

The Weather
Forecast: Fair and cooler to-
night; Tuesday fair with ris-
ing temperature.
Temperature
Highest yesterday 54
Lowest this morning 47
Precipitation last 24 hrs. .18

Splendid
Start a little advertising cam-
paign of your own. No matter
what you want you may safely
trust the classified ads to
get it for you. Splendid results
at small cost in Mail Tribune.

Thirty-Second Year MEDFORD, OREGON, MONDAY, OCTOBER 4, 1937. No. 168.

BLACK TAKES SEAT AT SUPREME BAR

Behind Washington Headlines

By H. R. Baukhage
Copyright 1937, by The North American News-
paper Alliance, Inc.
COURT DUTIES BRING BLACK, KLAN FIGHTER FACE TO FACE
EX-SOLON'S DEBUT COINCIDES WITH LAWYER'S APPEARANCE
MAX SPELKE EXPOSED CONNECTICUT KLAN IN 1923
HE SEEKS ADMISSION TO PRACTICE BEFORE TRIBUNE

WASHINGTON, Oct. 4.—(AP)—The supreme court deferred action today on a motion by Albert Levitt designed to compel Associate Justice Hugo L. Black to show cause why he should be permitted to sit on the high tribunal.

Whether the court will grant or deny the motion probably will be announced next Monday.

Action could be taken at any time, however.

Proceedings were brief. Levitt merely arose and said he had submitted the motion asking permission to file a petition challenging the Black appointment. He did not read the motion.

"You may submit the papers," Chief Justice Hughes told him.

Levitt acted a few minutes after Black had taken his seat on the high bench.

Oath Not Repeated

The justice, whose appointment by President Roosevelt aroused a storm of controversy over whether he had been, or was still, connected with the Ku Klux Klan, entered the room with the other members of the court just after the noon hour.

He did not take over again the oath administered to new members of the high tribunal. He was sworn in privately shortly after his confirmation by the senate in August.

There had been some expectation, however, that in keeping with usual court formalities he might be sworn in again today.

The court room was jammed with spectators. Seated in the front of the chamber were Mrs. Black and several of the justice's personal friends and relatives.

The record crowd which had gathered at the court building, only a comparative few of whom were able to get into the chamber, was attracted largely because of the dispute which had developed from the charges of Klan membership.

Black, in his sole public statement on the Klan charges, told a nationwide radio audience Friday night that he had once joined the Klan but had resigned and never rejoined.

Challenge Written

Justice Levitt arose. Patrick Henry Kelly, Boston attorney, asked permission to challenge the Black appointment.

After a brief exchange with Chief Justice Hughes, he was told by the chief justice to submit the motion in writing.

Kelly took his seat, wrote a few moments and sent papers to the clerk of the court.

He said this was the text:

"I request a hearing on the title of Mr. Justice Black to his seat on this court."

During the 22 minutes the court was in session.

(Continued on Page Eight)

Action on Challenge Deferred by Court Until Next Monday

WASHINGTON, Oct. 4.—(AP)—The supreme court deferred action today on a motion by Albert Levitt designed to compel Associate Justice Hugo L. Black to show cause why he should be permitted to sit on the high tribunal.

Whether the court will grant or deny the motion probably will be announced next Monday.

Action could be taken at any time, however.

Proceedings were brief. Levitt merely arose and said he had submitted the motion asking permission to file a petition challenging the Black appointment. He did not read the motion.

"You may submit the papers," Chief Justice Hughes told him.

Levitt acted a few minutes after Black had taken his seat on the high bench.

Oath Not Repeated

The justice, whose appointment by President Roosevelt aroused a storm of controversy over whether he had been, or was still, connected with the Ku Klux Klan, entered the room with the other members of the court just after the noon hour.

He did not take over again the oath administered to new members of the high tribunal. He was sworn in privately shortly after his confirmation by the senate in August.

There had been some expectation, however, that in keeping with usual court formalities he might be sworn in again today.

The court room was jammed with spectators. Seated in the front of the chamber were Mrs. Black and several of the justice's personal friends and relatives.

The record crowd which had gathered at the court building, only a comparative few of whom were able to get into the chamber, was attracted largely because of the dispute which had developed from the charges of Klan membership.

Black, in his sole public statement on the Klan charges, told a nationwide radio audience Friday night that he had once joined the Klan but had resigned and never rejoined.

Challenge Written

Justice Levitt arose. Patrick Henry Kelly, Boston attorney, asked permission to challenge the Black appointment.

After a brief exchange with Chief Justice Hughes, he was told by the chief justice to submit the motion in writing.

Kelly took his seat, wrote a few moments and sent papers to the clerk of the court.

He said this was the text:

"I request a hearing on the title of Mr. Justice Black to his seat on this court."

During the 22 minutes the court was in session.

(Continued on Page Eight)

DAMAGE SUITS ARE FIRST ON DOCKET OF FEDERAL COURT

Preparations were being completed today for the convening of United States district court here tomorrow.

Judge James Alger Fee, who will preside, arrived from Portland this morning. Also arriving this morning were H. S. Kenyon, deputy clerk, and Fred Norman, bailiff. Mr. Kenyon and Mr. Norman were accompanied by their wives.

Others expected today included Carl C. Donagh, United States attorney, Manley B. Strayer, assistant attorney, Jack Summerville, United States marshal, George Vranish, deputy marshal, Bill Ashworth, secretary to Mr. Donagh, and Miss Adele McInyre, secretary to Judge Fee. Thomas G. Griffing, assistant divisional director of the immigration and naturalization service also was expected.

Court will convene at 10 a. m. tomorrow. A naturalization ceremony will be the first order of business.

A grand jury is to be chosen in (Continued on Page Eight)

COUNTY HEALTH PHYSICIAN NAMED

Dr. Aaron E. Merkle, formerly connected with the Los Angeles county health department, has been named Jackson county health physician and will assume his new duties Thursday, October 7.

Dr. Merkle is a graduate of the College of Medical Evangelists, Loma Linda, Calif. With his wife and child he will arrive Wednesday.

Dr. Merkle will succeed Dr. Clarence L. Drummond, who will enter private practice in this city. Dr. Drummond has been connected with the county health service for the past five and one-half years.

Death in Way He Wished For Sage of Potato Hill

ATCHISON, Kas., Oct. 4.—(AP)—Edgar Watson (Ed) Howe, "The Sage of Potato Hill," has achieved his "absolute triumph."

After a long lifetime of observing and writing about the foibles of plain people, the 84-year-old author, editor, philosopher, died yesterday in his sleep of the infirmities of age complicated by paralysis.

His death fulfilled his once expressed desire, "My hope is to go to bed one night after a hard day's work and never awaken. That would be the absolute triumph."

The funeral services will be held Thursday afternoon at his home here, "Potato Hill," with the ritual of the Episcopal church.

Mr. Howe was perhaps best known for his novel, "The Story of a Country Town," which he published in his own country newspaper office after other publishers had rejected it.

Howe founded the Atchison Globe in 1877 and retired from it 37 years later. His active mind, however, could not be at rest and he began publication of "E. W. Howe's Monthly," devoted to "information and indignation." In this magazine which Mr. Howe discontinued in 1933, appeared such pungent paragraphs from his pen as:

"All my life I have heard men clamoring for more rights. It has always seemed to me I exercise more rights than are good for me. I am at liberty to do a hundred things I shouldn't do. I have always been too much of a freeman."

Of women:

"I have never suited women; always there is something about me they want to fix. . . . As a rule I have found it easier to obey my women folk than to fight them, and be a free man only in private."

Howe's death followed by days that of his former wife, Mrs. Clara L. Howe, 90, from whom he was divorced more than 35 years ago. She died last Wednesday at her home in Falls City, Neb.

Howe's survivors include two sons, Eugene A. Howe, Amarillo, Texas, editor, and James P. Howe, Walnut Creek, Cal., and a daughter, Mrs. Mailee Howe Parham, New York.



Pirate U-Boat Fire at British Destroyer

Golfers See Rat Chasing Big Cat; Offer Affidavits

Bernard Williams and Charles Adair, Medford merchants, report that while motoring from the Rogue River Golf club late Sunday afternoon, they saw a large rat chasing a full-grown cat full tilt down the road.

Local animal authorities said they had never heard of such a thing and classified it as akin to a man biting a dog. Both Williams and Adair said they were amazed, but would make supporting affidavits.

The outcome of the chase is not known as both pursuer and pursued disappeared into the tall weeds, shortly after they were sighted.

ROOSEVELT HINTS SPECIAL SESSION FOR CROP RULES

North Dakota Audience Told Crop Control Should Be Passed Earliest Moment — No Mention of Black

By D. Harold Oliver

GRAND FORKS, N. D., Oct. 4.—(AP)—In an address strongly hinting at a special session of congress, President Roosevelt asserted today surplus crop control legislation "ought to be passed at the earliest possible moment."

Mentioning the supreme court—convening today for its fall term—for the first time on his western trip, he disagreed with its majority ruling invalidating the AAA form of production control. He also quoted excerpts from a letter from a retired member of that court—John H. Clarke—saying he saw "eye to eye" with the president as to his social-economic and peace program.

The president spoke in dedicating a federally-sponsored grand stand at the fair grounds, coming here from Fort Peck dam, Mont., where he rebuked "doubting Thomases" who have been critical of his objectives.

Declaring better land use in the arid regions and control of surpluses were "two objectives" of his farm program, he told his Grand Forks audience:

"I feel certain that a majority in both houses of the congress will heed the wish of most of the farmers of the nation in enacting crop surplus control legislation. And it is my thought that legislation toward that end ought to be passed at the earliest possible moment."

Then, evidencing he might be thinking of a special session, he continued:

"Because this legislation was not passed at the last session, it is too late for it to have any bearing on the winter wheat which is now in the ground."

"Even after a bill is passed and becomes law on the signature of the president, it takes a month or two before it is humanly possible to set up the machinery in all parts of the country to carry out the provisions of the new law. If, therefore, new legislation is to affect the 1938 crops, haste seems to be important from every angle," he said.

The court, he said, had ruled in a divided opinion that the government did not make a contract with a farmer to fix his acreage upward or downward.

"I have never subscribed to the constitutional theory," he added, "that agriculture is a purely local matter and that it has, therefore, no national scope."

GREEN ADVOCATES IMMEDIATE FIGHT ON LEWIS FORCES

A. F. of L. President Tells Convention Time Is at Hand for United War — "Battle for Democracy"

DENVER, Oct. 4.—(AP)—William Green, president of the American Federation of Labor, told the federation's 57th annual convention today that the hour had arrived to start a united fight against John L. Lewis' CIO.

While the delegates shouted and stamped their approval, Green said: "The clock has struck. The hour is here. Having appealed to them for two years to come back, you will now order your board of directors to revoke the charters of this dual movement."

"The AFL, Green added, would then become "the greatest fighting machine that was ever created within the ranks of labor."

The fight, Green said, would be a battle for democracy.

"The American people owe much to the American Federation of Labor," he said. "And when they understand the real issue in the conflict that has caused a division in the house of labor, they will more and more appreciate the service the American Federation of Labor is rendering to democracy and democratic procedure."

The delegates again roared their approval when Green assailed Charles P. Howard, president of the International Typographical union and CIO secretary, for signing a CIO charter for west coast lumbermen.

Howard sat in a box near the platform. His expression did not change with Green's bitter words.

"Let me serve notice then, men—you're not going to get away with it."

"We're going to establish the supremacy of the United Brotherhood of Carpenters in the field of its legal jurisdiction," Green shouted.

"We're going to defeat you on the Pacific coast, no matter what the cost."

Kicked for Peek



When Carol Lathrop was kicked by a Japanese sentry while peering into the Japanese embassy at Peking, China, a near international crisis resulted. Miss Lathrop is shown here as she arrived in San Francisco on the S. S. President Lincoln from the "war-zone" en route to her home in Washington, D. C.

DEPTH CHARGE IS WARSHIP'S REPLY TO UNKNOWN SUB

Mussolini Expresses Fervent Wishes for Insurgent Victory in Spanish War — Madrid Is Shelled Again

LONDON, Oct. 4.—(AP)—An unidentified submarine tried to torpedo the British destroyer Basilisk, the admiral said today, in an encounter in the western Mediterranean—the first since inauguration of the patrol plan drafted at Nyon to drive pirate warcraft from the great sea.

One torpedo was fired at the Basilisk, which replied by releasing a depth charge. The torpedo missed the destroyer, but whether the depth charge took effect was not known.

RAILROADERS RECEIVE 44 CENT PER DAY HIKE UNDER NEW AGREEMENT

CHICAGO, Oct. 4.—(AP)—Operating employees of the nation's major railroads went to work today under a new wage agreement which will put \$35,000,000 a year more in their pay envelopes.

The agreement, calling for a 44 cents a day raise for 250,000 engine, train and yard service employees was signed last night by heads of the Big Five Railroad Brotherhoods and representatives of 86 carriers. It ended protracted negotiations for a 20 percent pay increase demanded by the brotherhoods.

Dr. William M. Lelerson, member of the national mediation board who had been conferring daily for six weeks with the brotherhoods and carrier representatives, announced the agreement.

Railroad representatives estimated the increase would add an average 6.6 percent to the workers' annual earnings.

Last August 25 the railroads granted a 40 cents a day wage increase for an estimated 750,000 members of the 15 non-operating brotherhoods.

Dr. Lelerson said the agreement was the result of a series of conferences between the two groups, and that it was a "win-win" situation for both sides.

BLAZE DESTROYS PORTLAND MILLS

PORTLAND, Oct. 4.—(AP)—A \$125,000 fire destroyed two sawmills here yesterday while firemen, hampered by lack of hydrants and a limited supply of water, stood helplessly by.

The fire, believed to have started in the grinding room of the Blake-David Lumber company, roared through the Northwest Box company plant as well before it was checked. One million board feet of finished lumber, three freight cars, a planing mill, steam plant, several storage sheds and a dry kiln were destroyed.

Two sharp explosions which accompanied the fire were caused by exploding oil drums, firemen said they believed.

J. C. Blake and K. L. David, owners of the mills in which the fire started, said their insurance was limited to \$100,000. The mill had burned once before. George E. Kearns and Edward A. Shodgrass, owners of the box company, estimated their losses at \$35,000, about half of it covered by insurance. Firemen estimated the total loss at \$125,000.

BLAZE HITS HOME OF PHETTEPLACES

Fire did considerable damage last night at the home of Mr. and Mrs. Guy W. Phetteplace, 325 South Holly street. Extent of the damage was surveyed today. The loss was covered by insurance.

Chief Roy Elliott said sparks evidently popped from the fireplace to set the living room davenport or rug on fire. The blaze was discovered by Mr. and Mrs. Phetteplace when they returned from the theater about 9:15 p. m.

The davenport and two rugs were destroyed, a hole was burned in the living room floor, walls were scorched, other furniture was damaged and the residence in general was damaged by smoke.

The fire department answered a ward alarm.

FOURTEEN TO BECOME NATURALIZED CITIZENS IN COURT RITES HERE

Fourteen persons are scheduled to become American citizens at a naturalization ceremony in United States district court here at 10 o'clock tomorrow morning.

Judge James Alger Fee will preside at the formal proceedings. Afterward a brief patriotic program will be held in the courtroom by the Daughters of the American Revolution and Medford post of the American Legion.

Those who are to become citizens are Bert B. Pratt, Alexander E. C. Hearn, Mildred N. Ward, Christina Mary Gail, Elizabeth B. Owen, Bridget Walsh, Nellie G. M. Foster, Stephen Crocker, Henry Ritchie and Lillie Jane Haw, all British subjects at present.

Also Thomas Bauer, William A. Schlusog and Henry F. Meyer, subjects of the German Reich, and Joseph Kantor, subject of Hungary.

The patriotic program includes an expression of welcome on behalf of the American Legion by Col. W. H. Paine, presentation of small American flags to the new citizens by the D. A. R. and a pledge of allegiance to the flag.

WPA REGION CENTERED IN PORTLAND OFFICES

PORTLAND, Oct. 4.—(AP)—Regional headquarters for the seventh district of the WPA, offices of which are being consolidated in an economy move, will be established here. Secretary Ickes announced in Washington.

State headquarters in Washington and Idaho will be moved to Portland and combined with the Oregon office and from it WPA programs in the Columbia river basin will be administered. The change probably will be made November 1.

Who will be in charge of the district was not announced.

COMMITTEE TO PLAN FOR DOLLAR DAY SALE

Plans for the annual dollar day sales will be formulated by the retail merchants committee of the Jackson County Chamber of Commerce at 3 o'clock Thursday afternoon. Al Littrell, committee chairman, will preside.

The sale will probably be held early in November. The dollar day event always attracts an exceedingly large number of shoppers and extensive plans are made each year for the bargain feature.

ROAD BOARD TO HELP IN ASHLAND CEREMONY

SALEM, Oct. 4.—(AP)—Members of the state highway commission will go to Ashland October 20, where they will participate in ceremonies dedicating the north 10 miles of the new Skagitway section of the Pacific highway.

Henry F. Cabell, chairman of the commission, and R. H. Baldock, state highway engineer, are slated to give addresses.

The next regular meeting of the highway commission will be held in Portland October 22, when contracts for road and bridge construction aggregating a cost of \$750,000 will be awarded.

Dick Fraley Hurt In Auto Smashup

GRANTS PASS, Oct. 4.—(AP)—Richard Fraley of Medford suffered lacerations and fracture of two ribs this morning when his car plunged off the Pacific highway near Wolf Creek. He was returning from a week-end trip to Roseburg.

Fraley said he evidently went to sleep at the wheel.

HOOPER URGES COURAGE IN DRAFTING GOP PRINCIPLES

CHICAGO, Oct. 4.—(AP)—Former President Herbert Hoover urged today that the Republican party propose a "positive, courageous draft of fundamental principles" as a foundation for a mid-term national party conference he has proposed for 1938.

After a conference with Colonel Frank Knox, the Republican vice presidential candidate in 1936, Hoover issued a statement saying:

"Colonel Knox and I discussed the proposal which will be before the Republican national committee at its meeting here in Chicago on November 6. We favor the creation of a committee of distinguished Republicans who will formulate a draft of fundamental principles to be submitted to a general conference of party leaders sometime in the spring."

"The voice of the young members of the party should be given a place in these party councils. This declaration must be positive, courageous and free from personal politics—a declaration in fact that will meet the crisis in the party and the country."

The meeting of Hoover and Knox was announced at the Mississippi farm home of former Governor Frank O. Lowden near Oregon, Ill. Hoover and Al M. Landon, the Republican presidential nominee last year, were Lowden's guests.

Colonel Knox, Chicago publisher, also issued a statement declaring he concurred in the Hoover suggestion.

Roosevelt Speaks On Radio Tuesday

NEW YORK, Oct. 4.—(AP)—President Roosevelt is to speak twice over the radio networks Tuesday.

At 12 noon (Eastern Standard time) from Chicago his address is to come from the dedication of the Outer Drive Link bridge, to be carried by CBS, NBC and MBS.

At night, 10:45 p. m. (Eastern Standard time), the president is to close the seventh annual session of the New York Herald Tribune forum on current problems, speaking from his train at Cleveland via both NBC and CBS.

SIDE GLANCES

by TRIBUNE REPORTERS

Pop Gates, after trying vainly to start his car in the wee hours, finally being forced to thumb a ride home with a friend and learning the next day that he had forgotten to turn off the auto radio causing the battery to run down.

Herb Brown and Stan Sherwood hot on the trail of an elusive football score.

Frank Thompson buried beneath a pile of official WPA correspondence and grinning as Donna Preston, his office helper, came to the rescue after being ill for several days.

Val Fischer recounting the error made recently by a man who commanded his Hyatt lake boat and added insult to injury by taking a pass at Val's fishing pit, Leo Lomaki, the ex-pugilist ending the argument with a well-directed poke to the button.

Ward Spatz trying to inveigle Paula DeBourze into taking an airplane ride.