

MRS. NELSON SEEKS CHANGE OF TRIAL JUDGE

Prejudice Charged by Woman, Accused Jointly With Man in 'Gaspipe Murder'

Mrs. Ressie Nelson, jointly accused with Claude Forbes of the "gaspipe" murder of her husband on June 14, has filed an affidavit demanding that Superior Judge Fred V. Wood be disqualified from trying her, on the grounds that he is prejudiced against her.

The affidavit, filed in the name of Mrs. Nelson's attorney, Edwin A. Healey, charges that because she obtained from the supreme court a writ of mandate for separate trial after Judge Wood had refused to grant her a separate trial, Judge Wood became "highly incensed."

On August 12, Mrs. Nelson secured from the supreme court a writ of mandate ordering Judge Wood to accord her a separate trial or to show cause before the court why he had not done so. This writ was returnable October 4.

But on August 25, "either at the request of the district attorney or Judge Wood," the joint trial was advanced for hearing and called for 2:15 p. m. on that day, Mrs. Nelson says.

And at that time, Judge Wood read from the bench a typewritten statement denying the right of the supreme court to direct a separate trial unless, after a joint trial, it appears that she has been injured.

"This statement, which Mrs. Nelson declares was given to representatives of leading Oakland newspapers approximately two hours before it was read by Judge Wood from the bench, contains a separate trial would mean extra expense and time in enjoining two juries instead of one, just to try Mrs. Nelson's case."

For many years, Judge Wood pointed out in his statement, defendants had the right of separate trials. He charged with a crime, but in 1921, in order to avoid the delay and expense of separate trials, the legislature changed the law so that it now provides for joint trial unless the trial court orders otherwise.

Decisions have also established, Judge Wood added, that while the issue of joint or separate trial must be decided by two separate verdicts, both are disposed of in a single trial. If the defendant is found guilty, or if he pleads only "not guilty by reason of insanity," the question of sanity may be decided by the same jury or by a new jury, as the trial judge shall direct. "It is not to be held that if Forbes is found guilty, justice will be best administered if the same jury shall decide whether he or she (Mrs. Nelson) is insane. There is no basis for the claim that if there is a joint trial, the jury will not fairly consider the question as to her insanity, because the jurors will then hear evidence of Forbes' alleged criminal acts," Judge Wood's statement proceeded.

"The supreme court has decided that the trial judge is not required to grant a defendant a separate trial merely because upon a joint trial the jury will hear the defendant's confession read. It seems strange, indeed, that because Mrs. Nelson pleads that the evidence as to her guilt is so conclusive she can not deny it, that therefore the public must provide for a separate trial upon the issue of her sanity and a special jury for that purpose.

"It is already established by the decisions that she would not be entitled to a separate trial had she entered a plea of 'not guilty.'"

Judge Wood then postponed further hearing until October 5, "until the supreme court shall clarify the law and decide if the court section is vulnerable to the attacks now made upon it."

Church Play Adds To Relief Funds

The Elmhurst Relief center's funds were swelled last night as the result of a benefit play given by the Protestant church. All proceeds of the performance went to the center. On September 15 the Catholic church in Elmhurst will give a similar party at St. Louis hall, One Thirteenth avenue and Third Fourteenth street, also for the benefit of the Relief center. Play will start at 8:15.

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SEEKS HOME



Pauline Starke, former film star who has sued her former husband to regain home on promissory note.

Pauline Starke Sues Ex-Mate

LOS ANGELES, Sept. 7.—(UP)—Pauline Starke, former motion picture actress, had a suit on file today against Jack White, her former husband, seeking possession of a Beverly Hills home, claimed to be security for a \$22,000 note. White, motion picture producer, has failed to pay interest on the note, Mrs. Starke alleged, asking judgment and title to the property.

DRIVER BEATEN IN TAXI WAR

Violence in the Eastbay taxicab drivers' strike broke out today in the Claremont district in Berkeley, Cal. Police received a dozen calls telling them there was a riot in progress. Investigation disclosed that John W. Dennis, 24, 318 San Pablo avenue, El Cerrito, driver for the new Yellow Cab company, had been seen in front of the St. Clements church, Claremont, boulevard and Russell street, by five men. The men beat him about the head with steel wrenches and broke out the windows in his cab, he told police. Dennis was taken to Alta Bates hospital for treatment for lacerations of the face, caused by flying glass. He said he could not identify any of his assailants. Residents who witnessed the melee gave police descriptions of the men and car and a license number.

In another supposed outbreak in the war, police hauled a Yellow cab just as they were about to enter the city at Eighth and Adeline streets yesterday. Inspectors John Mulhern and James Goodnight, who stopped the men, riding in a touring car, said they found an iron bar made from a piece of axle in the car. The cab drivers' strike, which began Saturday, was reported in Berkeley. Several men stoned a cab parked on Shattuck avenue, at Addison street, breaking the windows, it was reported to police.

Killer of Fiance Held for Trial

LOS ANGELES, Sept. 7.—(UP)—Arrested on a charge of suspicion of murdering his fiancee, Alvin Ray Stevens, 19, John Casey Street, 32-year-old machinist, today said he shot the girl purposely, and pleaded with police that he be hanged. The girl was accidentally shot, witnesses said, when she asked Sherman to put away a pistol as they sat on the bench of his boating house last night. When Miss Stevens remonstrated with Sherman, he started to unload the weapon, which accidentally discharged, according to the girl's father, C. M. Stevens, and Gregory Lochhart. A bullet struck Miss Stevens in the heart.

Economic Parley Plans to Proceed

LONDON, Sept. 7.—(AP)—It was said in official quarters today that the British government has received no intimation from the United States regarding postponement of the world economic conference which has been expected to begin in London late next month. Newspaper reports from Washington say the United States desires postponement, but preparations for the conference already are under way with a preparatory committee scheduled to meet at Geneva late in September.

Ruling Saves Home Of 'Pepper's' Mother

Oklahoma City, Sept. 7.—(UP)—Because of the home of Mrs. Celia Martin, mother of "Pepper" Martin, St. Louis Cardinal baseball star, is a homestead, it can not be sold at a sheriff's auction, District Judge Sam Hooker ruled here. Sale was ordered on a judgment for \$1200 on a forfeited appearance bond Mrs. Martin signed for another son several years ago. Judge Hooker issued a permanent injunction against the sale.

GRAP ZEPPELIN HOME. FRIEDRICHSHAFEN, Germany, Sept. 7.—(AP)—The Graf Zeppelin, German dirigible, arrived here at 5:35 a. m. today, completing its fourth round trip of the year to Pernambuco, Brazil.

SHOPPING AREA TO BE DECKED FOR HOLIDAYS

Downtown Property Group Lays Plans to Cooperate in Christmas Season

Downtown property owners and merchants in the metropolitan area will cooperate this year in decorating Oakland's shopping area for the Christmas season, it has been decided today. The plan, which was made by Harold D. Weber, executive secretary of the Downtown Property Owners' association following a joint meeting of his organization and the Downtown Merchants' association at the Athens Athletic club.

The district lying between Eighth and Sixteenth streets and Clay to Fallon streets will be decorated, according to Weber. Committees appointed by both associations to take charge of the Christmas decorations project include Orton Lucas, chairman of the property owners group, and Sherwood Swan, chairman of the Merchants' association. Orton Lucas will be assisted by Roscoe Haynes and R. M. Fitzgerald, Roy Dalton, J. H. Purth and G. H. Robinson have been appointed to serve on the committee with Swan of the Merchants' association group.

With the opening of the new postoffice, much activity during the Christmas shopping season will center around this district and for this reason the street decorations will be extended along Twelfth, Thirteenth and Fourteenth streets as far east as Fallon street, it was decided at the committee meeting. All street decorations for the Christmas holidays in the downtown shopping district will be planned and carried out entirely by the Downtown Property Owners' association and the Downtown Merchants' association. Contributions to all downtown merchants and property owners advising them of this decision will be sent out this week, Weber announced. This is to prevent duplication and confusion in the past has arisen when more than one organization or agency has undertaken to provide street decorations, Weber said.

U. C. Medico Military Directors Changed

Berkeley, Sept. 7.—Col. C. J. Bartlett of the medical corps of the United States army now stationed at the Presidio in San Francisco has been placed in charge of medical-military science at the medical school here. Colonel Bartlett will take the place of Col. W. A. Powell, professor of medical-military science and tactics, who has been relieved of his duties at the university, after eight years of service, as a result of the economy bill passed at the last session of Congress. As soon as the present generation of medical students is graduated, medical-military science and tactics will be discontinued unless national finances improve in the meantime, according to Dean Langley Porter of the medical school. Colonel Bartlett received his M. D. degree from the state university in 1895, his father, Columbus Bartlett, having been a regiment from 1837 to 1895, while an uncle, Washington Bartlett, was a regiment of the university and a governor of California.

Alleged Robber Held for Trial

Powell A. Moore, 22, 7421 Outlook avenue, was held to answer today following his preliminary hearing before Judge James Howard L. Bacon on charges of assault with attempt to commit robbery. Bail was set at \$3500. Moore is alleged to have beaten David Reskin, 55, with a hose filled with lead while attempting to hold up Reskin's jewelry store, 1225 E. Broadway on August 31. Moore became frightened and fled. He was arrested by Carrollman Jack Leonard and Sergeant George Pratt, who saw him running down the street. Moore was called the "red pepper" bandit, as he carried a can of pepper in his pocket he allegedly intended to throw in the eyes of his victim.

Ex-Convict Hunted As Girl Abductor

SANTA ROSA, Sept. 7.—Accused of having kidnaped a 16-year-old Santa Rosa girl to whom he had been paying attention, Leo Redoni, 28, ex-convict, is the object of a wide hunt throughout northern California today. The girl, Irene Magatelli, disappeared with Redoni early yesterday. Whether she left of her own will or was forced to accompany the man, officers have not been able to determine.

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Alimony for Publisher's Wife Banned

Judge Grants Attorney's Fee, Expenses to Mrs. Phil Reilly in Suit

Temporary alimony was denied Mrs. Marie Reilly, who has filed suit for divorce against her husband, Philip Reilly, owner of an Oakland weekly publication, yesterday by Superior Judge T. W. Harris. She had asked \$50 a month.

Mrs. Reilly charges in her complaint that Reilly became intoxicated on many occasions and that he met another woman in a downtown hotel on more than one occasion. She alleges also that he called her by obscene and profane names.

In denying temporary alimony Judge Harris referred to her testimony that her son and daughter had loaned her money to pay some \$2000 expenses of an automobile accident and that she paid it back to them two years later, and said "Mrs. Reilly's children trusted her that long time, surely they can trust her again until this case is tried."

Mrs. Reilly was granted \$125 on account of the fees of her attorney, W. L. Albert, and \$10 costs. The attorney fee was agreed on after Reilly's attorney, Frank Creely, said it was the sum he had received. Reilly testified during the hearing that his net monthly income was \$100 from all sources. Mrs. Reilly told the court that she had no money and was unable to earn any.

Reilly, in a cross-complaint on file today, alleges that Mrs. Reilly accused him without cause of keeping company with other women, and that she was of a very jealous and nagging nature. He further alleges that she insisted that he support her daughter by a former marriage, her grandson and her son-in-law, and that he did so for some months.

Another allegation was that there is community property totaling \$3000 in Mrs. Reilly's possession. The cross-complaint did not specify of what the property consists. In an answer to the cross-complaint Mrs. Reilly made a general denial of all of Reilly's allegations.

COVERED WAGON PIONEER DIES

Mrs. Rebecca Byrn, 92, covered wagon pioneer and resident of Oakland for 44 years, died today at her home at 2419 East Twenty-seventh street. Mrs. Byrn came to California across the plains and Sierra in 1852, and settled in Oakland shortly thereafter. When she first moved to the Twenty-seventh street address, 50 years ago, the home was an isolated orchard, with few neighbors and few roads. Funeral services will be held at 2 o'clock tomorrow afternoon at the East Oakland chapel of Grant Miller, 2772 East Fourteenth street. Interment will be at Mount View cemetery. Mrs. Byrn lived with her son, Fred C. Byrn, and daughter, Mrs. R. E. Rice. She had been ill only since a full month ago. Twice married, she has been a widow for more than 50 years. Also surviving Mrs. Byrn is another daughter, Mrs. J. P. Carroll of Portland, Ore., 12 grandchildren, six great-grandchildren, and one great-great-grandson.

Conscience Traps Escaped Convict

SACRAMENTO, Sept. 7.—John Henry "Gospe Eye" Brown, Negro convict, who escaped last Friday from a prison bush-cutting gang on Mormon Island, was back in Folsom today, a victim of his own conscience. "My conscience whipped me," he told Warden Court Smith. Brown, who effectively vanished for three days, showed up Monday from central Illinois, traveled the route, and asked to use the telephone for communication with Warden Smith. He had difficulty in persuading Lee that he was an escaped felon, but Lee finally drove Brown to the prison. Brown was scheduled for release in February, 1934, and whether he will be forced to serve an additional five years for jail-break will rest with the state prison board, Smith said.

BED SMASHES FINGER.

DALLAS, Texas, Sept. 7.—(UP)—Clarence Earl Weatherall, 3, his finger smashed in an old-fashioned accident, was recovering today. A folding bed folded with Clarence aboard.

How One Woman Lost 20 Pounds of Fat

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WILBUR FINDS BUSINESS IS ON UPGRADE

Secretary of Interior Is Much Impressed by Trip To Pacific Coast and Back

By WILLIAM F. KERRY WASHINGTON, Sept. 7.—(UP)—A conviction that the long-awaited economic upswing has begun was expressed today by Secretary of Interior Ray Lyman Wilbur, close friend and adviser of President Hoover. The interior secretary is just back from a six-weeks trip which took him to the Pacific coast. He brought cheering economic and political reports to administration leaders.

"I was impressed with the development of stability and a sense of safety throughout the nation," Wilbur told the United Press. "There is a different tone. The democracy is functioning. You can see it in the reconstruction legislation proposed by President Hoover and enacted by congress. The legislation is working; it is having a real effect for the better. You can see it from Yakima to New York City, all the way across the nation.

"There is a different tone throughout the nation and particularly in the west," Wilbur said. "They have taken their power losses and are beginning to tighten their belts. But after all, they find, that they have their same stores, their same places of business, they are beginning to believe the people are beginning to believe that the nation and the democracy has carried through the economic crisis."

Democratic leaders are claiming heavy gains. Wilbur said he believed the people are beginning to believe that the nation and the democracy has carried through the economic crisis. In the far west, where Democratic leaders are claiming heavy gains, Wilbur said he believed the people are beginning to believe that the nation and the democracy has carried through the economic crisis.

Lindbergh Suspect Declared Innocent

WASHINGTON, Sept. 7.—(UP)—J. Edgar Hoover, chief of the Justice Department's Bureau of Investigation, said today a Federal inquiry had disclosed no connection between the kidnaping of Charles Augustus Lindbergh Jr. and Garrett Schenck, Hopewell, N. J., garb peddler. Schenck claimed he was held a prisoner in a mountain cabin near Johnston, Pa., for 76 days by a private investigator in the Lindbergh case, before Johnston police effected his release. "I was withdrawing from the case," Schenck said because our agents have found no federal law violated, either by Schenck or by those accused of kidnaping him," Hoover said.

Coal Miners Quit To Vote on Strike

COAL CITY, Ill., Sept. 7.—(UP)—Four hundred striking miners from central Illinois quitted the Grundy county coal fields today and ordered 200 men to quit work at the Wilmington mine. The men quit the pits immediately and called a meeting to decide whether they would join the strike for higher wages.



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TODAY in the HIGH SCHOOLS

Vincent Francioli, Technical high school leader, has announced members of the school's rally committee for the fall semester.

The committee members are Arthur McQuillan, Bruce McLeod, Heinz Kussnerow, James Best, James Leaver, Fred Woodhull, Ray Dondero and Keith McDonald. The committee will have charge of seating arrangements at interscholastic football games during the term. A different member will be appointed chairman of the committee for each game.

Francioli's assistant yell leaders are William Reid and Kenny Clark. The three yell leaders will have charge of student body rallies and will lead yells at the games.

EXECUTIVE BOARD. Fall term student activities of Castlemont high were opened by the initial meeting of the student executive board, presided over by E. J. Stevenson, newly elected president of the student body.

Frank G. Adams, vice-principal, reviewed with the board the school budget and work of various departments.

The board detailed the Block "C" society, an organization of outstanding athletes, to recommend suitable candidates for the office of head yell leader. Arrangements also were made for a campaign to increase participation in school activities. The campaign will include addresses by prominent students at class meetings.

VAHETRY PROGRAM. Incoming students of Frick Junior high will be given an opportunity to display their talents during an assembly program of music, dancing and dramatic interpretation tomorrow afternoon before an assembly of the low and high seventh grades.

Participants in the program were chosen at recent try-outs. Others will have an opportunity to perform at another program to be held later in the semester, according to C. P. Finger, principal. The program will be presented under supervision of Mrs. Grace Reid, English instructor.

Donald Hofflinger, Ed Wilson, Richard Verwer, Eileen Rippon, Lorraine Spicer, Lorraine Johnson, Howard Bond, Gladys Pingree, Leebird Madison and Margaret Hayden will be participants in the program. The low seventh grade harmonica band, under direction of Mrs. Alice Edwards, will play several numbers.

ECHOES TO APPEAR. Student reporters of Westlake Junior high are preparing copy for the initial fall term issue of the Westlake Echoes, student newspaper, following the selection of the editorial staff.

Miss Grace Taylor, teacher director, announced that the first edition will appear on October 1. Students now are working on their "stories" and copy will go to press at the McQuinn's high print shop several days before the paper appears at Westlake.

The staff is headed by June Emerson, editor-in-chief. Other editors are Elizabeth Heffner, associate editor; Dorothy Hall, manager; Helen Goll, associate manager; Virginia Hoard and Carol Droste, literary editors; Margaret Moffett and Jarrlett O'Hara, exchange editors; Donald Ellis and

DADS TO HEAR MAYOR MORCOM

Mayor Fred N. Morcom will address members of the Bret Harte Dads club Monday night at the second fall term meeting of the club. Morcom will speak on "City Government," according to Ralph E. Hubbard, president of the Bret Harte club.

The meeting will be open to all fathers of the school community whether members of the club or not. The meeting, which will be held at the school, Maple avenue and Florida street, will open at 8 o'clock.

Following Morcom's address, regular business of the club will be conducted. Tomorrow night the club will hold volleyball practice at the Laurel school auditorium, Kansas street and Brown avenue, in preparation for playing other Dads club volleyball teams of the city, Hubbard declared. The club members will be divided into two teams for a practice game.

Chief of Police Vern Smith of Alameda will be the speaker at a meeting of the Washington Dads club, Alameda, tomorrow night at the Washington school. Entertainment will be provided by the Alameda American Legion "Haywire" orchestra, according to John Tiedeman, president.

Plans for the year's activities of the club will be discussed during a business session. Besides Tiedeman, recently elected officers of the club are: Vice-president Walter V. Howe; secretary, R. E. Hamilton, and treasurer, J. B. Ward.

Big Future Seen By Publisher Block

SAN FRANCISCO, Sept. 7.—An optimistic outlook for the future of American business is held here today by Paul Block, New York publisher, a San Francisco visitor with his two sons. Block predicts a "substantial recovery" in economic circles within the next few months. He bases his opinion on a study of advanced contracts now in existence.

"There has been no great increase in business up to date," he said yesterday. "But everywhere I am told that advance contracts for the winter months are far in excess of the average for the year." Block's trip to the west has occupied five days, including stops in the Rocky Mountain states. With his sons, Paul, Jr., 21, and William, 16, he will leave tomorrow for Los Angeles en route to the east.

RICH WIDOW ROBBED.

SANTA MONICA, Sept. 7.—(UP)—Police reports today listed the theft of diamond rings and other jewelry valued at \$3000 from Mrs. Mary Heman, wealthy widow of St. Louis, Mo. The jewelry was stolen from a bedroom while Mrs. Heman and a guest were seated in an adjoining room, according to police.

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