

The Weather
Forecast: Showers tonight and Wednesday. Not much change in temperature.
Highest yesterday 59
Lowest this morning 41

MEDFORD MAIL TRIBUNE

A growing circulation
The circulation of the Mail Tribune is growing rapidly. Hundreds of new readers have been added in the past few months. Paid-up circulation is the kind that pays Ad. dividends.

Twenty-eighth Year

MEDFORD, OREGON, TUESDAY, MAY 16, 1933.

No. 47.

BANKS' HOPES HIT BY REBUTTAL

PLANS FOR CRIME PROVED BANKS IN RESPONSIBLE MIND

Doctor Says Slayer Not Insane Before Or After Deed — Wife Tells Story of Tragedy — Is Confused

EUGENE, Ore., May 16.—(AP)—The defense lawyer today in the trial of Mr. and Mrs. Llewellyn A. Banks at 1:35 o'clock this afternoon, the state began its rebuttal testimony.

Ralph Moody, chief prosecutor, called several witnesses to the stand who brutally mutilated the defense testimony of yesterday. From Ed Walker, state policeman with the game division, came a denial that he had ever threatened Banks' life. Clyde Warren, state trooper who stood outside the Banks home before and after the shooting, denied that anyone had entered the house until the officers came.

George R. Carter, county clerk, testified the ballot that indicted the defendant was not returned until 5:30 o'clock on the afternoon preceding the tragedy, whereas a woman witness had testified Prescott had a warrant for Banks' arrest at 3:30 and had threatened the publisher's life.

Sam Carey, advertising solicitor, testified that Abner Cox was in the News office in the Pacific Record Herald building at the time of the tragedy and received a phone call from Mrs. Banks there. Cox claimed to be an eye witness to the tragedy, while Mrs. Banks had denied phoning anyone except the sheriff's office.

Court officials expect the case to go to the jury by Thursday evening.

EUGENE, Ore., May 16.—(AP)—Llewellyn A. Banks, Medford publisher, was the victim of "transitory mania," otherwise known as compulsive or impulsive mania or mental confusion" at the time he killed George J. Prescott, Medford constable.

This was the testimony of Dr. S. E. Joseph, Portland alienist, who took the stand for the defense Tuesday morning in the Banks trial here. His appearance followed that of Mrs. Edith R. Banks, who told her own brief but graphic story of the killing.

Joseph testified that he has observed Banks and listened to his testimony and that the ex-publisher was "not responsible for his actions" at the time of the shooting.

Joseph said Banks was confused as a result of "very disturbing circumstances, his mind was broken down from fear and worry, and at the time of the shooting, over a period of time ranging from a few moments to several minutes, he was not responsible."

He said before and after the shooting he did not think he was insane. He did not think he was insane before the tragedy. But from the evidence I think this man was a victim of such a degree of mental confusion as to render him irresponsible," Joseph said.

Ralph Moody, chief prosecutor, demanded to know of the expert if a man in Banks' circumstance and mental condition would have planned the shooting in advance, written letters threatening bloodshed, laid out a rifle ready for use and been prepared to commit a murder "during a moment of temporary insanity when he was not responsible." The alienist admitted such a man would not.

Her Story Brief.
Mrs. Banks' story was brief as she told of doing her housework on the morning of the tragedy, and of having written two letters at Mr. Banks' dictation. She said she was in the kitchen when her husband called out that Prescott was at the door and she went to hand him two letters. This she did and the constable tried to force his way in, she said. She was pushing against the door when Banks shot.

Speaking in a subdued tone, Mrs. Edith Banks, who shares with her husband the charge of first degree murder, told her actions the morning of March 16.

Wrote Two Letters.
"I was at home that morning," she said. "Mr. Banks and I had breakfast together. After breakfast I wrote two letters for him on the typewriter. They were an original and a carbon copy. One was addressed to Capt. Lee Brown and the other to Chief of Police McCredie. Mr. Banks dictated them."

"Mrs. La Dieu called on the phone and wanted me to come and get her. We had been talking milk from them. I went out and was gone half or three quarters of an hour. I came home and did my morning work and was in the kitchen all the time."

Present at Door.
"Mr. Banks came to the kitchen and asked me if I would go to the door. He said Mr. Prescott was there. I dried my hands and took off my apron. Mr. Banks said to give him the two letters and to put the chain on the door and not to let him in."

"At the moment I opened the door, Mr. Prescott put his foot in and

Roosevelt Calls on Nations Throw Down Arms

Alleged Eye Witnesses Waver on Main Facts When Cross-Examined

Four Who Claim Seeing Prescott Killed Admit Membership in G. G. Congress Mrs. Murry Rehearsed

EUGENE, May 14.—Eleven witnesses for the defense came to the witness stand Monday, in the trial of L. A. Banks and his wife, Edith Hobbes, on the charges with the murder of Constable George J. Prescott. Two of the number, Vern J. Emerick of Medford, and George E. Oberchain of Central Point, testified that Banks' reputation for truth and veracity in the community was good. Nine told of purported threats, and the witnesses alleged they had heard the slain man make against his slayer.

Four of the number testified they were near the Banks home at the time of the shooting, and heard the fatal shot, and saw a pistol drop from Constable Prescott's right hand, in direct contradiction of the state's evidence.

Four Saw Shooting.
The surprise witnesses were John Wheeler, Spring street, Medford, former employee of Banks, on his orchard, as an irrigation worker; Mrs. Mae Murray and her daughter, Mrs. Effie Lewis, and Abner Cox, a fruit worker. The quietest testified they saw Constable Prescott on the porch of the Banks home, with another man, heard a shot, and then saw a pistol fall from the mortally wounded officer's hand. Mrs. Murray and her daughter testified they heard Constable Prescott utter a vile oath, with his last breath. None of the four ever before publicly posed as eye witnesses of the crime.

All these four witnesses admitted they were members of the "Good Government congress," and that they told their testimony, first to Attorney Thomas J. Bright, a member of the defense, and then to Attorney Emerick.

Other witnesses for the defense, who testified to alleged threats made against Banks by Constable Prescott, from two weeks to a day before the murder, were Mrs. Mae Powell of Talent, admitted member of the Good Government congress; Walter J. Jones, mayor of Rogue River, indicted for ballot theft; Dr. Jouett P. Bray, not a member of the "congress" but who said "I was a personal friend of George"; B. A. Boyce, a farmer of the Toke district, and County Judge Earl H. Fehl.

Waver on Facts.
All the witnesses were subjected to a grueling cross-examination by Assistant Attorney General Moody, and warring contradictions and uncertainties were developed as to time and place and cardinal facts.

Mae Murray testified that with her daughter Effie Lewis, she left her home on Sixth street, to inspect a house on Columbia street, and that route took them by the Banks home on West Main street, between 10 and 11 o'clock on the murder morning.

She saw Constable Prescott, and another man standing

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BAPTISTS OPEN EUGENE SESSION

EUGENE, Ore., May 16.—(AP)—Baptists of Oregon met here today in the 78th annual state meeting of the denomination. The convention was held in the First Baptist church.

The Women's State society, the Oregon Ministers' conference, the Oregon Council of Baptist Men, and the Young Peoples' division, auxiliary organizations of the convention, held separate meetings.

The convention will be concluded tonight. Election of officers was planned for late afternoon.

lunched against it. I got behind the door and tried to push it shut. I kept telling him not to come in and Mr. Banks was yelling at him to keep away from the door. I was pushing with all my might and mind and kept him out. I heard a shot and fell blooded. I guess I must have been stunned because I hardly knew anything for a minute or two. When I came to I looked around and saw Mr. Banks standing in the room."

Didn't Know Husband Near.
On cross-examination, Mrs. Banks denied knowing her husband was standing in the room with a rifle. Frank Lonergan, chief of the defense counsel, has described her as a white-haired mother, whose connection with the crime has been that of an innocent onlooker. He carried out this thought in his attitude in examining her, and all of his questions were given in a half-apologetic tone. Mrs. Banks appeared calm on the stand and eager to testify.

Ralph Moody, chief prosecutor, has described Mrs. Banks as a cold-blooded killer who helped lay the trap for a pistol. While his cross-examination was entirely respectful, he fired many questions at her and several times succeeded in confusing her on the stand.

MEANS, WHITAKER FOUND GUILTY IN LINDBERGH HOAX

WASHINGTON, May 16.—(AP)—Gaston B. Means and Norman T. Whitaker today were found guilty by a jury in the District of Columbia supreme court of conspiring to defraud Mrs. Evelyn Walsh McLean of \$35,000 in a Lindbergh ransom hoax.

The crime is punishable by a maximum of two years' imprisonment and \$10,000 fine. The jury was out two hours and 20 minutes.

WASHINGTON, May 16.—(AP)—Government officials, acting on a private tip, had Mrs. Gaston B. Means, wife of the defendant in the ransom hoax trial, taken into custody today, and searched for money.

Mrs. Means was picked up at the District of Columbia courthouse by two policemen and taken to the women's bureau for search.

They found some two hundred dollars in her purse but none of the money they had been informed she might be carrying.

Meanwhile, a jury was considering whether her husband was guilty of conspiracy to defraud Mrs. Evelyn Walsh McLean of \$35,000 which he told her was to be exchanged for "hot money" given the Lindbergh kidnapers by Col. Lindbergh as ransom for his child.

SAN FRANCISCANS SCURRY FOR OPEN IN MORNING QUAKE

Two Sharp Tremors Felt Over Wide Bay Region at 3:45—Old Timers Say It Was 'Worst in Years'

LOS ANGELES, May 16.—(AP)—A brisk earth shock of about two seconds was felt here at 12:58 p. m. today, but it was not believed to have caused damage.

SAN FRANCISCO, May 16.—(AP)—Two sharp earthquakes awakened residents throughout the San Francisco bay area at 3:45 o'clock this morning.

Street lights went out in Santa Rosa, 50 miles north of here, when the shocks disrupted the electric system. A few clocks were stopped and windows broken in San Francisco, but beyond that no damage was reported.

Although Prof. P. Byerly, University of California seismologist, described the shock as a "minor one," many people fled from their homes. Professor Byerly said he was certain the tremor's epicenter was some

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BASEBALL

National	4	8	0
Pittsburgh	8	10	3
Moore, Hansen, Liska and Davis; Swift and Padden.			
New York	4	6	4
Chicago	1	8	1
Hubbell and Mancuso; Malone, Tinning, Bush and Hartnett.			
Boston	6	11	1
Cincinnati	3	9	0
Betts and Hargrave; Derringer, Benton, Quinn and Manion.			
American			
(11 innings)	3	12	3
St. Louis	2	9	0
Hedley and Ruel, Shea; Brown, Kilne and Ferrell.			

LLOYD GEORGE LAUDS ROOSEVELT EFFORTS

SCARBOROUGH, England, May 16.—(AP)—Former Premier David Lloyd George, addressing the Women's National Liberal Federation today, declared that "the American government when faced with a panic did not stand with chattering teeth in front of the emergency, but dealt with it firmly and boldly."

"The Roosevelt program in America," he continued, "is a great liberal program of reconstruction and practically that which the liberal party put forward in 1929."

FEHL HAS HECTIC TIME AS WITNESS; REVEALS HIDEOUT

EUGENE, May 15.—Earl H. Fehl, county judge of Jackson county, one of the "threat witnesses" for the defense in the L. A. Banks murder trial, under a cross-examination Monday afternoon, testified that on the days between March 16 and Saturday, March 18, last, while officers were seeking him on a warrant charging ballot theft, he was in "the room of Attorney Van Schmalz, in the Hotel Holland."

Twice Fehl, who spent a hectic 45 minutes on the stand, refused to divulge his whereabouts, until ordered to do so by the court, and Attorney Lonergan, who advised him to answer.

Fehl testified that the last time he saw Prescott before Sunday, May 7 here, was the Monday night before the Prescott slaying, and that he did not know of that murder, "until told by my attorney late on the 16th or the morning of the 17th." His memory was faulty on the dates.

Fehl denied he was "hiding," but "keeping out of the way of the officers, who wanted to throw me in jail before I could raise the \$15,000 bond."

On direct examination Fehl testified, that Constable Prescott had visited him in his private office on February 3 last, and said in the course of a conversation about Banks, "If I ever go out after that — I'll bring him in, if I have to bring him in feet first."

Fehl added that Prescott was "very bitter" against Banks, and that Banks had twice voluntarily submitted to arrest.

Under cross-examination, Fehl was a reluctant witness and testified from a position low in his chair, and with his hand on his face.

Attorney Moody quizzed him relentlessly on the purported threat, and the witness was plainly nervous under the fire.

"You testified that Prescott requested you to telephone Banks, that he voluntarily go to Ashland and submit to arrest, yet at the same time, you testify that he uttered a threat against Banks." The witness admitted the discrepancy.

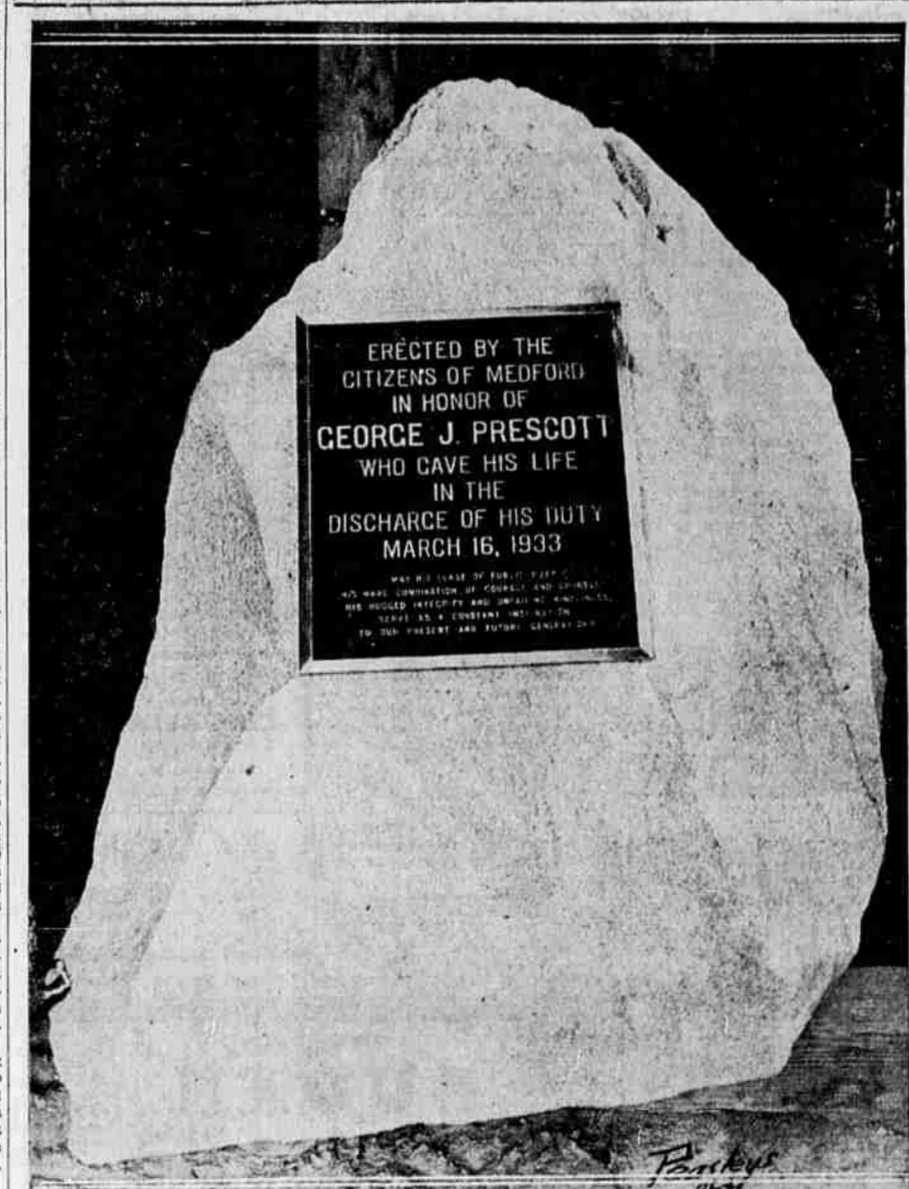
Fehl denied he was a member of the "Good Government Congress," and testified that he had only made one speech before that organization, and that was at the courthouse on the night the ballots were stolen. He admitted he had made "speeches in the country to meetings arranged by Congress members, but talked on county matters."

Fehl testified further under cross-examination "that he was not particularly friendly with Banks, except in a business way." He finally admitted that he had advocated in his weekly paper that the "Good Government Congress" should continue.

The witness declared "the gang took his machinery away while I was up here last week." But under rigid questioning admitted "it was on a legal process out of the circuit court," and that it was a replevin action, instituted by Niedermeyer, Inc.

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City's Tribute to Prescott in Granite and Bronze Memorial



On a massive stone of Ashland granite, enduring as the memories here of the man himself shall be, the plaque has been placed which will mark Medford's memorial to her beloved constable, George J. Prescott. The stone, recently brought from the Blair quarry, has received its inscription.

The wording will reveal to generation after generation, who may linger in the city park, a few of the admirable characteristics which made George Prescott a man among men, and his death a loss to which Medford and Jackson county will never become reconciled.

UNITE FOR PEACE AND PROSPERITY IS CLARION CALL

Message to 54 Foreign Capitals Creates Diplomatic Sensation—Plain Words Are Aimed at Germany

WASHINGTON, May 16.—(AP)—President Roosevelt asked the world today to give up offensive weapons of war and unite for peace and economic recovery.

In a message immediately interpreted in Capitol Hill as constituting particularly plain speaking to Germany, the President admonished all foreign potentates to give up "petty" nationalisms, or the civilized world would know where to place the blame.

Dispatched unheralded to 54 foreign capitals just on the eve of Adolf Hitler's expected pronouncement of German policy, the message was a diplomatic sensation of first magnitude.

It is proposed that no armed troops whatsoever should hereafter cross any frontier save when a neighbor had been offended by breaking her armament agreements.

It backed the MacDonald proposal for a consultative pact for security, which the United States heretofore had shunned and which France much desires, but it also proposed that all nations hold armament within treaty limits, which France has been accused of failing to do.

It mentioned no names, but denounced foreign invasion at a time when the Japanese advance in China is in full swing.

Would Hold Marines.
It laid down the doctrine of non-invasion so broadly as to preclude marine incursions into Latin-America.

It asked specifically for success of the Geneva arms conference and the London economic conference, and proposed a later conference to carry further the work begun there.

A copy of the message was prepared for submission to congress, for its information, and administration congressional leaders at once hailed it as an epochal step of leadership for peace.

SALEM, May 16.—(AP)—National Guard troops in Oregon will train at the annual encampment at Camp Clatsop and Fort Stevens as usual this year. It was announced upon receipt of approximately \$200,000 from the federal government to cover costs of field training camps in the state.

Major-General George A. White, commander of the National Guard of the northwest, said he believed all troops would move as usual. Delay in receipt of federal funds and unofficial reports from Washington that camps might be suspended this year had caused some uncertainty as to the training program for the year.

Oregon towns sending units are Portland, Baker, Union, LaGrande, Medford, Ashland, Marshfield, Klamath Falls, Gresham, Pendleton, The Dalles, St. Helens, Astoria, Tillamook, Hillsboro, Forest Grove, McMinnville, Corvallis, Salem, Woodburn, Silverton, Albany, Lebanon, Eugene, Springfield, Cottage Grove, Roseburg and Grants Pass.

CANNON INDICTMENT UPHELD BY COURT

WASHINGTON, May 16.—(AP)—Indictment of Bishop James Cannon, Jr., and Miss Ada Burroughs of Richmond, on charges of violating the corrupt practices act in the 1928 presidential campaign was upheld as valid today by the District of Columbia court of appeals; and the defendants' counsel planned to appeal the decision to the supreme court at once.

SELL BIG WOOL POOL AT ADVANCED PRICES

PORTLAND, Ore., May 16.—(AP)—At prices unofficially reported to have ranged from 19 to 27 cents a pound, more than 1,250,000 pounds of wool were disposed of in brisk trading at the Idaho-Oregon Wool Cooperative association pool sale here today.

Lady Mosley Dies

LONDON, May 16.—(AP)—Lady Cynthia Mosley, wife of Sir Oswald Mosley, leader of the British fascist party, died tonight after an operation for appendicitis.

INFORMALITY AT WHITE HOUSE IS SHOCK TO ALIENS

President Calls Reporters and Attaches by First Names — Kin Listen in On Important Conferences

By PAUL MALLON. Copyrighted by McClure Newspaper Syndicate.

WASHINGTON, May 16.—The inner picture of the White House now goes well on a modern Home and Fireside magazine cover.

Nothing like the Roosevelt family informality can be remembered by old presidential attendants. Foreign statesmen at their recent conferences here were stunned by it.

The stiff German will never get over the press conference he witnessed. Mr. Roosevelt sat facing 100 sharp-witted newsmen. They did not spare his feelings in questions they asked, and there was sharp kidding back and forth. They all addressed him as "Mr. President," but he called them by their first names and even nicknames. The President also addressed his secretaries and other government officials with nicknames, "Mac," "Stevie" and such.

"The only Mister in the room was the president. Next to the German was the president's daughter, Mrs. Curtis Dall. She sat on the edge of a table a foot from the president, smoking a cigarette. Next to her was a girl friend guest similarly draped on the table, in to see the show.

Mrs. Dall's cigarette burned down before the conference was over. She stuck a pin in it to keep it from burning her fingers. The German did not volunteer to hold it for her.

That was nothing. He should have been there the day Mrs. Roosevelt brought in the two dogs and broke up the conference.

The Curtis Dall brokerage house is just about as far as the Roosevelt administration as the moon. Nobody in the know here has any

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HIGH COURT UPHOLDS HAWORTH CONVICTION

SALEM, May 16.—(AP)—The supreme court today upheld the conviction of Seth Haworth, sentenced to 10 years in the state penitentiary on a statutory charge involving a young girl. The opinion written by Justice Campbell affirmed the lower court in Crook county presided over by Judge T. E. Duffey.

No decisions pertaining to Jackson county were handed down.

PRESIDENT EMERITUS OF PRINCETON KILLED

WOODBRIDGE, N. J., May 16.—(AP) Dr. John Grier Hibben, president emeritus of Princeton university, was killed late today in a collision of the auto he was driving and a truck. The accident occurred at the Clover Leaf, an intersection of roads on the Lincoln highway.

WILL ROGERS SAYS: SANTA MONICA, Cal., May 15.—I am hereby entering this argument between young Rockefeller and the Mexican artist, for there is two things that a dumb guy knows as much about as a smart one, and that's art and inflation.

I string with Rockefeller. This artist was selling some art and sneaking in some propaganda. Rockefeller had ordered a plain ham sandwich, but the cook put some onions on it. Rockefeller says, "I will pay you for it but I won't eat the onions."

Now the above is said in no disparagement of the Mexican artist, for he is the best in the world, but you should never try to fool a Rockefeller on oils."

Yours,

Will Rogers

(Base material subject to the