

CONVICTS RIOT; ONE DEAD

Hopeless Deadlock Claimed After Five Hours Deliberation

Prosecutor Moody Indicates He Will Ask Another Trial; Probably Not Until Mid-Autumn, Indicated

Jurors Evenly Divided Upon Question of Guilt or Innocence; Scripture Quoted, Both Sides, Argument

HOPELESSLY split at 6-6, the circuit court jury which heard the case against Chief of Police Frank A. Minto during the last three days, was discharged at 11:07 o'clock last night and a mistrial automatically declared.

"I'll try the case again," Special Prosecutor Ralph Moody immediately announced. He referred, he said, to the negligence of duty indictment upon which the second Minto trial was based.

The new trial will not be held before mid-fall, it was apparent. Saying he was going on a vacation, Judge E. C. Latourette of Oregon City declined at once to set a new date. Court attaches indicated the third trial probably would start early in October.

Chief Minto will remain on duty and not ask for a leave of absence in which to recuperate from the strain of the two trials and his recent illness, he said, after sliding throughout the evening in the court room awaiting the outcome of the deliberations.

The jurors voted "several times" and each time the result was the same 6 to 6 tie, one member said. A "majority" of the four women on the jury favored acquittal, it was understood.

Myrtle A. Holden of Silverton, foreman, declined to indicate how the voting went. The jury called once, at 8:35, for instructions.

The two Minto trials will have cost the taxpayers at least \$700, it was estimated.

Bible Quoted Upon Both Sides of Case

The prosecutor resorted to the bible as he began his arguments at 2:13 p. m. and the defense replied from the same source.

Moody called upon the jury to consider, from the Apostle Paul's letter to the Hebrews, this verse: "Wherefore seeing we are compassed about with a great cloud of witnesses, let us lay aside every weight, and the sin which doth so easily beset us, and let us run with patience the race that is set before us."

"That his truth shall be our shield and buckler," quoted Defense Counsel Walter Winslow, from the 91st Psalm.

Moody attacked the defense case as one of alibis and excuses, "a plea of avoidance" and "good faith," and asserted Minto had admitted "he was allowing gamb-ling" to be maintained.

The state arguments brought the reply that Minto was not being tried on a gambling charge but on one of "willful failure to enforce the gambling laws."

Moody had misapprehended when he asserted the defendant had ordered his men to stay out of the "gambling joints," and with his colleague, Walter Winslow, declared Minto had tried to act against gambling.

Touts Not Indicted

Those touts for poker games escaped scot free," Ross pointed out, referring to certain state witnesses. "Moody comes in and attempts to send Minto to the penitentiary."

"I don't know what politics, by what reason, that is being done," Ross told the jury, referring to Moody's "zeal in prosecuting Mr. Minto."

Winslow asserted the state case was "a pile of insinuations," and "it doesn't make a bit of difference whether the governor's vindicated or Mr. Moody's vindicated."

Moody retorted that "another Governor Martin nor Ralph Moody are on trial nor are these witnesses."

"We can only do one thing at a time," Moody said after making a plea to "disregard whether the district attorney ought to be here indicted for not doing his duty," or the "sheriff or other people."

The prosecutor avowed an acquittal would amount to a pardon, as he closed the case at 5:15.

Brown Are Parents

Yanks Capture Series Opener

Crucial Series Is Opened Against Cleveland

Park Crowded

CLEVELAND, July 31.—(AP)—The New York Yankees "murderers' row" stopped the rush of the Indians in the opening of their "crucial" series today, firing a 16-hit barrage for an 11 to 7 victory to stretch their American league lead to 3 1/2 games.

Pennant fever hit Cleveland along with the Yanks. A crowd of several thousands waited in line long before game-time, and the gates had to be closed an hour before the battle started, with the 22,000 capacity of League Park reached.

New York 11 16 0 Cleveland 7 14 2 Hadley, Muphy and Dickey; Harder, Galehouse, Uhle, Blac-holder and Pytlak.

Browns Beat A's

ST. LOUIS, July 31.—(AP)—The St. Louis Browns defeated their rivals for seventh place—the Philadelphia Athletics, 12 to 4 today. Jim Bottomley of the Browns hit two home runs.

Philadelphia 4 10 0 St. Louis 12 16 1 Kelley, Flythe and Hayes; Knott and Gland.

Red Sox on Warpath

CHICAGO, July 31.—(AP)—A barrage of safe line drives that included Jimmy Pox's 30th home run with two on base cashed in on Lefty Grove's seventh-hit pitching today give the Boston Red Sox a 7 to 3 victory over the White Sox in the opener of their series. A ladies' day crowd of 20,000 saw the game.

Fox added a triple and a double to his homer. Detroit 7 13 2 Chicago 3 7 0 Grove and Berg; Shores and Sewell.

Bridges in Form

DETROIT, July 31.—(AP)—Tommy Bridges was in rare form today, scattering eight hits and striking out seven men as the Tigers defeated Washington 3 to 2.

Buck Newsom, who held the Tigers to one hit on July 19 when Detroit faced them, was touched for 13 by the Tigers today and was in trouble in several innings. Erratic throwing by Ben Chapman and Johnny Stove complicated his difficulties.

Washington 2 8 3 Detroit 13 9 Newsom and Miller; Bridges and Hayworth.

Condition Improved

GERVASE, July 30.—The condition of Edward E. Brown, who had been under treatment at a Portland hospital, is reported as somewhat improved, though it is thought he will not be able to leave the hospital for a few more weeks.

Gets Another Job

INDEPENDENCE, July 30.—Miss Helen Falkhart, who had been elected to fill the home economics vacancy in the high school here, has turned her contract in to accept a similar position at Beas-lands at a higher salary.

Gladiolus Show Opens

GRANTS PASS, Ore., July 30.—(AP)—Flowers of all hues arrived in Grants Pass today for the first gladiolus show of southern Oregon fields. The festival will be held tomorrow and Saturday. The income from the crop brings annual-

WHERE FATAL RIOTING OCCURRED



OREGON STATE PRISON

French Saves Lead of Cubs

Four-Hit Pitching Turns Back Giants; "Dizzy" Wins His Own Game

NEW YORK, July 31.—(AP)—Larry French saved the Chicago Cubs National League lead today by turning in a four-hit performance to stop the Giants 3 to 1 for the first time in the three-game series.

Except for Hank Leiber's homer in the fourth, the No. 1 man of the Dodgers and Giants had the Giants helpless. He pitched hitless ball from the fourth inning to the end.

Opposing him in the tight mound duel was Harry Gumbert, who held the Cubs to six hits, but he gave up two each in the fourth and fifth, which the Chicagoans converted to runs for their only scores.

Chicago 3 6 1 New York 1 4 1 French and Hartnett; Gumbert, Castelman and Mancuso.

Dean Wins in 10th

BROOKLYN, July 31.—(AP)—Dizzy Dean won his own ball game today, singling in the winning runs in the tenth inning to give the Cardinals an 8 to 6 victory over the Philadelphia Phillies. The game hung to remain one game off the National league pace.

Although giving up 11 hits, Dean was tight in the pinches, striking out nine batters and walking but two, to score his 17th victory of the season against Philadelphia.

St. Louis 8 11 2 Brooklyn 6 11 2 J. Dean and Ogdowski; Brandt, Winston, Banker and Berres, Phelps.

Phils, Reds Split

PHILADELPHIA, July 31.—(AP)—The Phillies and Reds divided a double-header here today. Cincinnati won the first game, 12 to 2, when Peaches Davis held the Phils to six hits while his mates slugged three Phil hurlers for 14 safeties. Philadelphia won the second, 7 to 2.

Cincinnati 12 14 1 Philadelphia 2 6 2 Davis and Lombardi; Walter, Harris, Sives and Atwood.

Pirates Snuck Ball

BOSTON, July 31.—(AP)—Wally Berger's two home runs today did little to aid the cause of the Boston Bees as the hard-clouting Pittsburgh Pirates blasted two Boston pitchers for 14 hits to win, 10 to 5.

Pittsburgh 10 14 1 Boston 5 13 9 Newsom and Miller; Padden; Chaplin, Rea and Lopez.

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Decision Upon LaNair, Cause

Judge Decides Issue Is Not Ambiguous, Parole Is Up to Governor

The legal decision which led directly to the riot in the state prison yesterday was given by Judge Arlie G. Walker, McMinnville, in the application of Roy LaNair for a writ of habeas corpus. Judge Walker ruled that the law relating to indeterminate sentences was "not ambiguous" and that penitentiary prisoners were not entitled to the automatic deduction of good time from their sentences.

LaNair brought his action for release from the prison after 13 years practice of automatically releasing prisoners when two-thirds of their sentences had been served, had been declared illegal by a ruling of Judge L. H. McMahon in the application of Earl H. Fehl for release. Fehl was conditionally pardoned but is seeking complete release by another action now pending before Judge L. G. Lewelling.

In his decision overruling the LaNair application Judge Walker declared that the law was clear and plain and that the practice of freeing prisoners which had been followed was erroneous.

Such a construction leaves the matter of paroles with the governor after a certificate of good time has been filed by the warden.

"A practice indulged in over a period of years or an erroneous construction placed on a law by various departments cannot alter or change the effect of a law passed by the legislature," Judge Walker declared.

George Mowry, LaNair's attorney, urged haste in deciding the case, "argued a demurrer to the LaNair application was argued before Judge Walker here Monday."

"There are many men whom this decision will effect," he said. The petition for the habeas corpus writ stated that when LaNair was committed from Multnomah county for five years, after being convicted of burglary not in a dwelling, he was instructed that if he obeyed prison rules and discipline he would be entitled to good time deduction amounting to one-third of his sentence. He was received at the prison January 25, 1923.

LaNair declared that he had lived up to the prison regulations and was automatically entitled to release.

The application also cited the ruling of the attorney general in 1923 which stated that a second term offenders were entitled to release the same as first offenders. LaNair is a second offender and relied upon the ruling as a basis for his application for release.

Dakotans Visiting

SILVERTON, July 30.—Mr. and Mrs. L. D. Worden have as their house guests Mr. and Mrs. L. D. Lynch of Jamestown, N. D. Mr. Lynch was proprietor of a general store in Scotts Mills 28 years ago and plans to return to the Silverton community to make his home.

Defiance is Overcome After Baughn, Slayer, Is Shot Down by Guard

Riot Story Is Told, Witness

Scenes in Prison as Men Go on Rampage Viewed by News Reporter

By CLAYTON V. BERNHARD

I stood in the yard of the Oregon penitentiary today and watched 700 angry convicts hurl their defiance at six prison guards on the walls and Warden James Lewis.

They milled about, some of them taking it as a lark, others looking hopefully at the walls, wondering whether they could make a dash for it. The din was deafening but the guards just stood there, rifles in hand, watching every move.

Suddenly there was a shrill cry. "Come on guys—let's make a run for it!"

A few convicts started and in an instant there were a hundred of them running like madmen for the walls. I was on the ground, in the yard, and I stood there dazed by the thought of those men running.

Their rifles gripped tightly. Suddenly a saw a rifle raise. I knew there was going to be a shot. In a flash came the report of a bullet fired—then another cracked across the big yard.

I turned and ran into a small reception room out of range. I saw three convicts slump to the ground. That broke up the charge. Quickly the on-rushing mass of men stopped, turned in their tracks and fled for cover.

There was quiet for a few minutes and then shouts began to break out. For another hour and a half the prisoners milled about the yard.

"We'll eat anyway"—they had raided the commissary before rioting and stacked supplies of food in the yard—some yelled laughingly. Others said more grimly: "We aren't going back to the cells."

I stepped out of the reception room to the yard again. The guards were carrying off the wounded convicts.

There was an undertone and I looked up. On the walls stood 20 booted state policemen. They said nothing but in their hands they carried tear gas guns—and the convicts knew it—they knew, too, what the police intended to do.

Without a word the state troopers stuck the guns skyward and held them there. The rumble of shouting suddenly died down, in a moment, guards, without firearms, were walking among the prisoners. They gave the usual signal to line up.

Sullenly but without resistance the convicts fell into ranks and marched slowly into their cell blocks. Some of them carried as much food as they could get in their arms. The guards let them take it in.

I noticed with a start that the yard it seemed strange that where a moment ago 700 yelling men, many in a vicious mood, stood and where one of them had been killed, that quiet now prevailed and only the high grim walls of the prison showed.

It seemed like a bad dream.

Landon's Wire Is Read by Steiwer

CHICAGO, July 30.—(AP)—The following telegram from Gov. Alf M. Landon, republican presidential nominee, was read at the Knox notification ceremonies tonight by Senator Frederick Steiwer of Oregon:

The Hon. Frederick Steiwer, chairman, committee to notify the candidate for vice president, Chicago, Ill. May I add to the warm tribute which you are paying tonight to my friend and fellow worker, Colonel Frank K. Knox. The years of our friendship add for me a meaning to our new relationship.

They contribute a confidence and an enthusiasm to the work we shall do together in a common cause. The republican party will gain much strength in this campaign from the experience, vigor and the outstanding ability of Colonel Knox.

(Signed) Alf M. Landon

700 Take Part in Riot; Men Angered at Ruling on Good-Time Release; Tilson Reported Ringleader

Arrival of State Police, 20 - Strong on Walls With Tear Gas Guns Turns Tide; Warden Firm

Seven hundred angered convicts in the Oregon penitentiary here retreated sullenly to their cells shortly after 6 o'clock Friday night after their defiance of prison rule and a break toward the walls had resulted in the death of Thomas Baughn, 50, Deschutes county murderer, and wounds to two others. Appearance of 20 state policemen on the walls, prepared to drench the mob with tear gas, broke their determination.

Baughn, serving his third term in connection with a murder, paid with his life as he and several others led nearly 100 yelling prisoners in a dash for the walls and the freedom that lay beyond.

A bullet from the rifle of a guard felled him, inflicting a fatal abdominal wound. Two others went down before the convicts ran for cover.

James Hamilton, 36, was believed dying from a bullet through the lungs and Joseph Dupray, 24, suffered a minor wound in the hand.

The burst of gunfire quickly reversed the hoarse command of the ringleader, Frank Tilson, 39: "Come on guys—let's make a break for it."

The frightened prisoners retreated in disorder. In a few minutes the ringleaders conferred and sent an ultimatum to Warden James Lewis: "We are not going back to the cells."

The warden snapped: "They are!"

Suddenly a detachment of state police appeared on the walls and gazed silently at the howling mob. The score of patrolmen raised tear gas guns in the air. They said nothing—they did not need to. A hush fell over the yard.

Under the cover of rifles on the walls, guards walked out to the prisoners and signalled them to line up. Sullenly the men fell into ranks and filed back to their cells.

Curiously, it was a message from Warden Lewis which touched off the outbreak.

He brought word to Roy Lanair, a convict, that a court had denied Lanair's plea for automatic release after serving a minimum sentence with good behavior credits deducted.

Until a short time ago, prison officials following a custom of years had freed prisoners automatically after they had served a minimum sentence less good behavior credits. The court ruled that a prisoner might be freed after serving only a full sentence unless the parole board and the governor freed him.

By prison grapevine, word of the decision spread among the convicts. Two of them, identified by the warden as the leaders of the riot, Tilson and Lloyd Sorahan, 24, got in the commissary and ordered the cooks to stop work.

With the assistance of 75 or 100 other prisoners, they began piling food in the yard, where 600 other convicts were taking a rest period. Virtually all the food was removed.

The leaders began to yell and the prison yard soon was transformed into a deafening roar of shouts, screams and profanity.

For fifteen minutes the convicts milled about, with a half dozen guards stationed along the walls, rifles gripped in their hands and eyes watching every move. Suddenly Tilson, who later was reported to have been "drunk"—a report which could not be verified—yelled at the prisoners near him to run for the walls.

Seven hundred convicts in Oregon's state penitentiary, turning into a mob of angry men over an adverse court decision, rioted late today and three of their number were shot, one fatally, when they attempted to charge the walls.

Thomas Baughn, 50-year-old murderer from Deschutes county, died within an hour from a rifle bullet through his lung.

Two other convicts, James J. Hamilton, 36, shot through the back, and Joseph Dupray, 24, shot through the hand, were seized by the guards in the stunned silence which followed the gunfire and put in the prison hospital.

A moment later the yard again was a seething mass of yelling, shouting prisoners, milling around and serving an ultimatum to Warden James Lewis that they were not going to return to their cell blocks.

The warden answered cryptically: "They are."

A short time later a detachment of state police, equipped with tear gas, appeared preparatory to drenching the yard with the fumes if the convicts tried to hold their ground.

The riot broke out in the commissary when cooks, apparently following out a well-planned plot, began carrying food into the yard as supplies for their attempted defiance of the warden.

The outbreak followed a decision here earlier in the day by Judge Arlie G. Walker refusing the plea of Roy Lanair, a convict, for automatic release from completing a minimum sentence with good behavior credits allowed. The court held a parole must be specifically ordered through the proper agencies of the law.

The three convicts were shot down by Guard H. H. Corey when they challenged this command of "halt" by rushing the walls. The riflemen dropped them in their tracks.