WELL KNOWN AND SUBSTANTIAL MEN CONDEMN BANKS

(Continued from Page One)

defense brought out, that he was once an employee of the California Oregon Power company, and his place of business was now adjoining, and Attorney Lonergan made many innuendos along this line.

A. W. Pipes, a former mayor, who testified Banks reputation was "bad" was questioned about the water pipe line to the airport. Every political item, that became a burning issue in Medford the past four years was stressed by the defense, seeking an opening to fan prejudices.

Fruit Angle Aired

H. Van Hoevenberg, Gold Hill orchardist, character witness, was asked about his packing house connections, and growers activities.

M. N. Hogan, a broked, was asked, among many other questions, if he had ever sold Copco stock.

The fact that W. O. Webster, was once an employee of the Associated Oil company, was also seized upon by the defense questioners avidly

Kozer Questioned

Ralph E. Koozer, manager of the Bagley Canning company, testified that he was formerly employed by the State Industrial Accident Insurance commission, as an auditor.

"Are you acquainted with R. E. Thomas, also an auditor for the commission?" asked Attorney Lonergan.

"Only as I meet him, in a business way," replied Koozer.

Thomas, a state's witness, had testified that he called at the Banks home the morning of the day before the murder, and that Banks, in a fury had threatened:

"I'll shoot the heart out of any man who tries to serve a subpoena on me."

Albert Burch, orchardist, mining engineer, and former member of the state board of higher education, testified as a character witness:

Paper Scurrilous

"I took his paper, until it became so scurrilous, I could no longer read it," replied Burch. The witness was subjected to a brisk puzzling, with no headway against the calm dignity and poise of the witness.

Mrs. Rose G. Scheiffelin, and Mrs. Marie D'Albini, testified that Banks reputation was bad. Under cross-examination it developed, that the Greater Medford club, the D. A. R., Dixie club, P.-T. A. and other women's civic organizations, to which they belonged, entertained pronounced prejudices against Banks policies and methods.

Mrs. D'Albini testified that her husband was a certified accountant, and kept books for Snider's Dairy, whereupon Attorney Lonergan questioned the witness about "he milk war started by Mr. Banks."

Hearing of the character witnesses required all of the morning, and until two o'clock of the Wednesday session.

EUGENE May 16—Damaging blows were dealt Wednesday, in the state's rebuttal to the defense plea of self defense, for L. A. Banks, and his wife Edith Robertine Banks, charged with first degree murder, for the slaying of Constable George J. Prescott. Twenty-one state witnesses filed to the witness stand, giving testimony ending to impeach Mrs. Mae Murray, her daughter, Mrs. Effie Lewis, Walter J. Jones, mayor of Rogue River, indicted for ballot theft, and John Wheeler, gardener. All these four testified to threats, they alleged they overheard Prescott make against the accused agitator, former editor and orchardist.

Included in the score of witnesses, for the day were the eleven character witnesses, from Medford, and Jackson county, some of them of state wide repute, who came to the stand, and declared that the reputation of Banks in the community in which he lived for truth and veracity, and as a peaceble and law-abiding citizen was "bad," and that the reputation of the slain officer, as a mild-mannered, peaceble, and quiet man was "good," and generally known.

Newbury, Lonergan Clash

The afternoon session of court was marked by a lively tilt between Attorney Lonergan for the defense, and Attorney Gus Newbury of Medford, while the latter was on the stand. When laughter broke out in the back part of the courtroom, Judge Skipworth declared he "would clear the courtroom, unless order is maintained. This is not a show."

The impeaching testimony, a stunning blow to the defense, briefly showed:

That Mrs. Mae Murray and her daughter, Mrs. Effie Lewis, who testified Monday they were in front of the Banks home, at the time of the shooting, and heard Constable Prescott utter a vile oath, and a threat just before the fatal shot, and drop a pistol as he fell, were four of five blocks away, at that time.

That John Wheeler, a gardener who testified, that he too saw the shooting, told a neighbor, that he was in the courtroom, when the killing occurred, and NOT in front of the Banks home, as he testified;

That neither Constable Prescott, nor Joe Cave, city policeman, who Walter J. Jones, the mayor of Rogue River, testified he heard make threats against Banks, in the city jail office, on Sunday, February 26, were on duty, or in the city jail office, DURING THE TIME, testified they were; moreover that the records of the city jail refute his testimony completely.

Woman Star Witness

Mrs. Marjorie Hibbert, a soft-spoken woman of 25, employed at Huson's "What-Not" in Medford, was the star witness of the afternoon for the state, and was subjected to a long and tedious grilling at the hands of Defense Counsel Lonergan, who tried in vain to confuse her, and break down her evidence."

Mrs. Hibbert testified, that on the morning of March 16, the day Prescott was slain, she arose about nine o'clock, and as a boarder at the home of Mae Murray, went down stairs to breakfast, and there saw Effie Lewis, the married daughter of Mrs. Murray. After a leisurely breakfast, Mrs. Hibbert returned to her room, and had just finished her morning toilette, when she heard the police auto siren. She went out on the upper porch, and saw the police car going west on Sixth street. She qickly put on her hat, rushed down stairs, and went to the Hotel Medford corner, a block away. After a short pause, Mrs. Hibbert, seeing no demonstration, at the courthouse, as she suspected, walked to DeVoe's corner, and noting the rush of cars westward on Main street, proceeded to the Standard Oil station, where for a short time she talked to Jay Gelsy and W. C. Weaver, oil station employees, and acquaintances for five or ten minutes. Later, I. E. Foy, federal tax adjuster, passing by, asked her to walk with him, to the Banks residence, which she did. They remained there until Banks was arrested, placed in an auto, and taken away. With Foy she then started the return journey to her boarding house.

On the return, halfway down the block from where Main and Sixth streets merge, she met Mrs. Murray and her daughter, Effie Lewis, hurrying westward. Mrs. Hibbert estimated the time was between 10:30 and 11 o'clock, and said she could not be more definite.

Attorney Lonergan's cross-examination was minute, and was exacting in detail, as to how she happened to be called as a witness, who she came to Eugene with, if she had been subpoenaed, and other repititious questions of a wide variety.

"Why did you quit boarding at Mrs. Murray's?" asked Attorney Lonergan.

Couldn't Stand G. G. C.

"It was a personal reason," replied Mrs. Hibbert. "Mrs. Murray had taken in a number of Good Government Congress members, and they were running pretty much over the place, and I did not like it, so I moved."

The court ordered the jury to disregard Mrs. Hibbert's testimony that Mrs. Murray's sister, a Mrs. Spooner, had said, when the siren sounded:

"Don't go over to the courthouse, something awful has happened, and we don't want to get mixed up in it."

The witness said she had met Mrs. Murray and Effie Lewis, in the lobby of a local hotel Tuesday evening, and they had spoken to her, and she to them.

Mrs. John Millard, residing at 141 Ivy street testified, that on the morning of March 16, when Banks shot Prescott, she was in the back yard, hanging out a washing, and Mrs. Mae Murray, on her way home from her work as janitress at the Episcopal church, had stopped and talked with her, when the word flew over the city that Banks had finally fulfilled one of his boastful threats in long defiance of constituted authority. Mrs. Murray testified she was an eye witness of the crime.

Defense counsel did not question her at any great length. She is a middle-aged woman, as are most of the women members of the jury, and made a decidedly favorable impression for the prosecution.

Oliver Rogers, a gardener living on the Crater Lake highway, just outside the city limits of Medford, testified, that on Sunday, April 16, in the morning, John Wheeler, a neighbor, had come to his place to buy some cabbage plants. They had a visit, and in the course of it, Banks was discussed.

"Wheeler told me that he was at the courthouse, seeing about getting a seed loan," Rogers testified, "when his wife told him there was a commotion up Main street, towards Banks house, and he better go. Wheeler told me he went up there, and went into the Banks house", and saw George Prescott dead on the front porch.

"So he told you he went into Banks house," queried Attorney Lonergan.

"Yes, he did," replied Rogers.

"And you did not believe him."

"I thought he lied about it, and still think so," replied Rogers.

A group in the back of the courtroom laughed loudly, and Judge Skipworth again threatened to "have the sheriff clear the courtroom, if there are any more demonstrations."

Rogers matched wits with the belligerent defense ace, for half an hour, under a rigorous cross-examination, and was a calm and sure witness throughout.

Attorney Gus Newbury, called to the witness stand as the first impeaching witness, testified that the sale of Banks' paper was made by the sheriff on March 16 last, the day before the murder.

Wheeler had testified that "two or three days after the sale of Banks' paper," he overheard Constable Prescott, tell a "mysterious stranger," that "the only way to silence Banks is to shoot him." The sate will contend that the alleged conversation Wheeler swore he overheard, was after Prescott had succumbed to the hate-sped bullet from the Banks rifle. Wheeler swore he overheard the threat at the Medford National bank corner.

Newbury Grows Warm

Under cross-examination, the liviliest clash of the trial came between Attorney Newbury, and Defense Chief Counsel Lonergan.

Attorney Lonergan tried to make Attorney Newbury admit he bore enmity to Banks.

"I told him a few things over the telephone, when Banks attacked my wife through his column, and Mr. Lonergan, I want to tell you here and now, you would do the same thing, if you had been in my place.'

Voices of both lawyers rose, as the clash grew warmer. Attorney Newbury said Banks once was a client of his, and had complimented him on the way he had conducted one of the first legal actions, Banks encountered on his entry to the Rogue River valley.

Attorney Newbury declared, that Banks' hatred of him started when he had advised a friend not to sign a petition for the recall of Judge Norton.

During the cross-examination of Policeman Joe Cave, the ghost of the Dahack shooting, walked through the courtroom, but any description of the details, were restricted by order of the court.

"You were indicted for the shooting of a man by the name of Dahack?" queried Attorney Lonergan.

"Yes," replied Officer Cave.

Cave Not on Duty

Called as a state impeaching witness Officer Cave testified that on Sunday, February 26, he went off duty at five o'clock in the evening, and Officer Ray Sloneker took his post. Cave said he never worked Sunday evenings.

Officer Sloneker, testified that he was on duty that night, until one o'clock in the morning, and that as far as he knew neither Officer Cave, nor Constable Prescott were there.

Chief of Police McCredie, recalled to the stand testified, that he was around the police station until two o'clock in the morning, and neither Cave nor Constable Prescott were present, except that Prescott, between nine and nine-thirty o'clock came to the door, stepped just inside, and said he was going home for the night.

Walter J. Jones, the mayor of Rogue River, testified, that he was put in jail "much to my surprise," and that when he had gone to an iron wicket beside the "bull-pen" door, to ask for some blankets, hed overheard a conversation between Cave and Prescott, in which threats between Cave and Prescott were passed.

Jones Claim Refuted

Impeaching testimony presented late Tuesday afternoon, tended to show that the indicted Mayor of Rogue River, was in the women's ward of the city jail, not the "bull-pen" of the city jail, when he alleged he heard the threats.

Proof was also offered Tuesday by the state, that Abner Cox, another of the defense "surprise" witnesses, who testified he saw a gun drop from Prescott's hand, as he fell mortally wounded on the Banks porch, was at the Pacific Record-Herald building, on Sixth street, when Prescott was killed, and left for the Banks home in company, with Mayor Jones of Rogue River.

Practically all of the defense witnesses, testified that they had told their stories first to Defense Attorney Enright, and Mrs. Murray and her daughter, Effie Lewis, testified they had "rehearsed" them several times in Eugene.

Despite the fact, that three defense witnesses testified they heard Constable Prescott, utter threats against Banks, when he tried to serve the warrant, Mrs. Banks on cross-examination Tuesday testified, Constable Prescott, "never uttered a word," and was positive on the point.

Former "Guard" Testified

Wesley McKitrick, was the first witness of the morning session. He testified that, for a considerable period before the murder, he was a visitor at the Banks home, "a least once a day, and some times twice. McKitrick was known as "a Banks guard' last winter.

McKitrick, under cross-examination testified that he was cook at the dounty jail, where ne is held on a plea of guilty to ballot theft, and that he had once been sentenced to the Washington State prison at Walla Walla," but never served any time."

Virgil Edington, 25, Gold Hill, called to stand, edified Banks, whom him to find witnesses who would testify they heard Prescott make death threats against him. Upon objections of the defense, the court instructed the jury to desregard the testimony.

Edingon admitted that he was indicted for ballot theft, and was at liberty on $7500 bonds.

KMED Broadcast Schedule

Friday.

8:00—Breakfast News, Mail Tribune.
8:05—Musical Clock.
8:15—A Peerless Parade.
8:30—Shopping Guide.
9:00—Friendship Circle.
9:30—Morning Melody.
9:45—Musical Notes.
10:00—U. S. Weather Forecast.
10:00—Fashion Parade.
10:15—Homemakers' Bureau.
10:30—Morning Comments.
10:45—Quartettes Parade.
11:00—Grants Pass Hour.
11:15—Lumber Jacks.
11:45—Songs and Comedy.
12:00—Mid-day Review.
12:15—Radio Rendezvous.
12:30—News Flashes, Mail Tribune.
12:30—Seed and Garden Talk.
12:45—Monarch Melodies.
1:00—Varieties.
1:30—Vignettes.
2:00—Dance Matinee.
2:30—Hollywood Snapshots.
3:00—Songs for Everyday.
3:30—KMED Program Review.
3:35—Music of Old.
4:00—Across the Seas.
4:30—Masterworks.
5:00—Popular Parade.
5:45—News Digest, Mail Tribune.
6:00—Sports and Fishing Flashes by Al Riche.
6:05—Dinner Dance Music.
6:20—Hi-Ho.
6:35—Reveries.
7:00—Modernistics.
7:30—Eventide.
8:00—U. S. Frost Forecast.

GERMAN NATION RALLIES BEHIND HITLERS PLEDGE

(Continued from Page One.)

the rest of the world extending a friendly hand to Germany.

Baron Konstantin von Neurath, foreign minister, has left for Geneva to participate as Germany's representative upon the reconvening of the disarmament sessions.

PARIS, May 18.—(AP)—Edouard Herriot believes, on the basis of Chancellor Hitler's reichstag speech, that Germany will claim equality on the sea after land equality.

He gave this warning last night at the conclusion of a lecture on his impressions of America, where he recently talked with President Roosevelt.

"After the treaty of Versailles," the former premier said, "she (Germany) will attack the Washington conventions.

"The fate of the American and British fleets and the French army will be one and the same."

French reaction, meanwhile, to the chancellor's speech was represented as being that acts alone can prove the sincerity toward peace of the German people.

GENEVA, Switzerland, May 18.—(AP)—The rapid sequence of events in the last few days has largely placed the destiny of the disarmament conference in the hands of President Roosevelt and Chancellor Hitler, in the view of many conference delegates.

The influence of these two men, it was said today, constitutes a powerful factor in directing the course of the conference, which awaits concrete initiatives on their part.

The Roosevelt message to the world and the Hitler reichstag address generally were regarded as clearing the air and producing a new and more hopeful atmosphere.

Displays Tulips—Mrs. Donna Graffis of Phoenix brought some beautiful tulips to the Chamber of Commerce this morning and they are now on display. Mrs. Graffis grows many flowers at her country home, which local folk have come to anticipate each spring since her generosity always leads her to share many of the blossoms with friends in Medford.

GOOD TIME is assured all who attend the Dinner and Dance May 19 at the K. P. hall. Tickets 40c.

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White King The Famous Soap for Laundry. Large Package **29c**

Starch Argo Corn — the Quality Starch. 2 lb. pkg. **15c**

Clams F. A. B. Fancy Minced. ½ size can. 2 cans **25c**

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Palm Olive Same Size, Same Soap. (Limit 4) Bar **5c**

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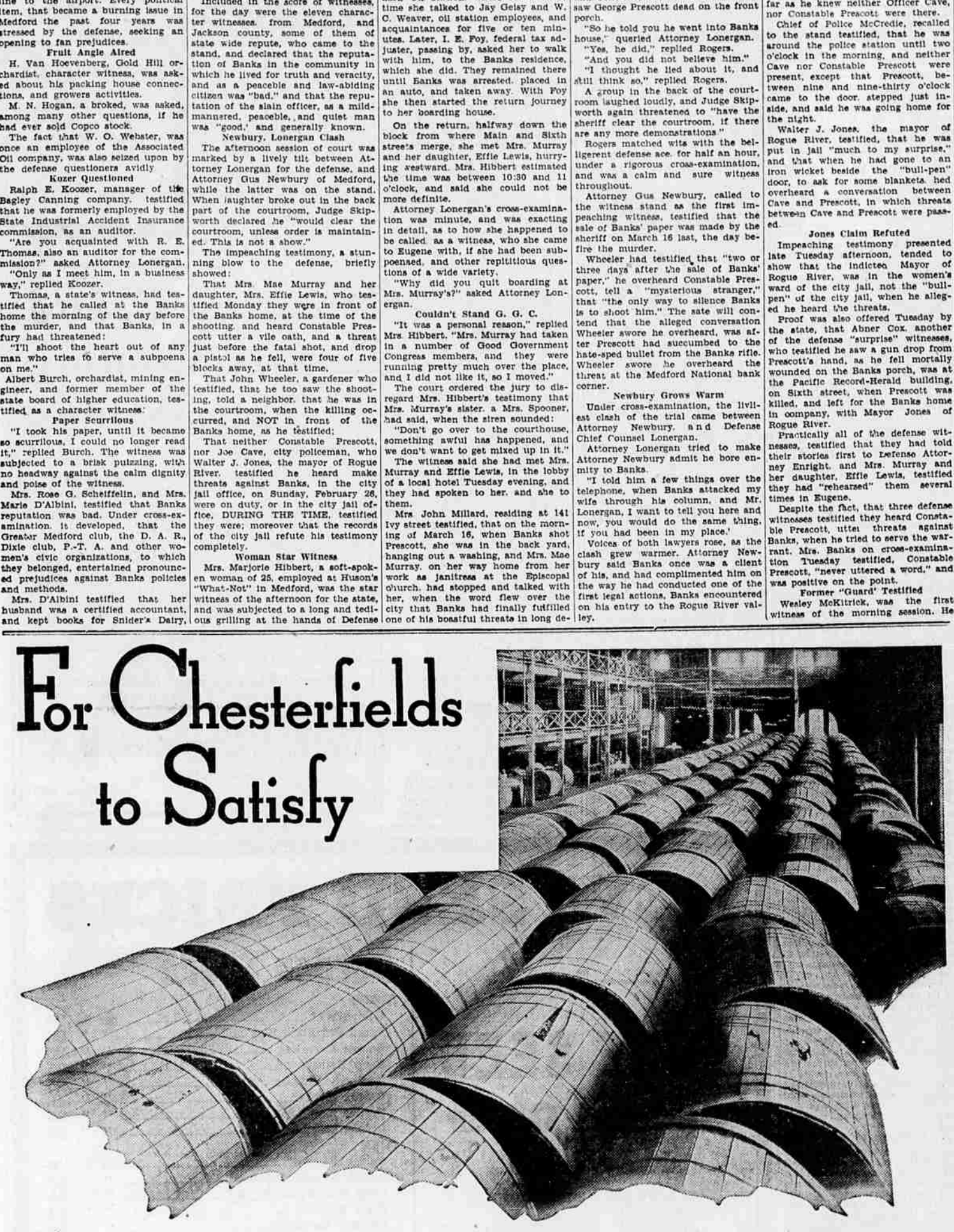

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