

The Weather
Forecast: Increasing cloudiness tonight and Tuesday with fog in morning. Little change in temperature.
Highest yesterday 79
Lowest this morning 39

MEDFORD TRIBUNE

Full Associated Press

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The Right One
If you are looking for an investment it might pay you to turn to the Classified page. There are numerous offers of various kinds. Some good ones too. Find the right one then hurry!

Thirty-Second Year

MEDFORD, OREGON, MONDAY, OCTOBER 11, 1937.

No. 174.

COURT REJECTS CHALLENGE OF BLACK

Behind Washington Headlines

By H. R. Baukhage

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WAR JITTERS REPORTED GRIPPING U. S. PUBLIC
STOCK SLEMP LAD TO LONDON MARKET TREND
BEAR RAIDS ABROAD HELD BLOW AT NEW DEAL
FAA FACES CHALLENGE OF ITS CONSTITUTIONALITY

WASHINGTON, Oct. 11.—While no official bulletins have been posted in the White House offices, it is said that private readings of the public pulse, taken over the week-end, indicated it is moving toward a peace-time high. War jitters is the diagnosis.

Meanwhile, those who look to the stock market for an indication of what's coming are confused by contradictory reports concerning the recent crash.

They point to the fact that the New York market opens not under the influence of its own closing prices of the day before, but on the behavior of the American securities on the London market, which opens earlier. The fluctuation of these securities, unfettered by any SEC rules, has offered the pattern which the New York quotations have virtually reproduced.

This interpreted as meaning Great Britain is the barometer.

On the other hand, some attribute the nose-dives of American shares on the London exchange to a different kind of war. A war against the New Deal, which a certain group of American business men is cheering along. It is reported that a combination of American corporations is indulging in a fine orgy of short selling under the Union Jack, where a bear can still get around with a governmental ring in his nose.

The idea is that these raids are reflected in New York, thereby proving that all the New Deal's restrictive legislation is N. G. as far as the exchanges go.

They would also like to prove by the market's misbehavior that the whole attempt to stabilize business and agriculture by legislation was a flop.

Another charge of unconstitutionality is about to be hurled (all charges are hurled, these days) against the New Deal.

This time it involves a ward of the treasury, the federal alcohol administration, which hopes to be on its way some day.

The possible hurler is the large whisky administration.

The FAA, which passes on permits for the manufacture of all forms of spirituous ferment, has been having a long drawn out battle with the whisky distillers. If the distillers have their permit withdrawn, they can appeal to the courts. What the FAA fears is that the constitutionality of the whole set-up may be challenged on the grounds that congress made an unlawful delegation of power to the President in the creation of the organization.

(Continued on Page Four.)

Seven Of Family Die On Crossing

NEODESHA, Kas., Oct. 11.—(AP)—Seven persons, all members of one family, met death in a Sunday grade crossing accident here.

The dead are Mrs. Charles Keber, 37, and six of her seven children: Louise, 16; Orville, 11; Ethel, 9; Mary Jane, 8; Richard and Robert, twins, aged three.

The Keber sedan was struck by a Missouri Pacific.

SIDE GLANCES

by TRIBUNE REPORTERS

Tod Porter, a rank outsider, stepping in and taking Mail Tribune employee's hard-earned money.

Ed Lampert making a correction as to his goings and comings, stating that he arrived home one day to read where he had just left.

Ben Harder looking lonesome way up at the head of a luncheon table.

Soda Pop Bigham boasting of his ability to at least wash his face with both hands instead of only one, and pointing to the cleanliness of said physiognomy.

Moore Hamilton refusing a second cup of coffee, stating that it would keep him awake during afternoon working hours.

MOTIONS TO TEST ELIGIBILITY DENIED IN BRIEF MOTION

Levitt Motion Denied On Ground 'Interest Insufficient' to Warrant Court Hearing — Black Present

WASHINGTON, Oct. 11.—(AP)—The supreme court rejected today two petitions challenging Justice Hugo L. Black's eligibility to hold a seat on the high bench.

The court denied motions by Albert Levitt, former federal judge in the Virgin Islands, and Patrick Henry Kelly, Boston attorney, who asked the court to determine Black's legal qualifications for the post.

Chief Justice Hughes announced the court's ruling to a packed courtroom. Black himself sat on the bench with his colleagues. Throughout the brief announcement he maintained a solemn demeanor.

Interest Lacking

The Levitt motion was denied on the ground it disclosed "no interest upon the part of the petitioner other than that of a citizen and a member of the bar of this court." Such an interest was held to be insufficient to warrant the court's hearing Levitt's challenge.

Regarding the Kelly motion the court said merely it was "denied" in view of the action in the Levitt petition. There was no indication that there was any division among the justices over the ruling. How the justices vote in such instances is not announced.

Dismissal of the challenges gave Black a clear title to his seat insofar as present legal actions are concerned.

Levitt, however, has indicated that there may be others.

"This fight will not be over if my petition is denied," he had said before the ruling.

No RRR Reference

Neither the Kelly nor Levitt motions made any reference to charges of Ku Klux Klan membership which furnished the basis for principal senate attacks on Black's appointment and caused a storm of controversy.

(Continued on Page Three.)

FIVE CONSIDERED FOR U-O PREXY

PORTLAND, Oct. 11.—(AP)—Dr. Frederick M. Hunter, chancellor of the state system of higher education, advanced the names of five men today as prospects for the presidency of the University of Oregon.

The board of higher education, meeting today in special session, heard the chancellor report on the following nationally known educators:

Donald Erb, professor of economics and acting head of the economics department at Stanford university.

Clarence M. Uppgraf, assistant to the president of the University of Iowa.

David Faville, professor of economics at Stanford university.

Homer L. Dodge, dean of the graduate school at the University of Oklahoma.

Charles Frederick Remer, professor of economics at the University of Michigan.

The chancellor announced no selection will be made until members of the board had an opportunity to interview each man mentioned.

Auxiliary to Meet—Women's auxiliary of St. Mark's Episcopal church will meet Tuesday afternoon at 2:30 o'clock with Miss Anne Livingston.

BERLIN, Oct. 11.—(AP)—The Duke of Windsor, on a study of German social conditions, ate the standard 22-cent lunch with 500 workers in the giant mess hall of the Stacks machine plant today.

The British ex-king shook hands with many of the workers and asked them about wages, hours and working conditions.

The Duke's lunch consisted of pork chops, vegetables and mineral water, and the workers crowded about him, laughing and joking with him during the meal. As he left, "Hell Edwards" roared throughout the plant.

Eyvind Lablind of Moline, Ill., sang selections from Wagner's Lohengrin during a workshop concert arranged in Edward's honor.

The Duke went on his first tour of inspection today soon after he and the duchess arrived from Paris. A source close to the former king

Duke Eats 22 Cent Lunch With Berlin Mill Hands

said he expects to complete his study and sail for the United States November 6 on the North German Lloyd liner Bremen. Officials of the line refused to confirm or deny the statement, saying the "matter is not yet official."

The duchess, fatigued by the journey, remained in their apartment which is located directly above room Adolf Hitler used to occupy before he became chancellor.

One of the earliest callers was British diplomat, George Arthur D. Ogilvie-Forbes.

When the Duke tried to enter an automobile, the crowd broke through police lines cheering wildly. He went to a stock plant, where he inspected a training school for young workers, sanitary and safety device arrangements, and was surrounded by the workers' executives.

He returned early in the afternoon.

Polk County Sheriff Indicted in Fund Larceny

Cows Tails Are Cited In Trial Tulelake Man

ALTURAS, Calif., Oct. 11.—(AP)—Whether or not Earl C. Smith, shot to death near Tulelake July 21 by Byron Fitch, had a temper so violent that he twisted and broke the tails of his cows when they interfered with his milking, was a question argued in superior court today as Fitch's trial on murder charges moved toward the jury.

John Fitch, brother of the defendant, testified that Smith's cows were thus mangled and insisted that Smith's allegedly fiery disposition was the cause. On cross-examination, however, he admitted he did not know whether the cow's tails were broken by Smith or whether the animals were born that way.

CHAMBER LEADER EXPLAINS EFFORT TO REDUCE TAXES

Leonard E. Read of San Francisco, manager of the western division of the United States Chamber of Commerce, appeared at a Jackson County Chamber of Commerce luncheon in the Hotel Medford at noon today for the purpose of explaining and receiving the local chamber's assurance of their cooperation in the new taxation program to be launched in about three weeks. B. E. Harder, past president of the Jackson county organization, introduced Mr. Read.

Explaining that "today we are witnessing a democracy eating itself up with taxation," and that "we, as a country, are far below our potentialities," Mr. Read explained the purpose of the new program as "the toughest job ever undertaken by the chamber of commerce."

The program will be in the form of a questionnaire, consisting of about 20 pages, and calling for facts on municipal and county governments and on school districts. It will take months to fill out, the speaker said, after which it will be returned to a chamber of commerce committee of the western states which will compare all received and determine good and bad points in the various cities.

Mr. Read stated that America has all the physical facilities to create a greater general prosperity, but has not done so. He said that a reduction of costs and prices was the principal goal toward which the country should bend its efforts, and added that because of inefficiency in business, prices have gone skyward instead of downward.

He pointed out that inefficiency in federal, state, county and municipal government had increased government overhead 800 percent since 1890; that instead of spending five cents of every income dollar, as in 1890, 40 cents was now used up.

Mr. Read stated that a true solution of local problems could only be obtained through a program such as the United States Chamber of Commerce would launch within three weeks, and which would be officially announced then.

In closing, he said that the common objective of all chambers was the "crusade against poverty and unemployment."

Mr. Read has been through all the northwestern states for the past seven weeks carrying the same message. He will appear in Ashland tonight, double back and speak at Eureka, Cal., tomorrow evening, and then proceed down coast to San Francisco.

WATER-TIGHT WATCH ROOSEVELT GIFT TO WIFE ON BIRTHDAY

WASHINGTON, Oct. 11.—(AP)—The president gave Mrs. Roosevelt a water-tight wrist watch today for her 33rd birthday.

Bird in the White House after three months of being "off-the-record," the first lady told her press conference she was quite amused when her husband chose a watch she could "go swimming with."

She said it followed her walls and means about ruining one that way this summer.

Only the family was expected for her birthday dinner tonight, which with the Roosevelts, traditionally means a cake with only 21 candles.

In response to questions at her press conference, Mrs. Roosevelt said she supposed the Duke and Duchess of Windsor would come to the White House if they visit America, and that she would be "delighted" to show them anything they wanted to see if they desired her assistance.

QUIZ SECOND SUSPECT IN ASSAULT ON GIRL

COLUMBUS, O., Oct. 11.—(AP)—A suspect who confessed the abduction-ravishment of 10-year-old Betty Jane Bush was released today when the child failed to identify him as his finger prints differed from those found in the basement lair of the attacker.

A second suspect was held for further questioning.

"He'd admit anything you wanted him to," declared Detective Sergeant Charles Cole of the man who was freed.

Betty Jane, still shocked and ill from six hours in the hands of a degenerate who seized her Saturday night, was sufficiently improved today to attend a police lineup.

BRITISH FASCIST HEAD HIT BY STONE IN CLASH

LIVERPOOL, Eng., Oct. 11.—(AP)—George O. Melander, 19, accused as the rock thrower who struck Sir Oswald Mosley, British fascist leader, with a jagged stone, was remanded for a week today on a charge of felonious wounding.

WASHINGTON, Oct. 11.—(AP)—Arrangements were made today for Vittorio Mussolini, 21-year-old son of the Italian dictator, to have tea with President Roosevelt at 8 p. m. this afternoon.

ROSS APPOINTED ADMINISTRATOR BONNEVILLE DAM

Prepares to Resign Seattle Securities Exchange Post — Promises Greatest Good to Most People

WASHINGTON, Oct. 11.—(AP)—James D. Ross, 65-year-old Canadian-born engineer, will administer the power output from the government's gigantic Bonneville dam on the Columbia river.

Ross, now a securities commissioner, was appointed administrator of the Bonneville power last night by Secretary Ickes. His duties will include supervising the construction of the facilities for transmitting and distributing the power.

Preference will be given the public bodies and cooperatives in the sale of the power.

Ross has had 35 years experience in public power distribution. As a young man he was employed by the city of Seattle, Wash., and helped develop the municipally-owned power and water system.

He was superintendent of the Seattle light department when he came to Washington in 1935 as chief engineer of the public works administration's power division. President Roosevelt named him to the securities and exchange commission last year.

PORTLAND, Oct. 11.—(AP)—J. D. Ross of Seattle, newly appointed administrator for Bonneville dam on the Columbia river, picked up a line from President Roosevelt today and promised the "greatest good to the greatest number" in directing the

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Ickes' Choice



James D. Ross, (above) 65-year-old Canadian-born engineer, who was appointed last night by Secretary Ickes to administer the power output from the government's gigantic Bonneville dam.

KLAMATH MERCHANT SEEKS CLEMENCY IN FEDERAL ACCUSATION

Harold M. Mallory, 38, Klamath Falls merchant, pleaded guilty in United States district court this morning to an indictment charging violation of the national bankruptcy act. He was named in a secret indictment returned by the grand jury last week.

Upon plea of clemency by Mallory's attorney, State Senator J. D. Valentine of Klamath Falls, Judge James Alger Fee referred the case to the probation officer for recommendation. Valentine emphasized Mallory's previously spotless record and his efforts to satisfy all creditors within the limits of his means.

Mallory was accused of concealing assets, about \$500 worth of merchandise, while his bankrupt business was being administered. The merchandise was returned the day after it was taken, the court was informed.

John P. Keating, 26, an itinerant, was sentenced to two years in a federal penitentiary on each count of an indictment charging the forging of an endorsement to a postal money order and the issuance of the forged money order, the sentences to run concurrently.

Virgil Malcott, 21, of Peoria, Ill., was sentenced to two years in a federal penitentiary for transporting a stolen car over a state line. He was a parole violator from Illinois, the court was told. Both Malcott and Keating had previously pleaded guilty.

UNION ROW KEEPS BIG PLANT CLOSED

PORTLAND, Ore., Oct. 11.—(AP)—The huge Plylock corporation, involved in a jurisdictional dispute between the CIO and the AFL, closed today because authorities were unable to disperse unruly and illegal assembly.

The plant resumed operations briefly this morning after a shutdown of several weeks. Police dispersed several hundred alleged CIO followers to permit about 60 AFL employees to reach the works in taxis.

The management, demanding "proper protection," said it could not maintain an "effective crew." The firm's statement said men who wanted to work were threatened with "bodily harm" and "it is impossible to ship our products."

Talk Occupation Balearic Islands

PARIS, France, Oct. 11.—(AP)—Franco-British occupation of the Spanish Balearic Islands in the Mediterranean to "nullify" alleged Italian occupation there has been discussed by French foreign office experts, it was learned in high diplomatic circles today.

Churchman Buried

PORTLAND, Oct. 11.—(AP)—Funeral services for the Rev. G. H. L. Chandler, editor of the Oregon Christianian, were held today at All Saints Episcopal church. Church leaders, business and professional men were among the mourners who packed the building and overflowed to the street.

Former Treasurer Mills Dies After Brief Illness

NEW YORK, Oct. 11.—(AP)—Ogden L. Mills, former secretary of the treasury died at his home here today at 11:59 a. m. after an illness of two weeks.

Mills was 53 years old.

According to business associates, his death came with a seemingly trivial illness, which had kept him from his desk for two weeks.

Because of his recurring illnesses, Mills had given up much of his activities in the Republican party.

At the time of his death, Mills' activities were manifold. He was a

JAPANESE CLOSE DOOR TO IMPORT OF ALL LUXURIES

Emergency Law Instituted to Place Nation On Stern Spartan Basis — Save Money for Needs of War

TOKYO, Oct. 11.—(AP)—The Japanese government promulgated "ordinance 23" today, officially starting its import restriction program. The emergency law will close the doors of Japan to nearly 700 imported articles and place the nation on a basis of stern, Spartan frugality.

Starting immediately, Japan will be a "nation without luxuries."

This maneuver, which is one of the most drastic in modern economic history, was designed to slash to the bone Japan's enormous annual import bills in order to provide maximum strength for the purchase of the steels of war. Unofficially, it has been estimated that the war in China is costing \$5,000,000 a day. Japan's trade ledger for 1937 shows \$217,000,000 in red ink.

However, Japan remains one of the United States' best customers, continuing heavy purchases of American oil, cotton, steel and machinery, all of which are "urgent" materials, are exempted from the present prohibition.

Actually, while the trade of others with Japan will suffer, American trade will be facilitated and stimulated. The law furnishes more money for war materials, which are the bulk of Japanese imports from America.

The list prohibits the minutest articles, naming vinegar, tennis racket gut, chewing gum, shoe laces, Christmas cards, harpoons, watch chains, ice cream freezers and artificial flowers.

Foreigners in Japan are bound to suffer, since wool clothes, coal, cigarettes, liquor, candy and confectioneries are banned. However, the ban does not affect imports under 50 yen (about \$14.40).

ROOSEVELT PAYS POLAND TRIBUTE

WASHINGTON, Oct. 11.—(AP)—President Roosevelt said today the people of the United States are determined to uphold that ideal of human society "which would substitute freedom for force in the governments of the world."

He spoke on a radio program broadcast in connection with the removal of the remains of General Vladimir B. Kryzhanowski, Polish patriot who served in the United States army during the war between the states.

Mr. Roosevelt, praising Polish contributions to America's fight for independence, remarked upon Poland's "glorious struggle for liberty" which "happily ended in our own day and generation in the restoration of Poland to nationhood and to her rightful place as a sovereign state."

Union Row Keeps Big Plant Closed

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Justice Stone In Perfect Health On 65th Birthday

WASHINGTON, Oct. 11.—(AP)—Justice Horlan Fliske Stone of the supreme court was 65 years old today.

Attendance at a court session made it just another day in his judicial career.

The former attorney general in the Coolidge administration and one-time dean of Columbia university law school appeared to be in perfect health.

Average age of the nine justices is now 69. Brandies is 80; Hughes, McReynolds and Sutherland, 75; Butler, 71; Cardozo, 67; Roberts, 62; Black, 61.

CHEST SOLICITORS MEETING TONIGHT FOR FINAL PLANS

A meeting of all workers in the Community Chest campaign will meet at 7:30 tonight in the Jackson county courthouse auditorium to complete plans for the drive which will be conducted October 14, 15 and 16.

The campaign territory has been divided into 12 divisions, each headed by a major. Under each major will be ten captains and field workers. The personnel of these divisions will be thoroughly organized at tonight's meeting. The motus operandi will be explained, central purpose of the meeting being educational.

Everyone able and willing to help as a worker in the campaign is invited to the meeting. Workers are needed, especially for Thursday and Friday mornings. It was stated by G. R. Durham, adjutant of the Salvation Army, who is campaign director.

The campaign will be formally launched at a luncheon in the Hotel Medford at 12:10 Wednesday. The luncheon will be attended by the Community Chest executive committee, all civic and service clubs and campaign workers. The drive itself will start Thursday morning.

Organizations participating in the Community Chest paraded through the city Saturday afternoon. Further to advertise the campaign placards have been placed around the city and county.

Need Full Audit

In its report the grand jury takes cognizance of the incomplete nature of the audit and comments:

"The grand jury recommends that in view of the fact that said annual report of the books of account of the sheriff and tax collector is not complete, but that said preliminary and partial examination has disclosed numerous errors, discrepancies and shortages, a complete audit be made of the records of the sheriff and tax collector for the period from January, 1935, to the present."

'KOO-KOO' MONEY OFFERED MARTIN

SALER, Oct. 11.—(AP)—The Boise chamber of commerce today sent to Governor Charles H. Martin \$50,000 of so-called "Koo-Koo" money, issued by the "Idaho Marches on," issued by the executive in defending the \$548,000 damage suit recently filed against him by Earl H. Fehl, ex-Jackson county judge.

"If this is not sufficient more money is available," the chamber wrote.

Governor Martin replied thanking the chamber of commerce officials and indicating that he might call upon them for more assistance before the suit finally was disposed of.

NORTON HOLDING COURT IN JOSEPHINE COUNTY

The Josephine county term of the circuit court is now under way, and Circuit Judge H. D. Norton will not be here until the end of the week for bench duty.

The October term of the circuit court here will start Monday, October 25, when a new grand jury and petit jury will be drawn.

Pear Markets

CHICAGO, Oct. 11.—(AP-USA)—Pears: Three cars Oregon, 1 Wash., 2 Calif., 3 California, 1 Illinois arrived, 18 on track, 1 Illinois extra, \$23.50, average \$2.87; 1980 boxes extra fancy, \$23.50, average \$2.87; 5620 boxes fancy, \$23.00-75, low \$1.70, average \$2.57; 1465 boxes, US No. 1, \$23.00-80, average \$2.69; Seckels 400 boxes fancy, \$23.00-55, average \$3.24; 1420 half-boxes fancy, \$1.20-60; average \$1.42; Washington Bartlett's, 1830 boxes extra fancy, \$1.40-2.70, average \$1.91; 995 boxes fancy, \$1.20-2.55, average \$2.24.

STATE AUDITORS DECLARE \$3149 SHORTAGE FOUND

Secret Indictment Returned Against Hooker — Many Errors, Discrepancies and Shortages Are Claimed

DALLAS, Ore., Oct. 11.—(AP)—Acting upon information contained in a partial audit of the "affairs and finances" of his office conducted by auditors of the secretary of state's office, the Polk county grand jury today returned an indictment charging "T. B. Hooker, sheriff of that county since 1935, with larceny of public funds in the amount of \$3149.89.

Service of the indictment, which was secret, was made on Sheriff Hooker during the morning and he was released on \$2500 bail to appear in circuit court at 1:30 p. m. Thursday to enter his plea.

In its report accompanying the indictment the grand jury makes note of payments by Sheriff Hooker of \$1145.80, reducing the actual shortage to \$2004.09.

One payment of \$1088.99 was made by the sheriff to the county treasurer during the course of the audit which the items involved in it were called to his attention.

Four checks amounting to the audit report as being accounted for, totaling \$2004.09, covering the period from January, 1934, to January, 1936, were deposited by the sheriff on October 4, 1937, the grand jury reports.

The partial audit covers a period from January, 1935, to June 30, 1937.

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