTS DESIGNATED BY BOARD

PORTLAND, Ore., April 1.—(AP)—In line with demands of organized "B" grade milk shippers on the Portland market as contained in proposed amendments to the milk control law introduced at the recent legislative session, the milk board has designated agents for handling surplus milk.

after his plane fell from a low altitude and burst into flames two miles south of the city. Witnesses said his rescue was impossible because of heat.
L. W. Abbott, 35, and Claude Moffin, 28, were killed when Abbott's monoplane plummeted near an airport at Elmhurst, a few miles west of Chicago. With Abbott at the controls, the ship crumpled 25 feet from a radio transmitting tower.
Experimenting with a glider wing, Floyd Davis, 22, parachute jumper, hurried 8000 feet to death near Flint, Mich., when one of his two parachutes failed in the gutter wing attached to his back. Davis had hoped to use the wing, a four-foot span of fabric, to guide his flight to earth.

HOUSE STANDS BY ROOSEVELT IDEAS ON RELIEF LIMIT

Vote to Send Much Disputed Measure Back to Conference for Elimination of 'Direct Work' Limitation

WASHINGTON, April 1.—(AP)—The house stood by President Roosevelt today to send the \$4,880,000,000 work relief bill back to conference with the senate for elimination of the "direct work" limitation. The vote was 249 to 110.
With differences raging in the senate, its course was uncertain.
Senator Robinson—the new deal leader—indicated that if necessary, new conferees would be selected there to take out the disputed clause.

Glass In Defense
Senator Glass (D., Va.), as head of the original senate managers, defended the limitation on the floor as well as in a pointed letter to Secretary Ickes.
House democrats jumped into line when word that the president had objected to the requirement at issue was passed around. Not a word was said in debate, however, about the message they had received from the vacationing chief executive.

His fishing trip came in for criticism from the republicans. Representative Snell of New York, the G. O. P. floor leader remarking that the president must be more interested in fishing on the "palatial yacht" than in getting the bill through.
In the senate, Glass disagreed with Robinson that the senate conferees had exceeded their authority in writing in the direct labor requirement, which affects \$900,000,000 of the fund appropriated.

Reasonable Provision
He also maintained manufacture and transportation of materials could be included in calculating the direct labor estimate, a contention Robinson disagreed with unless the word "indirect" were included.
"This is a bill for work relief and employment of persons so they can be taken off relief rolls," the Virginian added, "and the conferees came to the conclusion this was a very reasonable provision."
The effect of the limitation," Robinson replied, "is to undo what the senate has said shall be done."

The relief administration, meanwhile, with only \$4,000,000 on hand, made no allotments today for April needs.

NEW CHANCE FOR DOOMED NEGROES

WASHINGTON, April 1.—(AP)—The supreme court today set aside the death sentences imposed on Clarence Norris and Haywood Patterson, negroes convicted of assaulting a white woman near Scottsboro, Ala., and returned both cases to Alabama courts for further action.

In the case of Norris, Chief Justice Hughes' opinion directly ordered a new trial after saying there was no controversy about the constitutional principle involved—that if negroes are excluded from jury service, equal protection of the laws to all does not result.

In a separate opinion on Patterson, Hughes returned the case for the Alabama courts to decide whether he should not be given a new trial.

ATTORNEY GENERAL'S PAYROLL PROTESTED

SALEM, April 1.—(AP)—If Attorney General J. H. Van Winkle expects to obtain payment of full basic salaries for his employees during the period from March 15 to 18, it will be necessary for him to start suit against the secretary of state.
Earl Snell, secretary of state, today refused to approve payroll vouchers for the attorney general's department covering the first 18 days in March, on the basis of salaries in operation prior to the enactment of the salary reduction law by the 1933 legislature.

Old Mosier Hotel Being Torn Down

HOOD RIVER, Ore., Apr. 1.—(AP)—The Mosier hotel, a hospitable landmark of olden days when Union Pacific passenger trains stopped at the eastern Wasco county fruit community to permit travelers to refresh themselves with food and drink, is being razed. The hotel, built and operated for many by Jeff Mosier, founder of the town, was the center of activity 25 years ago when Mosier orchard developments attracted guests from many far away points.

Boy Sleeps Sound While Car Thieves Take Him For Ride

CHICAGO, Apr. 1.—(AP)—Five year old Alfred Lock is a sound sleeper.
His father, Dr. Frank Lock of Chicago, left Alfred asleep in his car when he entered a drug store here last night. When he came out the car and the boy were gone.
An hour later police discovered Lock's car parked some distance away with the motor running and Alfred still sleeping in the rear seat. The thieves had fled.
And Alfred didn't wake up until he was carried into a district police station and restored to his father's arms.

SHASTA-CASCADIANS COMING TUESDAY TO TALK TOURIST TRADE

The "Green Gold" tour, a caravan of officials and enthusiasts of the Shasta-Cascade Wonderland association, will arrive in this city tomorrow to discuss plans for the coming tourist season.
At a luncheon meet with the Rotary club tomorrow noon, George E. Griffith, regional forest inspector from Portland will deliver the main "Green Gold" lecture. "Green Gold" being the money brought into the Wonderland by the tourists. The meet will be presided over by W. A. Gates, director for Jackson county.
Tomorrow evening at 8 o'clock, the local county council will meet with the members of the tour for a dinner at the Lathia hotel in Ashland, with E. C. Jerome as chairman. The public is to attend this meeting and many interesting problems in regard to the work of the association will be discussed.

ILLNESS CAUSES MURDER, SUICIDE

SEATTLE, Apr. 1.—(AP)—Police said today, Willard M. Perkins, 70, former cashier of University club at Chicago, shot and killed his 65 year old wife, then shot himself to death.
Illness, police said, was the reason for the shootings.
A housekeeper, Lillian Bookholt, in the Assembly hotel, where the Perkins lived, discovered the bodies when she went to their room to inquire about Mrs. Perkins, who had been suffering from headaches, she said.
Shot through the mouth with a .22 caliber pistol, Mrs. Perkins lay on the bed. Her husband was on the bathroom floor, shot in the forehead.
A note hotel officials believed was written by Perkins, said "we have reached the end of the road."

SPRING WHEAT BOOST IS CHANGED BY AAA

WASHINGTON, April 1.—(AP)—The AAA declared officially today that spring wheat farmers may increase their acreage up to 165 per cent of the average acreage planted to wheat during the 1928 to 1932 period.
The announcement changed the original declaration of Secretary Wallace on March 26 which held that producers would not be required to make the 10 per cent reduction which had been decreed last fall.

'BLACK JACK' WATCHES NEW THREATS OF WAR

TUCSON, Ariz., April 1.—(AP)—Threats of war and Germany's new aggressiveness have disturbed the tranquility of Gen. John Joseph Pershing's winter retreat in the Arizona sun.
The commander-in-chief of America's fighting forces in the World war which revamped the map of Europe and ended with the treaty of Versailles, is keeping a wary eye on the present situation "over there" while resting and writing his memoirs.

APRIL FOOL WEATHER FOR DALLES COUNTY

THE DALLES, Ore., April 1.—(AP)—April fool weather was mixing snow and rain over the country side today from Crown Point to the Idaho line. Considerable snow fell in the higher levels. Orchardists and wheat ranchers welcomed the weather but it is impossible to truck gardeners whose production is delayed.
The snow and low rolling grounded Columbia Airways planes.

WAR IMPOSSIBLE SAYS POPE PIUS IN FIRM WARNING

Cardinals Told New Conflict Would Be Enormous Crime—Favors Destroying Those Responsible

By ANDREW BERDING
Associated Press Foreign Staff
(Copyright, 1935, by the Associated Press)
VATICAN CITY, April 1.—Pope Pius told a secret consistory of 30 Cardinals today that war is "impossible."
He said it was impossible because:
1. "It would be so enormous a crime, such a foolish manifestation of fury."
2. "We cannot persuade ourselves that those who should have at heart the prosperity and well being of the people will to push suicide, ruin, and extermination not only their own nation, but a great part of humanity."
3. "To us, as to many others, there is manifest the physical and material impossibility of war in the present most serious circumstance."
Strong Warning
Prelates said the allusion was one of the strongest speeches His Holiness has ever made and that his red hatted audience remained rigid throughout the solemn address.
His gestures, they said, were infrequent, and his delivery was marked by what they described as "terrible calm." They said his eyes, still bright despite the Pope's 78 years, seemed to flash as he spoke.
His Holiness pleaded for destruction of those who want war and

MEDFORD RADIO SUIT CARRIES IMPORT FOR STATION OPERATORS

PORTLAND, Ore., April 1.—(AP)—Issues of great importance to operators of radio broadcasting stations were in controversy here today as the suit of Henrietta Martin, Medford political figure, against Blanche Virginia, operator of station KMED in Medford, came up before Federal Judge McNary on demurs filed by Mrs. Virginia.
Mrs. Martin has brought suit for \$35,000 damages because she was refused time on KMED to broadcast a message to her adherents of the Good Government Congress, Inc.
Her complaint alleges that a radio broadcasting station is a common carrier in interstate commerce and cannot refuse time to anyone willing to pay for the broadcasting service.
Mrs. Virginia, in her motion for a demur to quash the case, declared the federal radio commission legislation specifically exempts broadcasting stations as common carriers. Her motion cited a law which, she said, places under control of interstate laws only the radio transmission of messages to a definite addressee.

INCOME TAX RECEIPTS FAR AHEAD THIS YEAR

SALEM, April 1.—(AP)—Income tax collections for 1934 today continued far in advance of collections made at the corresponding time a year ago, the state tax commission reported today.
At noon today, the final day for payment, \$1,161,849 in income taxes had been received, compared to \$750,000 on the same date last year. This did not include second installment payments or those granted extensions of time.

BOY IS VICTIM OF HOMEMADE PISTOL

ROSEBURG, Ore., April 1.—(AP)—Gerald Linker, 17, senior at Riddle high school, is in a critical condition at Mercy hospital in Roseburg as a result of an accidental gunshot wound. The young man was on the way to a dance Saturday night and had a homemade pistol in the seat of his automobile. While in the act of adjusting the window of the car he lured the gun in some manner and caused it to discharge.
The bullet struck him in the abdomen and ranged upward into the chest cavity. His condition today was reported to be critical.

MARCH ENDS WITH ROAR OF SPRING TORNADES

In southeastern Missouri, after a heavy rain. Snow in western Nebraska, southern Wyoming and parts of Montana clarified the dust laden air.
Heavy rainfall was general throughout southern and central Mississippi where tornadoes ripped through five counties, killed four persons and injured at least eight others. Two persons were killed in the Texas coast region. Oil derricks, trees and farm buildings were torn down near Galveston.
Unseasonable cold weather was experienced in Montana. The mercury dropping to two degrees above zero at Miles City, Mont. Below freezing temperatures prevailed from central Kansas northward. A snowstorm at Spokane, Wash., lasted an hour before the clouds were scattered by a brisk northeasterly wind.

Captured By U. S.



Coast guard airplanes, blood hounds and radio trucks joined other agencies in the capture of Thomas Quisenberry (above), Virginia mountaineer. He was sought for the shooting of a federal agent in a raid on a still near Leesburg. (Associated Press Photo)

NEW CANDIDATE IS BROUGHT OUT FOR ROAD COMMISSION

SALEM, April 1.—(AP)—Solon T. White, who took office today as director of the department of agriculture, announced he would not make any changes in sub-department heads for a few days.
White, former county agent at McMinnville, named by Governor Martin to succeed Max Gehlbach, said he would make some changes, but would limit new appointments as far as possible. It was expected at least three division heads would be changed but which ones could not be determined.
Henry F. Cabell, new highway commissioner, who today succeeded Leslie M. Scott, chairman of the commission the past three years, was at the capitol for a few minutes today in conference with the governor.
A delegation from Linn county, headed by Senator C. D. Stringer and former Senator Clyde Williamson, called at the executive offices this afternoon to urge the appointment of Hugh Kirkpatrick, of Lebanon, for highway commissioner to succeed Charles Washburne, Kirkpatrick. It was stated, was a nephew of former Senator Sam Garland.
The governor today called into conference Willard L. Marks of Albany, chairman of the state board of higher education, and W. J. Kerr, chancellor of the higher institutions. No announcement was issued as to the reason for the conference, but indications were it had to do with contemplated changes on the board of higher education, particularly the reported removal of Mrs. Walter M. Pierce.

PENNY SCALE ROBBED IN FRONT OF STORE

The story about robbing the kid brother's bank to get the pennies in it is an old familiar one, but the same type of person last night went in for bigger game of the same kind at the J. J. Newberry store on North Central street, to vary the story somewhat.
An unknown person, or persons, jimmied open the penny scale at the store, and robbed it of between \$3 and \$4 in coppers. The culprit left 9 pennies scattered about on the sidewalk. The police are working on the case today.

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WILL ROGERS SAYS:

WASHINGTON, D. C., Mar. 30.—Thursday night, Mrs. May and I saw a fine comedy show in New York called "Three Men on a Horse." The idea is that a man that is not betting can dope out the winners. Well, now, get this for a coincidence. I fell down here Friday and I meet the lord mayor of Dublin, Ireland, a lovely, fine, little Irish gentleman. Well, you would naturally ask an Irishman about the grand national race at Aintree, for all the good horses in it are Irish. Well, this little lord mayor gave them—the following winners, Reynolds town, Blue Prince, Thomond the Second. By golly, if he didn't pick 'em one, two, three. So if the lord mayor of Ireland should be coming your way, no matter if he tells you "the Republicans have a chance," listen to him.

PAIR STAGE RACE AND BATTLE FOR CUSTODY OF KIDS

Eureka Doctor's Attempt to Take Children From Estranged Wife Foiled at Roseburg — Brother Aids

ROSEBURG, Ore., April 1.—(AP)—An attempt by Dr. H. J. Bosse of Eureka, California, to gain possession of his three children from his estranged wife, who resides at Milwaukie, Oregon, ended Sunday in the woman regaining the two sons and daughter, who were split away from her home Saturday and brought to Roseburg by airplane.
Mrs. Bosse, an employe at the Lippman-Wolfe store in Portland, accompanied by her brother, Don Gary of McMinnville, overtook the father at Roseburg when his plane was forced down here by darkness, and took the children from him.
Parted in September
Dr. Bosse and his wife were separated last September and she went to Portland and obtained employment. She rented a home at Milwaukie where the children, Harvey 7, John, 5, and Frances May, 2, were cared for during the daytime by a housekeeper, according to the information given local police officers.

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Will Rogers
THE NEW YORK TIMES

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