

The Weather

Maximum yesterday.....42
Minimum today.....30

MEDFORD MAIL TRIBUNE

Predictions

Snow or rain.

MEDFORD, OREGON, FRIDAY, FEBRUARY 3, 1922

NO. 269

ARBUCKLE JURY DISAGREES AGAIN

FAT MISSES CONVICTION BY A HAIR

Final Vote 10-2 for Guilty Poor Case Made By Defense Declares One of Jurors—2 Jurors Holding Out for Acquittal Named—Will Be Tried Again.

SAN FRANCISCO, Feb. 3.—The jury failed to agree and was discharged today in the second trial of a manslaughter charge against Roscoe C. (Fatty) Arbuckle in connection with the death of Miss Virginia Rappe, motion picture actress.

Foreman J. J. McElroy announced that the vote stood two to ten. He did not designate whether the majority was for conviction or acquittal.

"There is no chance for us to agree," McElroy said.

A poll of the jury was taken to determine if they could agree on further deliberation. All emphatically said "no."

Arbuckle Downcast. Arbuckle seemed downcast at the outcome. Neither prosecution nor defense would announce its intentions regarding a new trial.

The case was put over until Monday to be set for trial.

After the disagreement the jury retired to the jury room.

Announcement that the jury stood ten for conviction and two for acquittal was made by Leo Friedman, assistant district attorney, and a leading prosecution counsel.

Harry A. McGovery, bailiff, made the same announcement.

"We expect to try the case again," Friedman said.

Jurors Worn Out. Later Nate Friedman, one of the jurors, announced that the two voting for acquittal were Lee Dolson and Clem R. Brownsberger.

"The defense presented a very weak case," Friedman said. "Its failure to argue the case counted greatly against it. The fact that Arbuckle did not take the stand had no effect on us."

The first ten ballots were 3 to 3 for conviction. Then it switched to 10 to 2 and stayed there until the fourteenth ballot, which was the last one taken," Friedman said.

The court room was crowded for the result of the jury's deliberation. The jurors all seemed haggard and worn. Gavin McNab, chief defense counsel, said he would make a statement later.

Baby Dies As Mother Sits Singing to It

SPOKANE, Feb. 3.—While Mrs. Paul Lawler sat nursing her five weeks old daughter yesterday and singing to it, the child, which apparently had been in good health, died so quietly that the mother for several minutes thought it was asleep. When her efforts to awaken it were unsuccessful, she swooned. Doctors said the baby died of lobar pneumonia.

Chilean Cabinet Resigns

SANTIAGO, Chile, Feb. 3.—(By the Associated Press.)—The Chilean cabinet, headed by Ismael Tocornal, resigned today.

LAST PLENARY SESSION TOMORROW, JAP-CHINA TREATIES AGREED UPON

WASHINGTON, Feb. 3.—(By the Associated Press.)—Plans were made today for the attendance by President Harding at a plenary session of the arms conference next Monday to witness the signing of the treaties, to thank the delegates for their work and to participate generally in the activities marking adjournment of the conference.

American Legion Commander Refuses Seat in U. S. Senate



BALTIMORE, Feb. 3.—Hanford MacNider, national commander of the American Legion, refused to accept appointment to the United States senate from Iowa to succeed William S. Kenyon, Colonel Washington Bowie, Jr., announced at a meeting of the Maryland executive committee of the legion yesterday at which Colonel MacNider made no comment.

Colonel Bowie said today that his information came from a member of Colonel MacNider's party.

IRISH CONCORD IS BROKEN BY BOUNDARY LINE

North and South Ireland at Outs Again Over Precise Counties in Free State—Sir James Craig Makes Public Statement.

LONDON, Feb. 3.—(By the Associated Press.)—Sir James Craig, the Ulster premier, declared in a statement today that he had been told by Michael Collins, head of the southern Ireland provisional government at their conference in Dublin yesterday, that Collins had made a promise of bringing the Irish free state almost half of north Ireland, including Fermanagh, Tyrone, large parts of Armagh and Down and Londonderry City, Enniskillen and Newry.

Sir James said he had suggested to Mr. Collins a week's adjournment for consideration of the situation regarding the boundaries between Ulster and south Ireland, but that Collins had replied that the differences separating them were so wide that postponement would be useless.

The Ulster premier's statement was made to the press after he had conferred with Winston Churchill, the colonial secretary.

"I have to admit," said Sir James, "that in the conversation with Mr. Collins, I was disappointed."

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FILM STARS INVOLVED IN L.A. MURDER

Subpoenas Issued for Mabel Normand, Mr. and Mrs. Douglas MacLean, Miss Miles Minter and Other Movie Notables—Cigarette Subs Only Clue.

LOS ANGELES, Cal., Feb. 3.—The coroner of Los Angeles county today announced that an inquest would be held tomorrow at 10:30 over the body of William D. Taylor, motion picture director shot down in his home here Wednesday night. Subpoenas were issued today and sent out for service, directed to the following persons: Miss Mabel Normand, motion picture actress, who has told the police that Taylor escorted her from his home to her automobile at an hour believed to have been only a few minutes before his death.

William Davis, Miss Normand's chauffeur.

Miss Miles Minter, actress formerly directed by Mr. Taylor and who went to the scene of his death yesterday as soon as word of it was spread.

Douglas MacLean, actor, and Mrs. MacLean, who told the police of happenings in the bungalow or apartment court where they and Mr. Taylor had their homes, and who described a stranger seen there early Wednesday evening.

Edna Purviance, actress, who told the police that she had notified Miss Minter and others of the death.

Charles Eytone, a production manager at the studio where Mr. Taylor was employed.

Henry Penney, Taylor's house man, whose story was that he had left the Taylor home an hour or so before Miss Normand left.

Police detectives today were questioning Mr. Taylor's chauffeur as to his employer's movements in the past week or two. They hoped to develop from the chauffeur's story some facts that might help to establish who did the shooting.

LOS ANGELES, Feb. 3.—A half dozen cigarette stubs offer a key to the mystery which for 24 hours has been deeper than any developed in his work by Desmond Taylor, noted motion picture director, who met his death Wednesday night at his home here from a bullet, according to investigators. These half smoked remains, found near the back door of a luxuriously appointed residence, give mute evidence that some man apparently waited nervously there on the evening of the murder.

They link with statements of Mrs. Douglas MacLean, wife of a motion picture actor, that on the evening of the murder she heard a shot fired and looking from the window of her home which overlooks that of Taylor, she saw a man, stranger to her, emerge from the front door of Taylor's home, look back through and apparently speak, close the door and depart.

Stranger Described. Employees at an oil service station nearby declared that within an hour prior to that time a stranger whom they describe similarly, asked them where W. D. Taylor lived and they directed him to the place where the murder later occurred.

The crew of a street car stated that at a time closely corresponding to that which Mrs. MacLean gives as of the departure of the mystery man from Taylor's house, a stranger boarded the car at a stop near by. They describe him similarly.

These revelations only served to deepen the mystery for Mrs. MacLean who knew the former servant of Taylor for whom the police are seeking and who Taylor reported to the police some time ago as having stolen property and money from him, said the stranger was not his servant. The porch light of Taylor's home was on and Mrs. MacLean observed him in its full glow.

Mabel Normand Called. The movements of this stranger coincide with the visit of Mabel Normand, motion picture actress, to Taylor's home on the evening of the murder. Taylor escorted Miss Normand to her motor car and talked a few minutes with her there. The front door to his home was open.

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Arbuckle Expected an Acquittal



Roscoe ("Fatty") Arbuckle, with his wife, known in theatrical circles as Minta Durfee, at their Los Angeles home, just before proceeding to San Francisco for his retrial on charges of manslaughter in connection with the death of Virginia Rappe, film star. The palatial Arbuckle estate in Los Angeles has been a Mecca of sight-seers for some time. Arbuckle was reported as cheerful and certain of acquittal, and his smiling visage indicates it.

\$104,000,000 IS SAVED BY U. S. GOVERNMENT

WASHINGTON, Feb. 3.—Announcing prospects of a surplus of governmental receipts over expenditures this fiscal year as a result of economies in administration, President Harding, speaking today at the second business meeting of the government declared he doubted "if any government in the world has made a more persistent and conscientious endeavor to cut down its expenditures and institute economies and restore sane and normal ways again," than has the American government.

The president and Director Dawes of the budget, who followed him, announced to the meeting, composed of over a thousand government officials of high and low degree that direct savings of \$22,000,000 and indirect savings of more than \$104,000,000 had been accomplished in less than a year of the budget bureau and coordinating agencies.

Mr. Harding expressed the further opinion that the efforts on the part of the government toward economy had been reflected among the people at large.

"I cannot but feel that the government has, in the budget organization, set an example of care and thrift that has helped greatly to make saving fashionable," he declared. "While to some extent the government has been a leader in so praiseworthy a cause we ought all to be gratified to have had a part in the affair. Much of the extravagance of the government has been due to a lack of sense of individual responsibility and the same is true in the corporate business and in the private affairs of the people. If our efforts here shall set a standard and inspire an admiration for greater economies and higher efficiency, we shall have served not only the government but the whole world. Perhaps our example will be of service to the world."

DEATH LIST FRICK MINE REACHES 25

GATES, Pa., Feb. 3.—Twenty-five miners lost their lives in the explosion which wrecked a part of the Gates mine of the H. C. Frick Coke company yesterday, according to an official announcement today. Twenty-two bodies have been recovered. The other three are buried under a fall of slate.

GATES, Pa., Feb. 3.—Six more dead were taken from the shaft of the Gates mine of the H. C. Frick Coke company early today bringing the total to 22. Belief was expressed by mine officials that the toll may mount higher as there may be other miners, apart from the three or four men yet unaccounted for, who were killed by an explosion in a section of the plant yesterday.

The cause of the explosion is undetermined. From the appearance of the bodies it was indicated, however, that the men had been asphyxiated as none was mutilated. An investigation to determine the cause was announced.

Streetcar Men in Love Not Fit for Work

LOS ANGELES, Feb. 3.—Streetcar men who are in love are "not fit to work," in the opinion of John C. Collins, traveling safety supervisor of the Los Angeles Railway company.

In a warning issued to conductors and motormen he said: "When you're in love you're so far up in the air that you won't get down again until after you are married."

Sentenced to Die

NEW YORK, Feb. 3.—Luther Boddy, who killed two police detectives on January 3, today was sentenced to die in the electric chair at Sing Sing prison during the week commencing March 13.

California Wildcat Well Produces; Not Oil, But Oily Fish

BAKERSFIELD, Cal., Feb. 3.—A wildcat oil well on the Hitchcock ranch south of Porterville at 1200 feet has begun to produce—not oil but fish—according to word received here today. They were tiny specimens, apparently from a subterranean stream.

GIRL IS FORCED BY MOTHER TO FAKE MURDER

Court in Everett Murder Case Charges Defendant With Forcing Daughter to Say She Fired Shots—Sensational Scene Enacted.

EVERETTE, Wash., Feb. 3.—Treva Pote, 15 year old girl, in superior court this morning testified that she fired the second and third shots that killed Gus Danielson at the home of her mother here the night of November 6. Her mother, Mrs. Bertha Wilkes, is on trial accused of the death of Danielson; the child is accused as an accessory.

Before going on the stand this morning, Judge Alston, presiding judge, in the absence of the jury, admonished the girl that if she shot Danielson to say so and to say so if she did not shoot him.

The girl's story was similar to her mother's to the point where Treva or had testified she became unconscious in her struggle with Danielson. Treva then testified she picked up the revolver Danielson had dropped, "squeezed it" twice when Danielson came toward her and then threw it away. The girl began to weep under cross-examination and refused to take the weapon into her hand when asked to show how she held it. Mrs. Wilkes became hysterical, crying to her daughter, "why didn't you tell me?" The jury was sent from the room and the court asserted his belief that the girl was innocent.

"The real tragedy," he said, "did not take place at home; it has taken place here."

"That woman has put her up to it," he declared to the attorney for the defense.

"My girl shays she did it," Mrs. Wilkes replied.

Mrs. Wilkes was in hysterics and the girl was sobbing when recess was taken. After the recess the girl again went on the stand and again testified she had shot Danielson.

Bull Montana Matched

LOS ANGELES, Feb. 3.—"Bull" Montana, local grappler and Kinjo Akeda of Honolulu, have been matched to stage the main bout of a wrestling card which will be presented at the Elks' home here Saturday night. Akeda is claimant to the middleweight wrestling championship of the Territory of Hawaii.

U. S. WAR TANKS ARE IN CONTROL OF NEWPORT KENTUCKY, STRIKE DISTRICT

FRANKFORT, Ky., Feb. 3.—With plant. More than 100 shots were fired, but no casualties were reported.

Earlier, Safety Commissioner Tomason was denounced when he attempted to disperse an assembly of strikers to Newport, Ky., having been ordered sympathizers and Sheriff T. B. Tietz out for the second time within five minutes, who attempted to talk with the weeks late yesterday by Governor Morrow for strike duty.

A window in the confectionary was prevailed in Newport early today shattered by bullets last night. The cop for intermittent shooting in the occupants of the house fled to safety. vicinity of the Newport rolling mill. Many families sought refuge in where a strike is in progress and their cellars or took refuge in other where a tank company of six officers parts of the city. Safety Director and men, with seven tanks, are on Tomason said the shooting was done guard, assisting deputy sheriffs and by both sides.

"At intervals shots would be sent into the mills and immediately there today was followed by firing from a machine and riot guns inside the by the mill guards," he declared.

PROSPERITY WAITS UPON R. R. REVIVAL

Secy. Hoover Declares Best Hope Better Times to Put Railroads On Their Feet—Instead of Voting Credits Abroad, Favors Aiding Industry at Home.

WASHINGTON, Feb. 3.—Reduction of freight rates and resumption of railroad expansion are the two sources from which the country may get its strongest impulses towards economic betterment, Secretary Hoover declared today, appearing as a witness in the inter-state commerce commission investigation of transportation charges.

The first, he said, depends on a reduction of operating costs, and the second on restoration of railway credit.

Transportation earnings, now "perilously close to bond interest," Mr. Hoover said, "make it impossible for the commission to give immediate important rate relief," but he declared that improving conditions would allow downward revisions during the present year.

When such revisions were made, he said, the commission should apply them to the primary basic commodities—agricultural products, coal, metals and timbers—even if passenger rates, class rates and less than carload shipments had to be charged more to protect railroad revenues. This course should be adopted, he argued, because the series of horizontal percentage increases by which the rates were advanced had distorted the existing fabric of commerce in the United States and "was moving as a whole toward its sources of raw materials."

Expend Money Here. Incidentally, rail wages should not be expected to go back to pre-war levels, he said, but should "follow downward step by step the cost of living," and the rate decreases should be so applied as to maintain railroad revenues and restore the confidence of investors in ultimate railroad earning power.

"We talk glibly of giving billions of credits to foreign countries to increase our farm exports," Mr. Hoover said. "I wish to say, with all responsibility for the statement, that a billion dollars spent upon American railways will give more employment to our people, more advance to our industry, more assistance to our farmers, than twice that sum expended outside the frontiers of the United States—and there will be greater security for investors."

There is danger that in the present period of low earnings and little traffic the needs of the railroads in new construction, equipment, betterments and maintenance will be neglected, Mr. Hoover added, with resulting breakdown of transportation when a full load is put upon them by industrial resumption.

This should be averted, even by the extension of government indorsement of railway securities, whose sale would give bonds for expenditure on equipment. The commission's efforts should be devoted, he said, to a policy of "maintaining public control of monopoly and at the same time maintaining private initiative."