

The Weather
 Forecast: Increasing cloudiness to night and Wednesday, becoming unsettled. Normal temperature. Highest yesterday 64. Lowest this morning 37.

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Twenty-eighth Year MEDFORD, OREGON, TUESDAY, FEBRUARY 13, 1934 No. 277.

K.F. ATTORNEYS DUEL—ONE DEAD

Knox Law Legality Upheld by Unanimous Supreme Court Opinion



News Behind The News
 By PAUL MALLON
 (Copyright, 1934, by Paul Mallon) Wrong Man?

WASHINGTON, Feb. 13.—Smart, unprejudiced lawyers believe the senate is picking on the wrong man in the MacCracken case.

They say there is hardly a chance in a hundred that lawyer MacCracken will be convicted, the way things are going now. He has certain wide open legal loopholes and has employed the world's greatest loophole attorney, Frank Hogan, to defend him. Hogan once got Colonel Robert Stewart of Standard Oil out of a much worse senatorial jam through a legal hole no bigger than the eye of a needle.

Insiders in the case believe MacCracken and Hogan have figured out an impressive defense, based on the idea that MacCracken's papers were not his, but his clients' that MacCracken was bound as a lawyer to give the papers back to his clients.

That explains why MacCracken and Hogan have been so willing to take the limelight in the case, demanding that MacCracken be arrested and all that.

Chances.

The senate may have a much better technical case if it proceeds against one of MacCracken's clients who destroyed evidence.

Courts are strict about such matters. Such a client could not claim the immunity of an attorney. Also, it might be difficult for him to prove legal justification. He has no such loopholes as MacCracken.

The senate seems to miss the late Senator Tom Walsh. He handled all contempt cases for the senate during the past twenty years. He favored turning such cases over to the district attorney without so much fuss.

Game.

Politicians all agree privately that the senate is not primarily after MacCracken or his clients. The real "post-master" General Farley is the "post-master" since Brown since March 4. When Farley moved into Brown's office, he found Brown had left the political cupboard bare.

Brown had even arranged so that his own and Mr. Hoover's names were chiseled on the corner stones of postoffices not then built. Farley had the names chiseled off. The papers burned in the furnace were civil service records which the Democrats could have used to throw Republicans out of office for cause. Their destruction prevented Farley from firing possibly 100 Republican postmasters before their terms expired.

Brown also let all the airmail contracts be voided, intending to leave none for Farley. Congress put a stop to that by passing a law preventing Brown from doing anything except extending old air mail lines. Thereupon Brown extended every line he possibly could. Farley set out immediately to cancel those extensions.

That situation is what appears to be at the bottom of the current turmoil.

Politicians.

Brown is a clever politician. He has spent a life time learning to be one. He made no secret of the fact that he favored the large established air lines. He openly asserted it would be better to pay them a little more to carry the mails than to trust the little independents. He handed out the gravy with a big ladle.

The air mail industry sprang up under Republican administrations. It hired Republican attorneys, like Bill Walker Wilberbrandt, Wild Bill Donovan and MacCracken. You will probably not even find an office boy in that whole industry who is a Democrat.

Therefore, the current expose will be entirely at Republican expense. Farley is also a clever politician.

Slip.

There was a slip 'twixt the cup and the lip on this stock market legislation.

Mr. Roosevelt's Dickinson committee had recommended moderation in regulating the exchange. The highest Wall Streeters thought they had been promised privately that the exchange would be lessening them. The exchange accepted the Dickinson ideas. A majority of the senate committee was apparently willing to go along.

Then suddenly a new bill was proposed which had fangs instead of teeth in it. No one is supposed to know where the bill came from. Mr. Roosevelt said he never saw it.

Possibilities.

One of two things may have happened. Mr. Roosevelt may not have liked the reaction to the Dickinson report. He may have decided a stronger bill was necessary, and ordered his maneuver by entrusting the matter to Prosecutor Becker.

The other possibility is that the ultra-reformers writing Becker around and put Mr. Roosevelt on the spot.

(Continued on Page Four)

HORACE MANNING KILLS R. W. HORAN IN OFFICE FIGHT

Prominent Lawyer Declares Former Partner Shot First—Slayer Questioned On Cause of Disagreement

KLAMATH FALLS, Ore., Feb. 13.—(AP)—Klamath county officers today were conducting an extensive investigation into the shooting of Ralph W. Horan, 29, prominent Klamath Falls attorney and state representative. Young Horan was shot to death last night by Horace M. Manning, 55, his former legal partner, in Manning's office on Main street.

Manning, a veteran criminal attorney, was held in the county jail after he had telephoned the sheriff's office to give himself up.

Claims Self Defense.

He said he had shot Horan in self defense.

D. E. Van Vactor, deputy district attorney, said charges would be filed this afternoon following a coroner's inquest.

City police were checking finger prints on the .38 calibre revolver found in Horan's left hand. The authorities were attempting to establish the ownership of the weapon since Claude McColloch, Horan's partner, said his friend never carried one. The revolver was an almost identical match to the one used by Manning.

Although the gun was found in the dead man's left hand, Sheriff Lloyd Lewis said Horan was right handed.

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In Klamath Gun Battle



Klamath Falls was stunned last night by the killing of Ralph W. Horan (left), representative in the state legislature from Klamath county and prominent attorney, by Horace Manning (right), noted criminal lawyer. The men were formerly law partners.

STORES TO CLOSE 6 P. M. SATURDAY IF WOMEN HIRED

A meeting of retail merchants was held in the chamber of commerce yesterday at which time C. H. Gram, state labor commissioner, was the main speaker. Mr. Gram explained in detail the new law, which does not permit women in mercantile establishments to work after 6:00 p. m., and which according to Mr. Gram goes into effect on April 4th. Bakery goods establishments where there is a cafeteria, confectioneries, and restaurants do not come under the law, he stated.

Following Mr. Gram's talk a vote of those present was taken and it was decided that on and after April 4th the hours for mercantile establishments employing women would be from 8:30 a. m. to 6:00 p. m. daily including Saturdays.

It was also decided at the meeting to conduct a city wide day on Saturday, March 3rd and John Moffatt, chairman of the retail merchants committee appointed C. D. Bean, chairman of a committee to arrange for same. It is hoped by Mr. Moffatt that every store in the city will cooperate by offering dollar merchandise. Complete details regarding the sale will be announced when the committee has completed its plans.

MANNING KNOWN BY VISITS HERE

Horace Manning, Klamath Falls attorney, who figured in a sensational killing in the eastern Oregon city last night, is well known in this city. For many years he has been a regular visitor at the southern Oregon term of the federal court. He has made several appearances in the circuit court, his last case here, being as counsel for a former Klamath Falls chief of police, charged with prohibition law violation ten years ago.

Manning's wife, from whom he was estranged, 15 years ago operated a millinery store on West Main street. A daughter Elizabeth, a resident now of New York City, is also known here. Local attorneys today said Manning was a brilliant criminal lawyer.

Slayer Of Singer Given Life Term

REDWOOD CITY, Calif., Feb. 13.—(AP)—Superior Judge Franklin Swartz today sentenced Umberto Ghast, 37, opera impresario, to life imprisonment at San Quentin penitentiary for the murder of Miss Emilia de Prato, 27, south San Francisco singer, December 19. Ghast was convicted by a jury last week.

MURDER CHARGES FOR LEADERS OF PRISON OUTBREAK

WALLA WALLA, Wash., Feb. 13.—(AP)—Warden James M. McCauley moved quickly today with the aim of lodging first degree murder charges against ringleaders in yesterday's bloody prison break attempt, in which eight men were killed, seven of them convicts shot down from the walls.

Several of them had given trouble in the past," he said.

While a rapid investigation was under way, he disclosed that he contemplated lodging murder charges against only the leaders or all survivors of the 30 who attempted to get away.

Meanwhile, slight chances for their recovery were held out for two of the convicts who were moved down under a withering fusillade of bullets from the walls.

Six prison employees, five of them teachers and one guard, were suffering from murderous knife wounds, inflicted by the convicts. One other convict bore bullet wounds.

The dead:

H. L. Briggs, assistant chief turnkey, stabbed to death.

Wall Turcott, 21, serving five to 20 years for attempted robbery.

Paul Krouse, 22, eight to 20 years for robbery.

Gerald Hill, 18, two and a half to 15 years for grand larceny.

H. E. Buxter, Clark, 22, 10 to 20 years for second degree murder.

James R. DeLong, 25, 10 to 25 years for robbery.

Ernest DeBoer, 28, five to six years for robbery.

H. Robert Parks, 29, six months to 10 years for a statutory offense.

The outbreak, which began shortly after lunch yesterday, was being thoroughly investigated today by Warden James M. McCauley and his assistants. The warden has been in office less than a year.

"There was no indication in advance that the break was planned," he said. "We have learned, however, that the men made their knives in the shop where license plates are manufactured. They evidently buried them in the prison yard, digging them up Sunday, which is 'yard day.'"

The planned escape, which ended in mid-afternoon yesterday with bullet-torn bodies lying about the prison yard and with turnkeys suffering from knife wounds inside the cell blocks, began in the office of P. W. Jackson, head turnkey.

FISHERMAN LOST WHEN TROLL BOAT OVERTURNS

NEWPORT, Ore., Feb. 13.—(AP)—One man lost his life late Monday when the trolling boat "Pearl" overturned while going to the aid of the fishing boat "Columbia" which was in trouble off the entrance of the harbor.

A coast guard cutter searched for the man's body until darkness called a halt.

The first sawmill on the Pacific coast was built by the Hudson Bay company in the winter of 1827-28 near Vancouver, Wash.

REPUBLICANS SLAP NEW DEAL DURING LINCOLN BANQUETS

By the Associated Press.

Republican leaders, speaking at Lincoln day banquets in various places last night compared the "new" deal and the "old," and coupled urgings for republican action with criticism of Democratic deeds.

Arthur M. Hyde, secretary of agriculture in President Hoover's cabinet, pictured the new deal as having "gagged" and "regimented" the people of the nation.

Representative James M. Beck, of Pennsylvania recalled the "old" deal and urged opposition to policies which are "destructive of the form of government under which this nation has grown great."

George H. Moses, former senator from New Hampshire, called for new and young candidates with "back to sanity" as their watchword.

Henry P. Fletcher, former ambassador to Italy, said that when the stimulant of government activity is withdrawn business will be worse off than it was before.

SENATE PONDER'S PUNISHMENT FOR EX-AIR MAIL HEAD

MacCracken's Counsel Asks Acquittal On Ground Client Purged of Contempt by Return of Documents

NEW YORK, Feb. 13.—(AP)—Federal Judge John C. Knox today granted an order, applied for by Transcontinental and Western Air, Inc., requiring Postmaster-General James A. Farley and Postmaster John J. Kieley of New York to show cause Friday why they should not be restrained from acting under the Farley order of February 9, cancelling all airmail contracts.

WASHINGTON, Feb. 13.—(AP)—Frank Hogan, counsel for William P. MacCracken, Jr., told the senate today in his final argument in the airmail contempt trial, that the former Coolidge and Hoover official had no knowledge of the removal or destruction of the Northwest Airway files, and had purged himself of contempt by return of the others.

Asking acquittal before a full senate and crowded galleries, he contended that MacCracken had been in contempt of the senate when he permitted the removal of Western Air Express files, but contended he had been completely purged of it when they were returned.

The senate soon thereafter went into executive session to deliberate on all four contempt cases.

Besides MacCracken, the defendants are L. H. Brittain, vice-president of Northwest Airways; Harris M. Hanshue, president of Western Air Express; and Gilbert L. Givvin, Washington representative of the latter company.

WASHINGTON, Feb. 13.—(AP)—The assertion that every army and navy airplane contract is "secretly and collusively" let was made today before the house military committee by James V. Martin, an aviation pioneer. He testified in the investigation of airplane contracts just as another house committee decided to call the Aluminum Company of America to explain testimony that one airplane builder was compelled to pay 10 per cent of his manufacturing cost to the aluminum concern.

WASHINGTON, Feb. 13.—(AP)—The White House said today more than 200 telegrams, representing about an equally divided opinion, had been received after Charles A. Lindbergh's protest against cancellation of airmail contracts had been published there as "primarily for publicity purposes."

Stephen Early, a secretary to President Roosevelt, told reporters about 50 per cent of the messages supported the protest, but Lindbergh while the other half upheld the position of President Roosevelt.

Lindbergh was both criticized and defended on Capitol Hill as a result of his telegram to the president.

Chairman McKellar (D. Tenn.) of the senate postoffice committee told newsmen Lindbergh "never should have written such a protest under the particular circumstances."

"I think he made a mistake," McKellar said. "He was connected with an air concern that gave him \$250,000 in stock, and he was interested in that concern. If he had been wholly disinterested his protest would have been proper."

On the other hand, Senator Vandenberg (R. Mich.) said:

"I decline to reject him as America's premier aviation authority simply because he happened to disagree with an executive order. He is entitled to his day in court, as everybody else."

REED WILL FILE AS CANDIDATE IN CO. JUDGE RACE

H. D. (Johnny) Reed of Gold Hill yesterday said that he would file his declaration of intentions to run for county judge on the Democratic ticket.

Friends of Reed state that the decision to enter the race was made last Friday, when leaders of the Jackson county Democracy assured Reed he would have the united support of the party in the primary. Reed, when first mentioned, balked at the idea.

Reed is at present justice of the peace for the Gold Hill district, and has been a resident of the county for 40 years. He is well known in all parts of the county.

Chief of Police Clarence McCredie this morning formally filed his declaration of intention to run for sheriff on the Republican ticket.

It is the intention of the Democratic party to put a full county ticket in the field for all posts. They are looking for a full-blooded Democrat to run for commissioner, and want him to be from the Medford area, to balance the representation on the county court. C. W. "Wag" Ashpole has been mentioned.

The popular cowman has announced he would never run again for anything.

Commissioner R. E. Nealon has been urged to seek re-election, but the Table Rock farmer so far has answered all queries with: "I'm not saying I'm running for anything."

SIX STATES SEE ROCKETING STAR

DENVER, Colo., Feb. 13.—(AP)—A blazing meteor that streaked out of northern skies and appeared to some observers like a "rocket ship speeding through space," and to others like a blazing airplane, left at least six states talking about the brilliant phenomenon today.

Starting in the northwest, the fireball was seen at Billings, Mont., shortly after 9 p. m., mountain time last night, and afterwards in other Montana and northern Wyoming sites.

Colorado, South Dakota and Nebraska points today reported sighting the flaming body as it traveled in a southeasterly direction and apparently fell somewhere in southern Nebraska.

The polar region of Mars are believed to have ice caps much like the same regions of the earth.

BRITAIN, FRANCE OPEN TRADE WAR

(By the Associated Press)

Lines were drawn between Great Britain and France today for a trade war of serious proportions.

At midnight an extra duty of 20 per cent was claimed on most French imports by Britain. The duty was in retaliation for French piling down of the tariff on British imports to France.

Just before the duties became effective France got in another blow by denouncing Franco-British trade treaties of 1926 and 1932.

Uncle Sam was an "interested observer" in the conflict although commercial officials at Washington said they believed American trade would not be greatly affected, favorably or adversely.

AUSTRIA TAKES DRASTIC ACTION TO CRUSH REDS

Death Toll Estimated Between 500 and 2000—Loyal Forces Shell Socialists On Bank of Danube

VIENNA, Austria, Feb. 13.—(AP)—With anywhere from 500 to 2,000 unofficially estimated dead in the civil war, Austrian government troops tonight made their most spectacular attempt to crush the socialist rebellion.

They crossed the blue Danube in the heart of the city on pontoon bridges while loyal artillerymen shelled the foe encamped on the farther side.

Already the greatest socialist stronghold in Vienna, the Karl Marx apartment building had been wrecked by government howitzer shells.

No one could estimate the exact number of dead.

Police said officially that 123 civilians lay dead in the Vienna general hospital alone. They admitted 11 police had been killed and 38 seriously wounded.

The rage of war painted other sections of the country red. Conditions were reported becoming steadily more serious in the Tyrol. Every available fighting man, including war veterans, was called to arms by Chancellor Dollfuss.

DEPUTY MARSHAL JOB DISCONTINUED

Orders have been received for the discontinuance of the local office of the United States deputy marshal, and there will be no appointment to fill the vacancy.

Cal C. Wells, who has held the post for seven years, leaves tomorrow night for Portland, and is closing the affairs of the office.

John T. Simmerville, former local barber and councilman, named United States marshal, will assume office Friday morning, according to local advice.

There were nine active aspirants for the deputy marshalship in this district.

REGIONAL CODES NEW NRA POLICY

WASHINGTON, Feb. 13.—(AP) The NDA today decided to abandon past policy and encourage the formation of regional codes of agreements in the trades which are clearly outside interstate commerce.

This was understood to mean that there would be less effort to enforce regional codes in federal courts. The blue eagle insignia will continue to be available to firms subscribing to the regional agreements.

The outline of the new policy provided that even in the trades local agreement, a national code might be prepared and approved by NRA as the basis for the local pacts which would make "acceptable" adaptation to local conditions.

FOREST CHIEF TALKS AT ROTARY MEETING

Supervisor Karl L. Janouch of the Rogue River National forest today addressed the Rotary club at its regular weekly luncheon. His talk, pertaining to the work being accomplished in the forest by the CCC crews were used by Supervisor Janouch to illustrate the task.

Green Tomatoes Grown Outdoors Here In Winter

Another sign of southern Oregon's mild winter this year was brought to The Mail Tribune today—two small green tomatoes—which had grown at the home of R. A. Patrick, 543 Effie street.

The tomato vines, set out last summer, have been growing all winter, and now have small tomatoes on them.

M'NARY INDORSED FOR PRESIDENCY BY LINCOLN CLUB

In keeping with a move gaining national momentum, United States Senator Charles L. McNary was endorsed last night as the standard bearer of the Republican party during the next presidential election in 1936. A resolution to that effect was unanimously passed at the twentieth annual Lincoln club banquet held at the Hotel Medford, one of the largest gatherings of southern Oregon Republicans in recent years.

The nation of late has been looking more and more to the west for its leaders, and thus far the western glance of national political vision has been confined to California. Don R. Newbury, retiring president of the club, said in introducing the resolution. His remarks stressed thoughts that Senator McNary is ideal presidential timber, in view of long years of governmental experience, which have won him prestige in congress, equaled by no other Republican today.

Liked by All Parties.

The speaker went on to say that political observers have agreed he is thoroughly liked by his own party, is greatly admired and respected by the opposition and that he is one of the most intelligent members of his party and one of the most open-minded. A master at conciliating different factions of his own party, he has no superior in congress in the delicate art of winning from the opposition support for his measures and ideas and is said to have the best political mind since Henry Cabot Lodge.

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ACTION ON SILVER WITHIN 30 DAYS

WASHINGTON, Feb. 13.—(AP) Rehabilitation of silver was included today by Secretary Morgenthau in the administration's program.

"It is the firm policy of the administration," he said in a letter, "to move forward on a program" for that purpose.

The secretary of the treasury also was quoted by Representative Dies (D. Tex.) as saying "the administration is going to act on silver within 30 days."

The administration, however, has not decided definitely what it will do. For this reason, Morgenthau was excused today from testifying before the house coinage committee on a number of silver bills.

In the 1932 mayoral election Jones broke a long silence on politics to endorse the candidacy of Follis H. La Guardia.

NEGRO GETS REHEARING OF TRIAL FOR MURDER

SALEM, Ore., Feb. 13.—(AP)—The supreme court today granted a rehearing in the first degree murder case against Theodore Jordan of Klamath Falls. The order was handed down orally by the court.

KLAMATH LOSES IN COURT MOVE FOR HOME RULE

Statute Has Attributes Criminal Law Is Finding—Judge Llewelling of Lower Court Is Well Sustained

PORTLAND, Ore., Feb. 13.—(AP)—Portland's four liquor stores will open for business Thursday, the Oregon liquor control board announced today, and the Salem store will open Friday or Saturday. Other stores will be opened as rapidly as the personnel can be trained.

The state stores will be the only legal sources of hard liquor in Oregon, except that dispensed by drug stores on prescriptions.

Properly licensed shops will continue to sell beer and wine as in the past. The Oregon law, the constitutionality of which was upheld by the supreme court today, does not permit dispensing hard liquor by the drink.

The control board was meeting here today to agree on liquor prices which, it was materially indicated, would be materially lower than those published in Portland Monday. Geo. L. Sammis, administrator, said the list as published was only tentative, and that its release was premature.

The commission disclosed it and when a wave of criticism of high prices arose, set to work today to undertake a downward revision.

WILL ROGERS SAYS

SANTA MONICA, Cal., Feb. 12.—What's all the hundreds of aeroplane pilots and the thousands of people who make an honest living in the aeroplane business going to do? It's like finding a crooked railroad president, then stopping all the trains.

You are going to lose some fine boys. These army fliers are marvelously trained in their line, but not in night cross-country flying, in rain and snow. I trust an air line for I know that that pilot has flown that course hundreds of times. He knows it in the dark.

Neither could the mail pilots do the army fliers' stunts and his close formation flying.

I do wish they would prosecute the crook, but not make a great growing industry (where 99 per cent. are hard-working and honest) suffer.

I hope they don't stop every industry where they find crookedness at the top.

Will Rogers

JEROME, FOE OF TAMMANY, DIES

NEW YORK, Feb. 13.—(AP)—William Travers Jerome, 75, arch foe of Tammany Hall and a former district attorney, died of pneumonia today.

Jerome, who has been noted for his attacks on gambling and vice while district attorney from 1902 to 1910, had prosecuted Harry K. Thaw for the shooting of Stanford White, the architect.

In the 1932 mayoral election Jones broke a long silence on politics to endorse the candidacy of Follis H. La Guardia.

PARK CONSERVATION FUNDS ARE ALLOTTED

WASHINGTON, Feb. 13.—(AP)—The Public Works administration today allotted \$2,235,000 for purchase of land for emergency conservation work in national park and national monument areas.