

10 MEN REPORTED KILLED W. VA. MINE

DATTON, Ohio, Mar. 2.—R. D. Patterson, president of the Wyandotte Coal and Coke company of Ashland, Meigs county, West Virginia, received word over the long distance telephone that possibly ten men were killed in the accident in the Ashcroft colliery today, which was caused by a dust explosion. W. A. Crockett of Dayton, is superintendent of the mine.

STATE ASKS CONTINUANCE

(Continued from page one.)

investigation, which he said he would do. The prosecutor and sheriff were directed by the court to turn all members of a similar nature that might arise, over to the court.

Attorney-General Backs Liljeqvist
SALER, Ore., Mar. 2.—Attorney General Van Winkle approves the contention of L. J. Liljeqvist, assistant attorney general, who is representing the state in the Ku Klux Klan trial at Medford, in which Liljeqvist is said to declare that attorneys have a right to question prospective jurors as to whether they are affiliated with the Klan.

Judge C. M. Thomas, in holding that the attorneys had no right to ask the question, is said to have cited a ruling to that effect by Judge Evans at Multnomah county in a murder trial.

In appeals, however, that the cases are in no way parallel. In the Portland case the defendant was of Catholic affiliation and he was under a charge of murder, and the ruling of the judge presumably implied that fraternal or club affiliation of the jurors had no relation to the case.

In the Medford case the charge against the defendants involves membership in the Klan, and the question of the attorneys as to whether jurors were members of the Klan would, it appears, tend to prevent persons from voting as members of the jury who might be co-conspirators in the alleged offense.

Attorney General Van Winkle has requested District Attorney Stanley Myers of Portland to look up the record in the Portland case and to confer with Judge Evans. Van Winkle has offered no opinion relative to the Medford case for the reason, he explains, that nothing formally has been placed before him.

Jury Is Comported

The personnel of the jury impaneled to hear the case, but not sworn in, is:

Mrs. Minnie Stead, Rock Point, housewife; New Lewis, Jacksonville, farmer; Al Pinkney, Gold Hill, orchardist; Mrs. Mattie A. Coleman, Medford, housewife; George Boers, Rogue River, farmer; Glen Halsey, Gold Hill, laborer; Mrs. Josephine

Wallace, Lottawilla, Ashland; E. H. Moore, farmer, Gold Hill; Ed Dornick, farmer, Rogue River; Gene Foster, miner, Rogue River; J. M. Edgington, farmer, Gold Hill; and John Smith, foreman, Eagle Point, with their families of Portland, a teacher, and Mrs. Minnie Gray, Gold Hill, housewife, as alternates.

The last witness selected Thursday afternoon was John Morris, an orchardist, a cousin of J. Alexander Morris, indicted with his son-in-law, Thomas E. Goodie, both of Jacksonville, for part in the Henry Johnson case, the third of the kidnapping cases, to be heard at this term of court.

Afternoon Session Dramatic
There were two outstanding features of the second day on the Jackson county night riding cases, but coming at the close of a slow and monotonous court session. First the sudden illness of Halsey and second, the selection of John Morris as a juror.

John Morris, an orchardist, foreman, and cousin of J. Alexander Morris, indicted with his son-in-law, Thomas E. Goodie, on a charge of riot, in the Henry Johnson case, of April 6, 1933, was drawn as a juror in the case of Joseph P. Bray, and J. F. Bennett, and Howard Hill and 14 John Doe's, and all efforts of the state to have him removed, were overruled and met with objections from the defense. Morris declared that he had no opinion on the case, and that his relationship with his cousin would have no influence on his verdict. Assistant Attorney General Liljeqvist interrupted Morris for an hour, and a heated exchange of words arose between Liljeqvist and Counsel Winkler of the defense that was quickly terminated by the court.

In the midst of his questioning of Morris, the assistant attorney general said:

"This is the first time I've ever been up against anything like this. The chairman replied, 'Two of us.' Morris was thus made a member of the jury because the state had exhausted its preemptory challenges, and answering the state questions as he did there was nothing to do but accept him.

The afternoon session was delayed by Howard A. Hill, one of the defendants, being unavoidably detained.

John F. Edgington was the tallman, called to the jury box to fill the place of C. S. Newhall, who was excused on account of 14 years of friendship with Defendant Hill. Newhall was questioned at considerable length by the state and it was brought out that Newhall feared his friendship with Hill might cause him to give his testimony the most credence all things being equal.

Edgington said he declined to serve, but could "do his duty" without prejudice. The tallman said he knew E. E. Kelly and nothing in that acquaintance would influence him, and the same applied to A. E. Reames, Gus Newberry and S. B. Sandifer. The venireman told the state counsel he had "a fixed opinion." Edgington was asked if he belonged to any organization with defendants. And he replied "not as far as I know." Edgington was asked if he had been interviewed since called as a juror, and said "he had an idea the thing charged had been done."

The query "Do you belong to any organization that keeps its membership secret," brought a protest from the defense that was overruled.

State Senator George W. Dunn of Ashland, called after Mrs. Mary E. Linder had been challenged by the defense, through Attorney Boers, was excused because he had "a fixed opinion" that the acts charged had been committed. Further questions at the suggestion of the state brought out that he could disavow his views. The venireman was passed by the defense for cause.

The state questions drew from the legislator the information that he was in favor of law and order. The defense then excused Mr. Dunn.

Mrs. Josephine Wallace, a housewife of Ashland was then called. Mrs. Wallace knew none of the grand jury witnesses and had "no opinion," and had taken little interest in the cases and events leading up to them.

The defense then excused Claude Burk and Edward T. Johnson was drawn and excused because of "fixed opinion." Fred A. Pahl of Jacksonville was drawn and had no fixed opinion. The defense challenged Pahl, on account of his frankness in stating what weight he would give the testimony of a prospective witness, and was unopposed by the state.

A. E. McKay was excused when called on account of having a fixed opinion. Mrs. Minnie Stead, living near Medford was then called, and passed by both sides with few questions.

The state in the exercise of its second preemptory challenge excused Mrs. Loretta M. Lindley of Jacksonville.

Henry C. Sheets of Talent, farmer, had read all Medford newspapers, and formed a "fixed opinion." Sheets was excused.

Benton Poole, a farmer of the Appleton, was then drawn, and had no fixed opinion. The tallman said he had known Dr. Pinkel, Gus Newberry and Evan Reames for 25 years. W. J. Warner, W. H. Grew and C. E. Gates by sight, and a life long acquaintance. Venireman said he had never heard of the activities of the "American Independent Voters League," and had never heard out of their speeches.

The state parried this question with the inquiry, "Have you ever heard of an organization known as the Ku Klux Klan?" The defense objection was upheld. Tallman was questioned at short length by state counsel. Poole was then challenged by the defense.

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