

The Weather

Prediction Rain
Maximum yesterday 43
Minimum today 32
Precip. .09 Snow 1/2 inch

MEDFORD MAIL TRIBUNE

MEDFORD, OREGON, MONDAY, MARCH 5, 1923

NO. 293

Weather Year Ago

Maximum 50
Minimum 33
Precipitation .05

JURY TOLD
HOW HALE
WAS TAKEN

Miss Roberta Pierce Is First Witness for State in Night Riders' Trial—Hale Taken From Medford to Jacksonville in Court Ambulance—Outline of Cases.

Attended by a physician, J. E. Hiale, alleged victim of the local night riders, and principal witness for the state against them was taken to Jacksonville this afternoon in an ambulance, where it is expected he will tell his story to the jury later in the day. Hale was reported to have had a bad night last night, but when informed that counsel for the state and defense could not come to an agreement regarding holding a jury session in the basement of the Medford Hotel, Hale insisted upon taking the trip disregarding the warning by his physician that the strain might result fatally to himself.

The first witness in the night riding trial of which Dr. J. E. Hiale, J. F. Hittson and Howard Hill are defendants, was called to the stand at 11:30 a. m. and was Miss Roberta Pierce, 24 years old, a former county clerk employee, who testified that March 17th last, she had gone to the Hale residence, to get some phonograph needles, and that while she was there, masked men knocked, told Hale a phone call awaited him, and that they all left in an auto. She said she waited an hour before looking for him, and that he returned about one o'clock in the morning "be-draggled." Hale's son, Jay, was in the house at the time, and their perturbations were described by the comely girl, who answered all questions freely and clearly. She was still under cross examination by the defense when court recessed at noon.

To Call J. F. Hale.
There were two outstanding features in the resumption of the Jacksonville night riding cases in this morning: the decision of the state of Oregon to call J. F. Hale, its chief witness, stricken last Thursday with hemorrhage of the stomach "if the doctors permitted, even though it killed him," and the opening statements to the jury of counsel for both sides.

A report was made to the court from the medical commission and the attending physician of Hale this morning which stated that Hale would be able to testify at the hotel where he is confined, but not in the courtroom. The report stated that Hale was suffering from lack of food and sleep, worry and physical debility caused by his illness. Dr. Pickett told the court that there was danger of a nervous collapse, if the patient was brought into the atmosphere of the courtroom, and said this condition would be missing in the hotel.

In deciding to bring Hale to the courtroom, the state said it expected Hale to be questioned as any other normal witness, within the realms of the law. The defense contended that they were placed at a disadvantage, and in a position of "jumping on a man when he is down." They requested that he was not in full possession of his health and vigor.

The court suggested that the testimony of Hale be taken in the basement banquet room of the Medford hotel, and the defense counsel went into a conference on this point. They returned and Attorney Winslow then requested more clarity on Hale's condition from the physicians, to keep the record clear, and determine whether the illness "was not due to fear of facing the jury."

Hale will probably appear as witness this afternoon and accommodations have been arranged for him in an ante room, where he will be under a doctor's care until called to the stand and may tell his story from a box.

Texas Senator-Elect
Says Peddy Charges
Absolutely False

WASHINGTON, Mar. 5.—Senator-elect Earle B. Mayfield of Texas today gave out a statement here declaring "infamous and absolutely false" the election contest charges filed recently with the senate by George E. B. Peddy, the republican independent-democrat candidate for senator defeated by Mayfield last September.

Peddy had charged that Senator-elect Mayfield belonged to the Ku Klux Klan and had entered a conspiracy with its members by which his election was fraudulent.

The statement today by Mr. Mayfield declared Mr. Peddy's election contest a "continuation of a campaign of misrepresentation and abuse."

WASHINGTON, Mar. 5.—A dollar a gallon for gasoline is the prospect held out for the consumer in the report of the LaFollette oil investigating committee to the senate unless means are taken to break what the report declares to be a complete domination and control of the oil industry by the Standard companies.

"If a few great oil companies are permitted to manipulate prices," during the next few years, as they have been doing since 1920, the report presented yesterday, said the people of the country must be prepared "before long" to pay "at least" that price.

The result of a three month's investigation into conditions, the report declared, the Standard companies, in violation of the 1911 dissolution decree of the supreme court exercise their alleged control in such a manner as to fix the "price which the producer of crude oil receives at the well, the price which the refiner receives for his kerosene and gasoline, as well as the retail price to the consumer."

Assuring that the more "subtle" methods of such control placed the industry and the public even "more completely at the mercy of the Standard oil interests" than before the supreme court decree dissolving the Standard Oil company of New Jersey and its subsidiaries, the report declared that "with slight exceptions," there was still a total avoidance of competition among the Standard companies.

"Two of the leading Standard companies—New Jersey and New York—divide the world between themselves in marketing operations," the report said.

Among eight measures recommended by the committee to curb the evils found were establishment of a uniform accounting system for oil companies to show costs and profits; compulsory monthly reporting to a government agency to show particularly quantities of crude oil and its products in storage and transportation; divestment of the ownership of pipe lines from companies transporting the oil; and prohibition or regulation of the exportation of petroleum.

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Governor Pierce Hears
Walters Case Tuesday

SALEM, Ore., Mar. 5.—Governor W. M. Pierce announced today that he would hear pleas tomorrow for the life of Husted Walters, who is condemned to die on the scaffold next Friday. Unless the executive grants a commutation, Walters faces death for the murder of Patrolman Jerome Palmer of the Portland police force in November, 1920.

—This Is Farmers' Week—

(Continued on page eight)

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J.G. McNARY
REFUSES JOB
FROM PRES'T

New Mexico Banker Declines Recess Appointment, U. S. Comptroller After Senate Refuses to Confirm Same—Harding's Leave for Vacation—Capital Deserted.

WASHINGTON, Mar. 5.—James G. McNary of New Mexico, whose nomination to be comptroller of the currency failed of confirmation by the senate was offered a recess appointment to the place today by President Harding but replied that he could not accept.

Afterward it was announced that D. C. Crissinger, the present comptroller would continue in that office for the present, despite the fact that he had been nominated and confirmed as governor of the federal reserve board.

It was made known also that Mr. Harding had decided not to withhold longer the commission of Milo D. Campbell of Michigan as the "dirt" farmer member of the reserve board. Although confirmed several weeks ago, the president had refrained from signing his commission, pending a senate decision on the McNary nomination.

WASHINGTON, Mar. 5.—President and Mrs. Harding, accompanied by a party of friends, left Washington today on a special train for Florida, where they will take a vacation houseboat trip of more than a month.

The presidential special pulled out a few minutes after noon for an uninterrupted run to Ormond, Fla., where the party is to board the houseboat. It was Mrs. Harding's first appearance outside the White House grounds since her serious illness of last summer, but she appeared almost her old self and stood on the observation platform waving farewells until the train was out of sight.

WASHINGTON, Mar. 5.—An attempt by legal process to prevent Attorney General Daugherty, Chairman Lasker of the shipping board and John Barton Payne, a former board chairman, from leaving Washington for a vacation trip with President Harding in Florida, was begun and then abandoned today shortly before the hour set for the departure of the president's special train.

At the request of attorneys for Charles W. Morse, the New York ship builder whose trial here on charges of fraud in connection with war contracts had been set for next Wednesday, the United States marshal's office issued subpoenas requiring the three men to appear in court on Wednesday as defense witnesses.

While a deputy marshal was trying to serve the subpoenas, however, District Attorney Gordon conferred with the Morse counsel and it was agreed that the attempt would be abandoned.

Both the attorney general and Mr. Lasker, it was said, were to be asked under the plan of the Morse attorneys, to bring into court certain records of their offices in connection with the war time ship contracts.

WASHINGTON, Mar. 5.—A record for congressional service was established by Theodore F. Shuey, Civil war veteran and dean of the senate shorthand reporters, with the adjournment yesterday of congress. It was the 27th congress whose adjournment was witnessed by Mr. Shuey who is 78 years old and began work at the senate in 1868. Senator Harrison, democrat, Mississippi, in the closing hours of the session, paid a tribute to the "pothook" expert, who still daily reports the senate's proceedings.

Hardings Leave
WASHINGTON, Mar. 5.—President Harding looked forward to his first vacation in nearly a year today on leaving Washington with Mrs. Harding and a party of friends, to spend a month in Florida. Although no itinerary had been made public, much of the vacation will be spent, it was understood, in a leisurely houseboat cruise down the Halifax and Indian rivers, with occasional stops at Florida coast resorts, where the party will go ashore for golf.

For Mrs. Harding the trip means more than a change of scene and climate, for her departure from the White House today to board the special train marks the first time she has gone outside the executive grounds since she became ill last September. Mrs. Harding was looking forward to the benefit expected from the trip.

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"A GIRL IN TEN THOUSAND"
LATEST BEAUTY CONTEST

Miss Alyce McCormick, of Omaha, Neb., who has just arrived in New York. Miss McCormick was picked from a field of ten thousand competitors as the most beautiful girl in her section of the country.

RECEIVE 4 BIDS
FOR OIL LAND IN
SALT CREEK FIELD

CHEYENNE, Wyo., March 5.—The Wyoming state land board, at a public meeting this morning, received bids for a five year operating lease on section 36-47-79, Salt Creek field, this lease to become effective at the expiration October 1, 1924 of the lease on the section now held by the Mid-West Oil company. Four bids were submitted as follows:

Texas Producers company, royalty of 50 per cent of value of oil produced; oil to be refined in Wyoming.

John W. Hay of Rock Springs; royalty of 65 per cent on gross value of oil and 40 per cent on gross value of gas produced, on basis of posted mid-continent price; oil to be refined in Wyoming.

Derrick Oil company of Douglas, Wyo., royalty of 51 1/2 per cent on oil produced, state board to establish an equitable price on which royalty is to be calculated; oil to be refined in Wyoming.

Mid-West Oil company, several alternative proposals as follows: 1.—Such a royalty as may be agreed upon by the land board and the Mid-West after negotiations; 2.—Royalty of 12 1/2 per cent and bonus of \$5,000,000; 3.—Royalty of \$1.25 a barrel, plus 65 per cent on any amount received in excess of the posted price; 4.—Royalty of 65 per cent.

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Daily Report on
the Crime Wave

SEATTLE, Mar. 5.—An unidentified burglar attempting to rob the office of the City Dye works here was shot and killed early today by Charles S. Gilbert, night watchman.

Gilbert told police he was aroused by the sound of breaking windowglass and while investigating found a man prowling in the dark. He said he ordered him to hold up his hands and surrender and fired when the man refused to obey. A key ring in the slain man's pocket bore the name John Atkins.

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The Noted Dead

DAVENPORT, Iowa, March 5.—Captain S. L. Hanks, of Princeton, Iowa, first cousin of Abraham Lincoln and for the greater part of his life a Mississippi river pilot running between Stillwater, Minn., and St. Louis, died today at the home of his son, S. L. Hanks, here. He was 92 years old.

Captain Hanks was born in Kentucky near the birthplace of Abraham Lincoln, his father being a brother of Nancy Hanks, the mother of the first martyred president. As a boy Captain Hanks romped and played with his cousin and their friendship continued until the death of the president.

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Life Saved By Sleeping
With His Window Open

CHICAGO, March 5.—William Powers, state representative today owed his life to a habit of sleeping with his room window open, thus escaping death from deadly vapor that yesterday snuffed out the lives of six persons, three generations of one family, in the apartment where he resides. The entire family of six were killed by fumes of a gas used as a disinfectant in a cafe under their apartment.

HUMAN FLY
FALLS FROM
HOTEL, DIES

Howard Young, Known As the Human Fly, Falls Eight Stories From a Broadway Hotel—Dies En Route to Hospital—Movie Cameras Catch Fatal Drop.

NEW YORK, Mar. 5.—Howard Young, known as the "human fly," fell eight stories today while climbing the front of the Hotel Martinique in Broadway and died while being taken to a hospital.

Young was one of the organizers of the "safety last" society founded here last week. Membership included persons engaged in hazardous callings who are not accepted by insurance companies as good risks.

Mrs. Young was in the great crowd and saw her husband fall. She swooned and was taken to a hospital. Dozens of movie camera men caught the fatal fall and ground out yards of film showing the crowd, estimated at 20,000, gathering around the body.

Young had toured the entire country and given hundreds of exhibitions by crawling up the sides of hotels and sky scrapers. No explanation of the accident has been given out. Young was nearing the top when he suddenly dropped and a cry of horror went up from the huge crowd below.

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NEW SWORN IN AS
POSTMASTER GEN'L.

WASHINGTON, March 5.—Harry S. New, who completed a six year term as United States senator from Indiana yesterday, took the oath of office today as the 49th postmaster general of the United States. He succeeded Hubert Work of Colorado, who was promoted by President Harding to be secretary of the interior in place of Albert B. Fall of New Mexico, resigned.

Dr. Work witnessed the swearing in of the new postmaster general then went immediately to the department of the interior where he was sworn in as the head of that department. He is the 28th secretary of the interior.

At the war department, Dwight F. Davis of St. Louis was formally inducted into office as assistant secretary a short time before Secretary Weeks left for a vacation of two or three weeks at St. Augustine, Fla.

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PINCHOT'S NEPHEW
WINS IN ENGLAND

LONDON, March 5.—(By the Associated Press)—Sir Arthur Griffiths-Boscawen, minister of health in the Bonar Law cabinet has been defeated in the bye election for the Mitcham division of Surrey by J. Chuter Ede, the labor candidate.

Colonel G. F. Stanley, under secretary for home affairs, who was defeated in the bye election for the east division of Wiltshire, tendered his resignation today.

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Uplift Organizations
Join Together for
War On Wickedness

NEW YORK, Mar. 5.—Three of the country's oldest and most substantial reform organizations have pooled their financial resources and mapped a plan of campaign against prohibition repeal, race track gambling, prize fights, salacious literature, Sunday theatrical performances and traffic in narcotics, the New York World declared today.

The new organization, according to the World is to be known as the International Reform bureau of the World Temperance Foundation. The affiliated bodies are said to be the International Reform Bureau, the World Prohibition Foundation and the National Temperance society.

Defense Suddenly
Halts in Emrick
Ballot Box Trial

PORTLAND, Ore., Mar. 5.—The defense suddenly rested today in the Emrick case. The action came so unexpectedly that a recess had to be granted while the state scurried about in search of some rebuttal witness.

W. H. Emrick, chairman of the night counting board in precinct 201 at the May primaries is on trial charged with willful neglect of duty. Tally sheets failed to check with the ballots cast when the latter were recounted at the Hall-Olcott re-check.

REID RELATIVES
START FIGHT ON
DRUG CURE IDEA

KENOSHA, Wis., Mar. 5.—Launching for the mother, aunts and other relatives of Wallace Reid, a campaign against the plan of erecting a narcotic sanitarium to be named after the screen actor, who is said to have died fighting the drug habit, John Westbrook, Kenosha, today made public letters received from his relatives in which they denounce the action of Dorothy Davenport Reid, wife of the actor, in lending her support to the venture.

The letters to the Kenoshans are from Miss Maude Westbrook and Mrs. Virginia Westbrook Hikus, sisters of Mrs. Bertha Westbrook Reid, the mother of the dead actor, and they purport to present the attitude of the Reid family regarding the proposal. The letters also announce that Mrs. Reid, the mother, has written a biography of her son in an effort to emphasize other aspects of his life than the fight against the drug habit which is alleged to have caused his death.

The Kenosha man surged to make public the "real situation" as it is viewed by the mother and the two aunts.

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SPOONFUL WHISKEY
BRINGS \$100 FINE

PITTSBURGH, March 5.—One hundred dollars was the price paid in police court today for a table spoonful of whiskey. Peter Malladie, proprietor of a north side hotel, footed the bill.

When a woman complained that Malladie was selling liquor to her husband, police raided his establishment. They found only a table spoonful of whiskey in a broken bottle.

The evidence was produced in police court. Malladie denied the charge, but Magistrate B. L. Sucoo fined him \$100 with the option of 30 days in jail.

—This Is Farmers' Week—

RAISE FUND TO FIGHT
OREGON SCHOOL BILL

LA PORTE, Ind., March 5.—A special collection will be taken in all the Catholic churches of the Fort Wayne diocese Sunday, March 11, to aid in the fight on a law recently enacted in Oregon which abolishes the Catholic and Lutheran parochial schools of that state, according to an appeal of the Right Rev. Herman J. Aldinger, bishop of the diocese, to be read tomorrow. A fund of \$100,000 is being raised to carry an attempt to have the Oregon law declared unconstitutional by the United States supreme court.

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UNCLE SAM PAYS D. M. LOWE \$634.42
FOR FIRE SET BY U. S. AIRPLANE

WASHINGTON, Mar. 5.—The age of the airplane is already bringing new worries to congress in the form of claim bills for damage done to property by forced landings of army and navy planes. Congress voted money in payment of several such claims just before adjournment.

One of those ordered paid is that of D. M. Lowe of Medford, Ore., a farmer. In this case one of the forest patrol planes selected the Lowe

KLAN CASES
PUT BEFORE
GRAND JURY

District Judge at Bastrop Addresses Grand Jury On Outrages By Masked Bands in Moorehouse Parish—Atty. Gen'l. Coco Takes Personal Charge of Case.

BASTROP, La., Mar. 5.—A grand jury was organized here today to consider evidence in connection with the Moorehouse parish hooded band atrocities alleged acts of the Ku Klux Klan.

Upon empaneling the jury District Judge Fred M. Odom read the following charge:

"I desire to call your special attention to certain violations of the law which have been more or less frequent in Moorehouse parish during the last year or more. I refer especially to the activities of bands of hooded or masked men who have on different occasions kidnapped, beaten and deported citizens of the parish and more especially the incident on the Bastrop and Mer Rouge public road on August 24, 1922, when scores of citizens on their way home from Bastrop were held up, five of them kidnapped and carried several miles away where two of them were beaten and turned loose, one without punishment, the other two not having been seen since. The incidents to which I refer are matters of common knowledge and need no further special mention by me. The details were fully gone into at the public hearing here some time ago and I feel sure that those who represent the state will see that all available facts in connection with each separate case will be presented to you in the course of your deliberations."

BASTROP, La., Mar. 5.—Attorney General A. V. Coco was here today to personally present to the Moorehouse parish grand jury the testimony gathered by the state at the hearing here in January in connection with the series of kidnappings, floggings and other offenses alleged to have been committed by masked bands in this vicinity last summer.

—This Is Farmers' Week—

AIR FLEET FLIGHT
POSTPONED A DAY

MONTGOMERY, Ala., March 5.—Announcement was made here shortly before noon today by officers of the United States army air service squadron, stopping here en route from San Antonio, Texas, to Porto Rico, that the planes will not hop off on the third leg of their flight to Arcadia, Fla., until tomorrow morning because of repairs that cannot be completed before midnight. It was believed at first that the planes would be able to leave this afternoon.

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WISCONSIN SUFFERS
BLIZZARD DAMAGE

LA CROSSE, Wis., March 5.—Damage estimated at several hundred thousand dollars was done in western Wisconsin by yesterday's sleet and snow storm. Streets of LaCrosse were littered with broken trees. Railroad traffic was paralyzed. The southern Minnesota line of the Chicago, Milwaukee and St. Paul railroad was the hardest hit. Many trees and poles were across the tracks. Ten inches of snow fell here.

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place for a temporary landing, but on

coming within 10 feet of the ground the pilot decided he had picked a poor spot, so he "turned 'er loose."

There was a burst of flame from his engine as he soared aloft, which set fire to the grass and developed a lively fire that burned the Lowe farmhouse and outbuildings. The claim was settled for \$634.42 in payment of household goods, farm supplies and implements.