

# EXECUTION BY GAS TO BE CONTESTED BEFORE FIRST USE

### Attorneys for L. H. McCarthy to Claim New Law Unconstitutional and Inhuman—Say Judge Erred

PORTLAND, Ore., Nov. 3.—(AP)—Oregon's new lethal gas execution law—yet unused—will be contested as unconstitutional and inhuman by attorneys for Leroy Hershel McCarthy, 27, first person condemned to die in the gas chamber.

In a motion for a new trial, Attorneys Alan Brown and John J. Beckman alleged Circuit Judge John P. Winter erred in pronouncing judgment of death by gas.

"We contend that the statute is void for being indefinite and for not establishing definitely how the gas is to be administered," Brown said.

Due to Die Jan. 7.

"We might also attempt to show death by gas is cruel and inhuman and in that way is unconstitutional," McCarthy, scheduled to die January 7, 1938, was convicted of the first degree murder of Floyd Fuesler, 30, service station attendant, in a hold-up on August 10. Fuesler chased and tackled McCarthy, who shot him.

Oregon's lethal gas law passed the state senate March 1. However, construction of the \$1400 death chamber at the Salem penitentiary has not started.

It is now nearly six years since Oregon's last execution. The gallows, heretofore used in all executions, were cheated of two men during the period when their sentences were commuted.

In the 34 years since responsibility for executions passed from the county sheriffs to the state, 60 persons have been condemned to death. Forty were executed, 16 won commutations to life imprisonment, two committed suicide and two won life sentences through new trials.

Death Once Abolished.

The death penalty was abolished in 1914 by a narrow margin of 157 votes and was restored in 1920 after a series of murders. Colorado, Arizona, Wyoming and Nevada were the others.

No specific method of administering the deadly fumes has been adopted for Oregon. One in use elsewhere embodies a mechanism to drop cyanide pellets into sulphuric acid placed beneath the death chair.

State Senator Robert M. Duncan, Burns, termed the bill the "most humane method" of executing sentences on prisoners in explaining the bill to colleagues.

### PANHANDLER WEALTHY POLICE SEARCH SHOWS

NORTH PLAINFIELD, N. J., Nov. 3.—(AP)—Sated with a feast his tale of woe won from a soft-hearted citizen, a 66-year-old wanderer dressed in rags sat in a police station today worrying about his tobacco pouch with \$100 in coins and bills and bank books showing balances totaling \$25,193.

Although the man said he was Sam Miller, Sergeant Ralph Farmer declared the bank books were in the name of William F. Beck, whose last "permanent" home appeared to have been in Wilkes-Barre, Pa., about 25 years ago.

### DOUGLAS VALUATION HALF MILLION MORE

ROSEBURG, Ore., Nov. 3.—(AP)—Douglas county's assessed valuation for 1937 shows an increase of more than a half million dollars, County Assessor Barton Hillwell reported today, following receipt of assessment figures on public utilities.

The report from Salem shows utilities to have advanced \$109,718.23 to a new total of \$6,296,153.23, as compared with \$6,057,435 on the last tax roll. The increase was principally in railroad rolling stock.

### AMBASSADOR DAVIS TO BROADCAST AT 6:15

NEW YORK, Nov. 3.—(AP)—Norman Davis, U. S. ambassador at large and head of the American delegation to the nine-power conference at Brussels, has been scheduled for a broadcast from that city via WABC-CBS at 6:15 p. m. (EST) today.

### Change Cannery Name.

MILTON, Nov. 3.—(AP)—Announcement was made here today of the changing of the name of the P. J. Burk Canning company to Rogers Canning company. L. L. Rogers is president of the firm and E. F. Arnold is manager. The change came as a result of P. J. Burk severing connections with the organization last spring.

### Weather.

Northern California: Fair tonight and Thursday; moderate temperature; gentle westerly wind off coast. Oregon: Fair tonight and Thursday; local morning fogs west portion; frost or freezing temperature east portion tonight; gentle variable wind off coast.

### WAKE UP YOUR LIVER BILE—

Without Calomel—And You'll Jump Out of Bed in the Morning Karis' is Go



BEING A GOOD SKATE, blonde Sonja Henie proved herself a lifesaver as well when photographers started a search for beauty aboard the liner Normandie. Pretty and pert in a black suit and hat, she returned from a vacation in Norway, announcing she hadn't been on skates all summer.

### 'BOSSSES' FETED BY 20-30 CLUB

"Bosses' Night" was observed by the 20-30 club at its weekly dinner meeting in the Hotel Jackson last night when members brought their employers or business superiors.

For the benefit of the visitors Howard Hamilton gave a talk on the history, aims and accomplishments of the club. Jack Denison entertained with a group of songs, Ken Raymond being his accompanist.

"Bosses' presents were Mayor C. C. Furnas, Capt. William H. Driscoll, Harold L. Brown, Dr. H. P. Mortensen, Capt. Herman J. Molring, Linn Miller, G. Coyle Briggs, John Moffatt, George Carr and Ira Moss.

Other guests were Jack Hartley, Fred Schmidt and Bill Cunningham, member of the Roseburg 20-30 club. Herb Brown, president, was in charge of the meeting.

Use Mail Tribune want ads.

### CHINESE WAR SEEN BY MEDFORD BOY

Fire fighting between the Chinese and Japanese has been witnessed by Charles H. Ward, son of Mrs. J. D. Bowditch of 1260 Sunset avenue. Charles is serving on the United States destroyer Barker in Asiatic waters.

The Barker returned some time ago to Shanghai from a trip to Vladivostok, Russia. Shanghai was in flames, Charles said in a letter received today by his mother, and much of the city was shattered by bombs and heavy gunfire.

Charles wrote that he saw many bodies floating down the Whangpoo river and witnessed dog fights between Chinese and Japanese planes.

The Barker was at Shanghai only 24 hours when it was ordered to join the south China patrol, Charles related. His latest letter was written in Hong Kong.

### KLAMATH LABORITES 'REGRET' CANDIDACY OF JUDGE ASHURST

KLAMATH FALLS, Nov. 3.—(AP)—Political winds, stirred up by the Klamath Falls Central Labor Council, blew hot around the candidacy of Klamath County Circuit Judge Edward B. Ashurst for U. S. senator today.

The labor council last night adopted a resolution expressing its "keen disappointment" at Judge Ashurst's candidacy and urging him to withdraw in favor of Willis Mahoney, mentioned as a likely candidate for the Democratic senate nomination.

The council went on record as pledging its support to Mahoney as "an able champion of labor rights" and

criticized his record during two terms as mayor of Klamath Falls. "In a friendly spirit," the resolution read, "we wish to point out to Mr. Ashurst that he is being influenced to be a candidate... for no other reason than to divide the Democratic vote in Klamath county in order to defeat Mahoney."

In an answering statement today Judge Ashurst denied that Mahoney is a "friend of labor" and asserted that the former mayor is "owned, controlled and dominated by the gambling interests" which have "exploited the laboring people of this county."

The jurist said that if he should be defeated by Mahoney in the primary election, he would support any other candidate, regardless of party.

Mormon Gain in Europe.

QUEBEC, — (UP) — The Mormon church is steadily gaining a foothold in Europe, Heber J. Grant, leader of the sect, declared on his return here from a tour of the church's missions in Europe.

### HIGHEST COURT HEARS ARGUMENTS IN CLAIM ON TRIAL BROADCAST

SALEM, Nov. 3.—(AP)—The supreme court heard arguments today in the \$78,000 libel suit of Mrs. Josephine Irwin against Judge Edward B. Ashurst, George Kincaid, David R. Vandenberg and radio station KJFF, all of Klamath county.

Mrs. Irwin claimed her reputation was damaged when Vandenberg, defense attorney at Marion Meyer's first degree murder trial, broadcast his closing arguments to the jury over station KJFF, operated by Kincaid. Judge Ashurst presided at the murder trial and Mrs. Irwin was a state witness.

Judge L. G. Lewelling, who tried

the libel suit in lower court, dismissed the case against Judge Ashurst, while a jury acquitted Kincaid, Vandenberg and KJFF on December 21, 1936.

Today's arguments, which may determine whether court proceedings may be broadcast from a courtroom, were based on Mrs. Irwin's appeal.

She charged that Judge Ashurst had no legal right to permit the broadcast, and claimed Vandenberg's closing arguments injured her reputation to the extent of \$60,000. She asked \$15,000 punitive damages.

Ambulance for Clubman.

LORAIN, O.—(UP)—The Lions club here decided that one of its members had missed too many of the club's meetings. So a yellow ambulance was dispatched to pick him up and bring him to the meetings.

who wore it considered it a worthless trinket.

New Type Clinic.

LONDON. — (UP) — A new type clinic, where psychological treatment will be given for nervous and mental strain resulting from modern industrial conditions, is to be opened in the heart of London's East End factory district.

Use Mail Tribune want ads.

Helps PREVENT COLDS

Specialized for the nose and upper throat, where 3 out of 4 colds start. Use it at the first sneeze.

VICKS VA-TRO-NOL

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With any other! 86c

12-Gauge chill box of 25

You can't buy finer, more dependable shells! Only the very best DuPont or Hercules smokeless powder is used. All wads are genuine hair-felt! Made in one of the nation's largest and finest factories—by the most modern machinery—of highest quality materials! Naturally Red Heads give more uniform patterns!

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Wards Hercules SINGLE BARREL GUN 795

Wards Western Field REPEATING SHOTGUN 29.95

Shoots 5 shots in 5 seconds! Fastest action in any shotgun. Surer, because you can't fire until action is closed and locked. Equal to most \$40 shotguns! Proof tested barrel.

Week End Offer: Free box shells with each purchase of above repeating shotgun.

Hunting Coat Army Duck 3.98

Patented storm collar. Water-repellent heavy army duck. Compare! Save!

## Take your choice... They're all CHOICE WHISKIES

Richer, smoother, mellow, that's OLD QUAKER! Aged 2 full years in temperature controlled warehouses, here's rich whiskey you don't have to be rich to enjoy. So call for OLD QUAKER by name.

THIS WHISKEY IS 2 YEARS OLD

SCHENLEY'S OLD QUAKER BRAND STRAIGHT WHISKEY Available in Bourbon or Rye

PINT 80c QUART \$1.50

Looking for "double-rich" whiskey? Here's CREAM OF KENTUCKY... straight Bourbon whiskey you'll enjoy.

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Several great, straight whiskeys combine to bring you GOLDEN WEDDING... rich whiskey, all whiskey... that has had no peers for fifty years.

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PINT \$1.15 QUART \$2.20

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below Wards regular low prices!

SUPER HOUSE Paint Unexcelled durability, coverage. In 5 gallon cans.	2.40 gal.	SEMI-GLOSS ENAMEL A beautiful semi-luster. Hard, durable, washable.	76c qt.
COVERALL House Paint Outlasts many \$2.25 paints. In 5 gallon cans.	1.48 gal.	SEMI-GLOSS PAINT Low priced semi-luster for walls, woodwork.	54c qt.
SUPER BARN PAINT Lasts longer and goes farther. In 5 gallon cans.	1.24 gal.	GLOSS WALL ENAMEL Extra hard, durable, high gloss. Waterproof.	76c qt.
WALLPAPER PASTE Ward's Certified will not stain	24c 2 lb. bag	INTERIOR GLOSS PAINT An economical high gloss finish. Easily applied.	59c qt.
Asbestos Roof Coating. 1 coat seals, waterproofs. In 5 gallon cans.	52c gal.	KALSOMINE A velvety finish that won't rub off or peel.	33c 5 lbs.
Floor and Porch Enamel For indoor or outdoor use. Long-wearing.	76c qt.	DRY FAST ENAMEL Uninjured by soap, water or alcohol. Many colors.	92c qt.
COVERALL Floor Paint A quick-drying, glossy, waterproof finish.	58c qt.	AUTO ENAMEL Dries without brush marks to a mirror gloss.	1.00 qt.
Coverall Flat Wall Paint An economical, quick-drying soft, flat paint.	50c qt.	Marproof Floor Varnish A clear tough varnish. Resists the hardest wear.	92c qt.

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76c 5 lb. pail

WALLPAPER KIT Complete, roller, knife, paste brush, seam roller, scraper.

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