

BANKS ATTORNEYS OBJECT TO COSTS

Objections to many items in the state cost bill in the murder trial of Llewellyn A. Banks and his wife, Edith Banks, as filed here by Ralph E. Moody, assistant attorney-general and chief attorney for the state, were filed in circuit court here late Monday by Frank J. Loneragan and Charles A. Hardy, attorneys for the defense.

Costs of the case are assessed to the defendants and the filing of objections prevents the entering of a judgment against their property in Jackson county.

Objections are made to items for witnesses on the ground that they were not itemized as to per diem and mileage; to certain fees for physicians' testimony; for costs of guards, additional attorneys and numerous other items contained in the cost bill as filed.

First the attorneys object to the item of \$143.70 for Dr. B. C. Wilson as a witness on the ground that he was not in attendance at the trial for sufficient length of time or was there sufficient mileage to amount to that sum.

There is objection to items 113 to 131 inclusive, which include salaries of bailiffs, cook and guard and witnesses whose per diem and mileage were not given; objections to amount as paid to jurors as no per diem or mileage statements were given; objections to expenses of Sheriff Swartz for railroad tickets; and for meals at the O'Brien hotel amounting to \$830 for reason the account was not itemized.

There is an objection to the item, "W. J. Looker, \$20," as it is not itemized and Looker was assistant to the attorneys for the state. There is another item of \$22.50 allowed G. W. Neilson, assistant district attorney of Jackson county.

The fees allowed to local physicians and which were objected to are as follows: Dr. W. C. Rehban, three days, \$150; Dr. George I. Hurley, four days, \$200. Another item objected to is that of \$250 allowed to Clyde N. Johnston, local attorney, who, the claim is made, was not a witness and was not an attorney for the state. A similar item of \$150 allowed Frank B. Reid, another Eugene attorney is objected to for the same reason.

There are numerous other items in the bill of costs that the defense attorneys object to as being out of proportion to the services rendered.

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U. S. RECOGNITION STORY

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An amazing expose of those who reap substantial fortunes by preying upon the pampered sons and daughters of the wealthy class, is seen in "Sweepings," showing Tuesday and Wednesday at the Hellig theatre. Lionel Barrymore is starred as a multi-millionaire whose children waste the fruits of his lifetime of toil in riotous living. The production is elaborately staged, sweeping its powerful, poignant drama from the ruins of the Chicago fire, through palaces, dives, mansions and glittering gambling resorts. In support of the star are Alan Dinehart, Ninetta Sunderland, Gregory Ratoff, William

Theatres

By R. D. G.

TUESDAY PROGRAMS

MCDONALD—"Another Language," with Helen Hayes, Robert Montgomery. Last day.

HELLIG—"Sweepings," with Lionel Barrymore, Gloria Stuart and Alan Dinehart. Ends Wednesday.

COLONIAL—"Gold Diggers of 1933," with all-star cast and 200 beauties. Last day.

STATE—"The Woman Accused," with Cary Grant, Nancy Carroll. Ends Thursday.

REX—"Arizona to Broadway," with Jimmy Dunn, Joan Bennett and Herbert Mundin. Ends Wednesday.

Tuesday is your last chance to see "Gold Diggers of 1933," the musical extravaganza which has enjoyed the longest run of any picture shown in



Joan Blondell, as one of the "gold diggers" in the film, "Gold Diggers of 1933," which closes an 8-day run at the Colonial Tuesday.

Eugene since the origin of the talkies. It has broken all attendance records at the Colonial theatre, according to Manager Glen Godfrey. Featuring 13 great stars and a chorus of 200 lovely chorus girls, with 5 great song hits and musical sequences, the film is one of the most lavish musical comedies ever produced. Warren William, Joan Blondell, Ruby Keeler, who has "what it takes to get along," Dick Powell, Guy Kibbee, Ginoza Rogers, Ned Sparks, and Aline MacMahon play the starring roles.

Frankenstein was a lily compared to Mother Hallam, who ruled her family and all their families with an iron will and a series of fainting spells in "Another Language," entertaining picture of a young wife's fight against domination by a selfish mother-in-law, which closes Tuesday at the McDonald. With Robert Montgomery and Helen Hayes in the starring roles, the film is one of the outstanding hits to show here recently, and combines rare humor, intense drama and genuine pathos. Louise Clower Hale gives a magnificent performance as the indomitable Mother Hallam, although Helen Hayes' portrayal of the young wife steals the show from Montgomery, who has a rather unsympathetic part to begin with. It's grand entertainment and how you hate that mother-in-law! The short subjects lined up by Manager Ray W. Jones include the last of the Bobby Jones series on "How to Break '90."

From the pens of 10 great novelists came "The Women Accused," drama opening Tuesday at the State theatre, with Cary Grant and Nancy Carroll the featured artists. The story ran in Liberty, with each writer contributing a chapter. It details the story of a young woman, in love with Grant, who is unable to shake off her past and finds it necessary to kill a former lover before sailing for America with her fiancée. She tells her story to the captain, and they decide to hold a mock trial to live the passage. Her fiancée, a noted lawyer, volunteers to defend her, little realizing that the trial will have any significance. From here the plot builds up to a smashing climax.

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SOUTH SISTER STORY

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but no major avalanche. The avalanche must have come Saturday instead of Friday.

Time Checked Back

Datson checks back on the time of the big break in this way. It is approximately 25 miles from where Separation creek leaves the foot of South Sister to where Horse creek empties into the McKenzie below McKenzie Bridge. Average speed of those streams would not exceed four miles an hour.

Datson figures it would take six to ten hours for the red flood to travel from the base of Los Creek glacier to the McKenzie where it was first noticed Sunday morning. This would put the time of the break late Saturday.

Datson says that on Friday evening he talked with Ole Lium, of Portland, reported to have seen the avalanche from the snowfields of Middle Sister and that Lium mentioned nothing of the occurrence at that time. He thinks Lium must have given Saturday an exact Friday as the time of the avalanche and that the report has been mixed in transmission over mountain lines.

Another returning Obsidian was Ray Sims who conducted a party of 30 up the perilous North Sister Sunday. He said he had not heard of the avalanche of the break at that time, no ridd his party observe anything unusual on South Sister.

Can't Deny Red Water

Yet the lookouts on nearby forest peaks report hearing the avalanches and seeing the ragged wounds on the South Sister's side, and the blood-red evidence in the McKenzie river and Horse creek all day Sunday is incontrovertible.

An airplane survey was being arranged by Herman Hobi of Hobi Airways Tuesday afternoon. Other parties of expert mountaineers were being dispatched on foot by way of Frog camp and the Skyline trail.

Turnbull Has Theory

J. Ed Turnbull, long an Obsidian chief and one of the best mountaineers in the region advances a theory that would coincide with the latest reports from Ranger Glaze. Turnbull holds that the avalanche on the northwest face of the South Sister and the break in the dam under Lost Creek glacier were coincidence rather than cause and effect.

Turnbull believes that unusual run-

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off due to melting snow caused the Lost Creek glacier to become in effect a floating island of ice in a huge lake in the side of the mountain and that this pressure caused the break of the moraines which dam the exit from the glacier.

"I think it will be found that the water came out in a great wall just as it would in the bursting of any dam. I think you will be able to locate the spot by the presence of a great new wash of fresh glacial boulders and gravel where the meadows of Separation creek were before. The red silt was from the meadows and not from the fresh avalanche."

Be that as it may, the McKenzie and its tributaries for 90 miles ran blood red all day Sunday. They are now crystal clear again. Fishermen are happy again. McKenzie residents are happy again. But, quick Sherlock, the needle!

NATIONAL NRA STORY

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the recovery administration several months ago, indicated a belief that the basic industries would be under codes very quickly, disagreements within the industries and objections particularly to the collective bargaining labor provisions of the industrial act have left them lagging.

With Labor day set as a tentative date for bringing the bulk of the nation's employees under some form of wage and hour regulation, it was generally accepted in administration circles that the chief executive was standing firmly behind moves to force prompt action by the larger groups.

Modified presidential re-employment agreements were approved today for five additional industries, Pacific coast dried fruits, manufacturing jewelry, insulation board, hair and jute felt and porcelain enameling, pending public hearings and final approval of codes submitted by them.

The dried fruit agreement provided for 40 hours of work a week for all employees except factory or mechanical workers, artisans, outside salesmen, buyers and watchmen.

Factory or mechanical workers, artisans, or packing house workers are given a work-week of not more than 44 hours a week averaged over a six-month period.

James Dunn, Joan Bennett and Herbert Mundin open today at the Rex theatre in the featured roles of "Arizona to Broadway," the new comedy. It is the story of a young confidence man who will give no man—or girl—an even break until he falls into a trap created by his own inadvertence. The cast, in support of Dunn, Mundin and Miss Bennett, includes a number of the foremost comedians and character artists in Hollywood. It features Sammy Cohen, Theodore Von Eltz, Meras Kennedy, Earle Foxe, David Wenzen, J. Carroll Nash, Max Wagner, Walter Catlett and Jerry Lester.

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Baseball Scores

NATIONAL LEAGUE	
At Boston—	R. H. E.
Chicago.....	1 10 0
Boston.....	2 5 3
Bush and Harnett; Cantwell and Sphor.	
At Philadelphia—	R. H. E.
St. Louis.....	5 11 1
Philadelphia.....	3 6 2
Hallahan and Wilson; Hansen, Pearce and Davis.	
AMERICAN LEAGUE	
At Cleveland—	R. H. E.
Philadelphia.....	8 14 4
Cleveland.....	7 9 0
Grove and Cochrane; Fegrell and Spencer.	
At Chicago—	R. H. E.
Washington.....	5 0 0
Chicago.....	1 0 1
Crowder and Sewell; Jones, Heving and Berry.	

Special Ceremony Held at 3-C Camp

A flag raising service was held at the Oakridge 3-C camp Tuesday afternoon with appropriate ceremonies.

Several speakers were on the program including F. D. McFarland, ranger of the Cascade National forest, Major Charles H. Corlett and Captain Emons B. Whisner. Perry Thompson, supervisor of the Willamette National forest, was present at the event.

HEAT WAVE STORY

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vicinity of Reher's Rest on the Wilson river, and the latter fire was worse than the original this afternoon.

The Gale creek fire was fairly well confined late today by 250 CCC workers, but the Wilson river fire was raging unabated in green timber.

SALEM GETS 97

SALEM, Aug. 15.—(AP)—At 1:30 o'clock this afternoon a new heat record for the season was established here when the mercury registered 97 degrees.

PENDELTON 107

PENDELTON, Ore., Aug. 15.—(AP)—For the third time this summer, mercury reached 107 degrees here yesterday.

SEVEN LOSE LIVES

SAN FRANCISCO, Aug. 15.—(AP)—Violent electrical storms brought a variation at some places today in the extreme heat which has caused a two-day death toll of seven in Pacific coast states.

The first storm struck Brawley, in the imperial valley of southern California, last night with such force that ranch buildings were wrecked and trees uprooted. In ten minutes, ten tents of an inch of rain fell. Temperatures, which had ranged above 100 degrees, dropped sharply.

At least 11 fires were started by lightning in the Sierra national forest and Civilian Conservation corps workers were rushed to the fire-lines.

Another fire, whipped by a stiff wind, jumped out of control near Forest Grove, Ore., and had swept over 350 acres.

Lightning and thunder, with "slight" lower temperatures, was the U. S. weather bureau's forecast for the interior mountain regions of California and for Nevada and Idaho. Continued high temperatures were promised for southern California, Oregon and Washington.

Oregon Hot

The seventh death attributed by authorities to the heat was that of Mrs. Harriet M. Lewis, 87, Oakland, who succumbed on a passenger bus near Vallejo, Cal., late yesterday. Heat prostration was reported as the cause of the death of a negro in Sacramento and of Wallace Kelly at a mining camp in southern California. The other deaths occurred Sunday.

Red bluff, in the northern Sacramento valley of California, was the hottest spot yesterday as the mercury rose to 114 degrees.

EUGENE SCHOOLS STORY

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mine future contracts on a basis of conditions as they exist at that time.

The final list of teachers for the schools next year will be announced within a few days, Superintendent Gould said, and there will be a special meeting of the board the latter part of this week to pass on the selection.

The paring down of the staff has been facilitated somewhat by marriages and resignations during the year, Mr. Gould pointed out, leaving but five teachers to be eliminated

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this year. Those who have been married are Helen Latham, Alice Baker, Melvina Black, Pearl Cleek and Elsie Hamble have resigned and Ruth Hopson will have a half-time position.

The board authorized the superintendent to employ three more teachers if he deemed it impossible to get along with the 121.

The matter of issuing bonds to take up the warrant indebtedness of the school system was discussed by the board and referred to the finance committee for investigation and report. A. A. Rogers, member of the board, pointed out that bonds could not be sold at par now and probably would bring only 85 to 90. Superintendent Gould also discouraged this proposition, stating he believed it wisest to keep the indebtedness in one form.

The board signed a contract with the non-high school district for educating children at the city school this year with a tuition fee set at \$83 per pupil. There were 250 of these children last year. The board also decided to provide a classroom for children suffering from physical and speech handicaps, the law providing \$70 for each pupil in this class. The money may be spent at the home of the pupil instead of at school if necessary.

In order to encourage payment of taxes, the board authorized its superintendent to cooperate with other governmental units in a campaign to increase tax payments.

Radio Programs

Tuesday, Aug. 15

KOAC, Corvallis—6:30 p. m. In the day's news; 7, Summer music; 7:30, Farm hour; 7:45, Market reviews; 8:15, Philosopher of the Crossroads; 8:30-9, Music of the masters.

KGO, Oakland—6:30 p. m.—National radio forum; 7, Amos 'n' Andy; 7:15, Memory lane; 7:45, Horlick's adventures in health; 8, Boris Kramarenko's orch; 8:15, The Philharmonic; 8:30 Ben Bernie's orch; 9, Ted Weems orch; 9:30, Buddy Rogers' orch; 10, Richfield news flashes; 10:15, Anson Weeks' orch; 11, Organ concert; 11:30 to 12, Kay Kyser's orch.

KFO, San Francisco—6 p. m.—Stringwood ensemble; 6:45, Irving Kennedy, tenor; 7, Edna Fischer, pianist; 7:15, Sax appeal; 7:30, Ernie Holst's orch; 7:45, Charlie Hamp; 8, Phil Harris' orch; 8:30, Balladette; 9, Carefree carnival; 10, Music box; 11, Ambassador hotel orch; 11:30-12, Organ concert.

KFI, Los Angeles—6:30 p. m.—The Pierce brothers' quartet; 6:45, CBS, NBC-KGO programs to 9; 9, "Tapestries of Life"; 9:30, orch; 10, NBC, Richfield reporter; 10:15, Ambassador hotel orch; 11, NBC, Sid Lippman's orch; 11:30 to 12, Dance music.

KOIN, Portland—5:30 p. m.—CBS, Nino Martini orch; 6:30 p. m. California Melodics; 6:30, CBS, Oldsmobile program; 6:45, CBS, Light Opera gems; 7:15, CBS, Little Jack Little; 7:30, CBS, orch; 7:45, Tarzan of the Apes; 8, CBS, orch; 9, Gus Arnheim's orch; 9:30, Hoize Podje lodge; 10, Cafe de Paris orch; 10:45, DLBS, Golden sands; 11, Y'Zingari; 11:15-12, Dance program.

KGW, Portland—4:45, Arnold and Ambers, adventures; 5, NBC-KGO programs to 6:30; 6:30, concert trio; 6:45, The Two Kevintators; 7, NBC-KGO programs to 8; 8, Montag fire-side hour; 8:30, Ben Bernie orchestra; 9, musical Mamequins; 9:30, homicide squad; 10-12, news, music.

KXN, Hollywood—6:30, Lawrence King and orchestra; 6:45, Groun' Up; 7, Frank Watanabe; 7:15, orchestra and vocalist; 7:45, Count of Monte Cristo; 8, musical program; 8:15, Wilbur Hatch's orchestra; 8:45, Drury Lane, tenor; 9, news service; 9:15, Miles of Melody; 9:45, Marian Mansfield, ballads; 10-11, dance orchestra.

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EUGENE NRA STORY

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by the national code which was expected to be adopted in Washington Tuesday.

The code of ethics adopted here defines advertising mediums, stabilizes prices and establishes fair business practices. Details of the code will be published Wednesday.

Grocers of the city were to meet at the chamber of commerce Tuesday night at 8 o'clock to continue discussions of their code. Plumbers also will meet at the chamber at 7:30

NRA MEETINGS

Tuesday, 7:30 p. m.—Plumbers meeting, chamber of commerce.

Tuesday, 7:30 p. m.—Grocers meeting, chamber of commerce.

Tuesday, 8 p. m.—Cooks and waitresses meeting, Labor hall.

Tuesday, 8 p. m.—Truck owners meeting at chamber of commerce.

Wednesday, 7:30 p. m.—Meat Dealers' committee, chamber of commerce.

Wednesday, 7:30 p. m.—Paint contractors meeting, chamber of commerce.

Wednesday, 7:30 p. m.—Meat dealers meeting, chamber of commerce.

Wednesday, 8 p. m.—Open forum for men and women employees, and industrial union meeting, Labor hall.

Thursday, 7:30 p. m.—Retail clerks' meeting, Labor hall.

Friday, 7:30 p. m.—Barbers' committee meeting, Ole Lee's barber shop.

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Mitchell and Roy Deal was expected to work out a schedule for the local shops. As for the issue of barbers in the city having no shops went under the six hour there would be a shortage of barbers that line. The committee will meet Friday at 7:30 o'clock at the barber shop.

Shoe dealers, at their meeting Tuesday, decided to keep their shops open until 8:30 p. m. Saturday. This change from the code as adopted open at 8:30 and close at 8 o'clock after Sept. 1, there may times they will remain as in the code. A committee of J. H. Miller, Jim W. W. and L. H. Purkey was appointed to secure a change in the code.

Work for New Union

At the Eugene branch meeting committee was named to work to stabilize minimum prices which will submit to the regular weekly meeting of the group next Monday. The committee consists of E. W. derson, Lloyd J. Heiser, C. C. tin. This committee will meet Tuesday at 8:30 and close at 8 o'clock.

Wednesday evening at 8 o'clock the labor meeting will be held. This meeting is especially for those who have been unemployed, laid off and women. The purpose is to complete the organization of a central union, which is to be a chartered subsidiary of the Labor Council, The Eugene branch will be granted a representative council. Thus those unemployed and any other organizations will have voice in all matters that affect the attention of the national group. This is for all who are interested in getting back to work.

TRUCK LAW HELD INVALID BY COURT

SALEM, Aug. 15.—(AP)—Judge L. G. Lewelling today invalid the law of the last session giving the public utilities commissioner control over trucks of state, with certain exceptions common carriers and imposing taxes.

He specially held the act on the ground that it exempted riers who haul loads exclusively numerous burdens and duties of the act, while such burdens and duties are imposed on trucks timber of finished products logs. He cited that law as classified as special carriers with regard to distance traveled.

He declared them null and void in strict regulations applied to tract carriers entered in lumber. He said in his opinion courts have held there must be a factual basis for legislative classifications for such classification to be valid and that there is no such factual basis. He said in the opinion of the

15 REX 15

Tops Hilarious Comedy

With a smashing climax that'll bowl you over... Extravaganza of color... filting tunes... pretty girls... swooning rhythms... IT'S A RIOT

TODAY

ARIZONA TO BROADWAY

with **JAMES DUNN**
JOAN BENNETT
HERBERT MUNDIN

"DRUGGIST DILEMMA"
"INDIAN WHOOPEE"
"CARTOON"
"TRAVELOG"

WEDNESDAY

MEN... CALL IT MADNESS
WOMEN... CALL IT LOVE!

Can Age Hold Love When Youth Meets Youth?

KAY FRANCIS NILS ASTHER

STORM at DAYBREAK

with **WALTER HUSTON**
EUGENE PALLETTE
PHILLIPS HOLMES

LAST TIMES TONIGHT

Helen Hayes and Robert Montgomery in "ANOTHER LANGUAGE"

MCDONALD

"COOL AS A FOREST BREEZE"

10¢ HEILIG 10¢

CONTINUOUS DAILY FROM 12:45

UNDER HIS HAND A MOUNTAIN OF GOLD

Starts Today!

to lay at the feet of his children and their seed!

But his heirs made a bonfire of the empire he had reared!

Lionel BARRYMORE

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