

# LAWYERS SHOUT ACROSS COURT IN MITCHELL TRIAL

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vocate general's office makes to the announced intention of Representative Frank R. Reid, Mitchell's chief civilian counsel, that he would seek the appearance of Mr. Coolidge and Secretary Davis, an announcement that followed Mitchell's plea of not guilty to the infractions of conduct alleged against him.

Neither the president nor Mr. Davis would discuss the Mitchell case or any of its phases, when apprised that an effort would be made to have them called as witnesses.

The question of precedent is destined to play a big part in the court martial proceedings. It promises to be a stumbling block to many of the legal maneuvers planned by Mitchell's counsel.

Intimations that the accused officer may take his case to the civil courts, and on up to the United States supreme court, over the question of the right of the president to convene a court martial after ignoring the military law prescribing that the commanding officer of the accused issue the call, were met in the judge advocate general's office by a citation of the case of Brig. Gen. David G. Swain, who was court martialed in 1884, while he was advocate general, the army's chief law officer.

Swain's court martial was ordered personally by the president at a time when the military regulations failed to give that power to the chief executive. Swain took the matter to the court of claims, lost, and then went to the supreme court. Again he lost and the right of the president to call a court martial under any circumstances was established, according to the war department's legal officers.

Mitchell's counsel, however, intends, it was said, Friday, to take the case to the civil courts in the event Mitchell is found guilty. Mitchell is fighting every inch of the way along the court martial path, which may lead to reprimand, loss of 185 numbers in rank, a fine, or dismissal from the army.

Having exhausted a mass of technicalities aimed at alleged irregularities in the calling of the court martial, and witnessing each claim overruled, Mitchell and his counsel have begun the arduous task of preparing in detail the defense which will get under way Monday.

Proceedings Friday were short, but were marked by a display of passing anger on the part of the prosecuting and defense attorneys. Col. Sherman Moreland, trial advocate general, arguing against sub-

mission of a bill of particulars asked by Mitchell, declared it had no place in a military trial. His argument was not looked for by Representative Reid, in view of Moreland's declaration Thursday that he would be willing to furnish the bill of particulars, though it will probably keep him up all night.

"What has happened here?" asked Reid. "Has the midnight oil been burned so hard that the prosecution has been unable to find any tradition relating to a bill of particulars? Mitchell's statement is too voluminous to handle. The granting of our request for a bill of particulars is absolutely necessary for us to prepare ourselves."

"Who is responsible for the voluminous statement?" shouted Moreland. "I am not."

"I'll tell you who is responsible," shouted back Reid. "It is the deplorable condition of our national defense."

The court intervened. It chided the counsel for their excitement. Moreland and Reid exchanged amenities and the court threw out the motion for the bill of particulars, and another motion of the defense was lost.

Mitchell then, ten times in succession, pleaded not guilty to the charges of misconduct. He smiled as the red tape of the court martial demanded he answer to each separate specification and the two general charges.

Mrs. Mitchell, who has sat at the colonel's elbow since the start of the proceedings, seemed to lose the calm with which she had viewed each move up to this time. For the first time she appeared to sense the difficulties her husband is in, as the court's decisions on the technicalities raised, showed that the trial would go on to a decision.

A recess was taken until Monday.

## GEESE BELIEVED FREE OF MALADY

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geese not being infected with the malady, declared Mr. Tonkin, lies in the fact that he believes the disease germs resulting in death of the ducks, are bred in stagnant waters. Geese inhabit the waters farther out in the lake, and have not been

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noted in among the smaller breeds of ducks.

"On our investigation, we waded in as far as it was deemed safe to go. From our position we could see a large flock of geese about a mile farther out in the lake. Insofar as we could see there were no dead geese among them. No dead geese were found in shore either, which leads to the belief that they have not been afflicted with the disease.

"No mallards or canvasbacks were found, and those birds apparently have not been stricken," said the game warden.

Of 25 birds brought in and placed on the other side of Link river, five died over night, which is about the proportion fatally affected with the disease, concluded Mr. Tonkin.

The game officials expressed the belief that permanent relief will come to the stricken ducks with the first big rain storm or hard freeze.

So far no definite diagnosis of the disease has been determined. The California officials declare it is still believed unwise for anyone to eat ducks killed in that vicinity until something definite is learned. They are of the opinion the birds are infected with a disease which might prove seriously detrimental to the health of humans, if not fatal.

## KLAMATH HEALTH IS GIVEN HIGH RATING

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health conditions generally.

"Health conditions in Klamath county are exceptionally good, but of course we are forever striving to improve on them," Mrs. Dunbar said. "We don't expect to let up the slightest and, maybe, your county will eventually be perfect."

The session to be held Monday evening will be the fourth held here in as many years. Never, Mrs. Dunbar said, have conditions been so encouraging.

Reports of officers will be made at the meeting, including those of Fred Fleet, president; E. M. Hubb, Hallowe'en decorations at Southwells. 030-31

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secretary, and Miss Vera Houston, treasurer.

Monday afternoon a meeting of local women will be addressed by Mrs. Dunbar, at which Mrs. Jack Kimball will preside. Mrs. Dun-

bar's subject at that time will be "The Spirit of the Federation."

Mrs. Dunbar expects to be in Klamath Falls but a few days. Her home is in Portland, where she is widely-known.

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