

DEADLOCK FOR KELLOGG PACT YET UNBROKEN

President Calls Conference in Attempt to Force Action in Senate

BINGHAM HOLDS FIRM

Reservations Are Demanded By Powerful Minority; Vote Postponed

WASHINGTON, Jan. 13.—(P)—Renewed pressure from the White House failed today to break the deadlock in the senate of the Kellogg anti-war treaty row and the president demanding an interpretative declaration on the pact decided today to hold out against any agreement setting an hour to vote on its ratification.

Apparently concerned over the circulation yesterday of a "round robin" petition by those seeking an interpretative declaration of American rights under the treaty, President Coolidge last night summoned Senator Bingham. Republican of Connecticut, who was passing the petition around.

President Speaks
The president made known his desire that no manner of reservation accompany American ratification of the treaty engineered by the secretary of state. He considered a report of the foreign relations committee declaring that the treaty does not affect American right of self defense and does not infringe upon the Monroe doctrine, which if asked by the petition, would be tantamount to a reservation.

Senator Bingham stood his ground. He had in his pocket the round robin petition already bearing 24 signatures declaring for an interpretation. He insisted that a committee report stating American position under the treaty could not be construed as a reservation.

Another conference of the "interpretationists" today decided to fight on and as a result of that decision objections will be voiced tomorrow to the proposal which chairman Borah of the foreign relations committee intends to submit to limit debate on the treaty.

Put In Future
This decision throws the treaty into an indefinite future. Senator Borah, in charge of the pact, however, feels the responsibility is entirely on the "interpretationists."

Almost to a man this group is strongly for the cruiser construction bill which is awaiting disposition of the anti-war pact. Treaty advocates feel, the foes will be forced by their own desire for action of the cruiser bill to give in to the demand for an interpretation and are content to accept the deadlock for the present.

But President Coolidge wants the treaty, without reservation or interpretation, and naval construction measure. A senate breakfast party, a later White House conference of senate leaders and finally the Bingham conference on yesterday failed to bridge the deadlock. The resultant conferences today at the capitol also got nowhere.

For Ratification
Senator Bingham made it clear to the president that with the exception of two or three of the 24 petition signers none wished to desert ratification of the treaty. But he said the group was firmly of the conviction that this nation should make known, in some manner, its interpretation of the pact rather than at some later time when such an emergency arises. He contended that under international law a mere report by the senate committee could not be construed as a reservation to a treaty ratified by the senate.

The round robin petition pledged the signers not to ask even for the adoption by the senate of the report of the foreign relations committee, which is requested. However, it declares that the signatories will feel constrained to vote for an interpretative resolution such as has been proposed by Senator Moses, Republican, New Hampshire. If this committee report is not forthcoming.

More To Sign
While he obtained only 24 signatures yesterday, Senator Bingham is confident that at least a dozen more are prepared to sign the petition.

WILL ROGERS SAYS

NEW YORK, N. Y., Jan. 13, 1929.—I see where we sent a delegation up to Canada to ask if they wouldn't prohibit liquor from being sent out of their country, but our committee is coming back empty handed with the exception of just what little they can carry. Canada told them "If it is against your law to bring it in and then you can't stop it from coming in, how are we going to keep it from going out when it's not even against our law." We will have to get into the league of nations after awhile, just to get other nations to help us take care of our own business.

Yours,
WILL.

Charter Questions Pending

Important Issues Will Come Up for Discussion When Final Decision Is Made By Freeholders; Board Seeking Best Methods

Editor's Note: Three major questions—city elections, the non-partisan system and political machines—are confronting the city charter commission. The following article discusses these questions, presenting the contentions of all sides.

Capitol

Facts and Fancies

by Talbot T. Smith

PHOENIX, Jan. 13.—Thomas Maloney of Tucson will drop the gavel that opens the first day's session of the Ninth legislature tomorrow, but he will be the presiding officer for only a few minutes. The Democratic caucus decided unanimously today that Mike Hannan would be the speaker. The caucus was in secret, but no secret was made of its activities.

Contrary to expectations, the chaplain of the house will be an ordained minister, Rev. C. M. Burkhardt of the First Christian church of Mesa. But in the senate, a layman, Dan Jones, also of Mesa, a Mormon, and a former senator, has been chosen for the honor and the honorarium. The chaplain is the highest salaried employee of the house, getting \$5 for from one to three minutes work.

Dick Kennedy of Tucson and Tommy Mahon of Maricopa, who were supposed to be contending for the chief clerkship of the house, both fell by the wayside in favor of Mrs. Lalla Ruth of Payson, who was elected after Miss Ruby Colter withdrew from the race and threw her support to Mrs. Ruth. Now of course, Miss Colter will be deputy chief clerk. B. J. Whiteside is retained as sergeant at arms.

DONNELLY WITHDRAWS

Tom Donnelly of Tucson, who was believed by the other members of the senate to have an even chance of being elected to that body, surprised the caucus this afternoon by withdrawing his candidacy in favor of Harry Hill of Maricopa and Hill will be elected unanimously tomorrow. Along with him will be William Graham of Maricopa as chief clerk and Ralph Hooker of Yavapai as sergeant at arms.

BREVITY SOUL OF WIT
Senate Republicans caucused this morning from 10 o'clock to 10:01 o'clock when Senator Whitling of Apache shook hands with Senator Martenson of Pima. That was 100 per cent attendance.

REPUBLICANS MISSING

Officially Pima county's delegation in each house is half Democratic and half Republican, but apparently that will be so only in the senate where Tom Donnelly, Democrat, and Merton Martenson, Republican, will hold the fort. In the lower house, P. E. A. Kimball, Republican, representing the second district, and Neil Harrington, representing the third, are still among the missing tonight. This leaves Pima's delegation three to one Democratic. The sole Republican present is H. R. Stewart of Marana, fourth district, Thomas Maloney, first district, and Dr. Oliver Patton of Ajo.

GYPSY HERE, TOO

Members of both houses are asking each other if there is any relation between the opening of the session and the closing of Gypsy Smith's revival campaign. Some look upon it as a counter attraction, while others feel that the evangelist is aiming his campaign directly at them, for does not every evangelist direct his efforts at the greatest sinners?

RAILROAD MEN BUSY

The legislative body of the railroad brotherhoods has been anticipating the legislature and has been in session three days under the chairmanship of Cecil Richardson of Tucson and, much to its own amusement, has acted on a half dozen or so propositions none of which concerns railroading and only one of which concerns traffic. The board will, for example, ask for legislation putting more teeth in the building and loan laws. It also will ask that the industrial commission, which includes W. H. Hunter, a Tucson railroad man, be given an investigator corresponding to the labor commissioners in most states. He would investigate the minor cases in which damages amounting to only a few dollars are asked and in which the cost of investigation under the present system is oftentimes greater than the amount of the claim. In the interests of safer travel, the board is drafting a new law regarding the use of trailers. It is probable the new bill will limit the number of trailers that can be used behind each truck, provide for tail lights different from the standard so that a driver passing a train instead of a single truck, and requiring that they be connected with the truck in a manner that does not permit them to sway all over the road. Besides Richardson, Tucsonans present are John Hardwick, John Morgan and G. W. Willis.

FOR FEWER LEGISLATORS

Probably the one thing the railroad men want that will arouse the

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LINDY FORCED DOWN

CUMBERLAND, Md., Jan. 13.—(P)—Colonel Charles A. Lindbergh, flying a tri-motored all metal Ford plane, enroute from Philadelphia to Columbus, Ohio, made a forced landing here this afternoon.

DRY FUND WILL BE OPPOSED IN MELLON'S NOTE

Increased Appropriation Is Not Expected From Congress Now

HARRIS ASKS ACTION

Senator States Prohibition Never Had Chance of Fair Trial

WASHINGTON, Jan. 13.—(P)—The prospect of congressional approval of the \$25,000,000 increase for prohibition enforcement voted by the senate appropriations committee is dimmed by the decision of Secretary Mellon to oppose it in a letter to be transmitted tomorrow to the senate.

The secretary's communication will be sent to Chairman Warren of the senate appropriations committee and will be presented simultaneously to the senate with the committee's favorable report on the proposed increase for the liquor laws' enforcement. The appropriation was proposed by Senator Harris, Democrat, Georgia, and the fund would be available for the current fiscal year.

The treasury department in disapproving the appropriation is understood to feel that the addition of \$25,000,000 to the funds of the prohibition bureau for use in only one phase of its duties—enforcement—would not speed up the bureau's work.

In a statement replying to the treasury head's opposition to his proposal, Senator Harris tonight declared that "knowing his (Mellon's) position and record on prohibition enforcement" he was naturally not surprised. He added that the secretary's views are endorsed "by a relatively small minority of our people and a great majority differ with him."

Contenting that the prohibition law has never had a fair trial, the Georgia senator said that in his belief conscientious prohibitionists in the senate or house will not allow "partisanship or anything else to influence them" to vote against his proposal "and strike a blow at prohibition enforcement."

Secretary Mellon's letter sustains the position of Senator Warren who opposed the Harris proposal but on different grounds. The Wyoming senator objected to the increase on the grounds that it would imperil President Coolidge's balanced budget.

DYNAMITE STUNT LARK OF YOUTHS

Explosive Scattered Through California City "Just For Fun"

SANTA BARBARA, Jan. 13.—Two high school boys, Robert Leslie, 17, and Edmund Symonds, 16, arrested late today, confessed to police that they broke into the county dynamite warehouse last night, stole 150 pounds of explosives and threw some 40 sticks about the city, in the streets, on to porches and in front of business houses.

The boys said they did it for a lark, explaining that they did not think the dynamite would go off without a spark. Police and sheriff's officers found 100 pounds of the explosive cached in the hills back of the town. The boys said they were planning to use that for some high school celebration.

News that the dynamite was being mysteriously scattered about the town was carefully suppressed last night to prevent a general alarm, while officers made a quiet search of the town, retrieving a stick here and a stick there throughout the night. Tonight they announced that 12 sticks had been recovered by police, and others by various citizens, while the search was being continued.

The two boys rode through the town with boxes of explosive in a closed car, they told police, tossing out the dynamite at irregular intervals. In their confession they told officers their chemistry teacher had told them dynamite would not explode unless ignited by a spark.

The 100 pounds of explosive which the boys cached, they planned to ignite with caps, they said, and "scare the town" at the next occasion for a student celebration.

ASSESSOR'S DEPUTY DIES AT HOME HERE

Albert Huhn, 41, deputy assessor for the past three years, died yesterday morning at 6:30 o'clock, after an illness of a few days.

Huhn came to Tucson five years ago from Pennsylvania. He was associated with the Griffith gravel company and took office as deputy assessor under Vic Griffith, Sr., then Pima county assessor. He continued in his office under Harry Drachman, incumbent assessor.

After becoming ill Monday night, Huhn remained in his home, West Wetmore road, until his death six days later. He left his widow, Mrs. Lillian Huhn, and three children in Tucson. Other relatives, among them his father, reside in the east.

Funeral arrangements will be made by the Rely Undertaking company following arrival of his relatives. He had expressed a wish prior to his death that he be buried in Tucson.

DEATH REACHES LAST OF EARPS IN COAST HOME

Famous Gun Toting Officer Of Tombstone Dies With Boots Off

BRAVERY IS PRAISED

Breakenridge Tells of Old Days When He Knew Famous Family

LOS ANGELES, Jan. 13.—(P)—Wyatt Earp, gun-toting peace officer of Dodge City, Kansas and Tombstone, Ariz., frontier days, whose colorful career led him through a dozen fatal conflicts with "bad men" of the old west, died here today. He was 78 years old.

Wyatt Earp, and Virgil, Morgan and Jim, three brothers, together with Doc Holliday were principal figures in the stormy days of Cochise county, Arizona, where Tombstone is located. Their conflict with the Clanton gang of cowboys, shortly following which Morgan Earp was killed from ambush, and during which two famous gun-men died, was followed by an investigation. The Earps, led by Wyatt, then a deputy United States marshal, were exonerated on the grounds that they had acted as peace officers.

Wyatt Earp gained renown when he was chosen as referee of the Tom Sharkey-Bob Fitzsimmons fight in San Francisco. Earp wore a six-shooter in the ring, and no protest was heard after his decision in favor of Sharkey was given.

Famous Friends

Among the friends of Earp were listed such figures as Bat Masterson, Wild Bill Hickock, and other famous figures of the early west. In Alaska during the gold rush Earp met Bill Hart, western movie picture hero, Wilson Misner, playwright, and the late Tex Rickard, all of whom were close friends.

Wyatt Earp had been ill for some time. He left his bed the day before Rickard died to visit Misner and to send a telegram to his sick friend in Florida. The exertion caused a relapse.

Earp leaves a widow, and a niece, the daughter of Virgil Earp, who died in Oakland, Cal., several years ago. The funeral will be held Tuesday.

COL. BILLY BREAKENRIDGE RECALLS EARP'S BRAVERY

"Well, well! Wyatt's dead. That's the last of the Earps!" former deputy United States marshal and two-gun man of Tombstone's "Heldorado" days, was thusly epitomized by Colonel William "Billy" Breakenridge, "than whom there is none than whom" as far as a raconteur of the early days of the mining camp are concerned.

Found in Room

Breakenridge was found in his room at the Old Pueblo club. He was in bed but had not retired. His first impulse upon learning of the death of Earp was to go to Los Angeles for the funeral, he said, but on a moment's consideration decided that the trip would be too long for him at present. He only recently returned from the coast and has for the past few days been confined somewhat by a cold.

"There were five of the boys," Colonel Breakenridge said, speaking of the Earp family. "They were, Virgil, the city marshal; Wyatt, the deputy city marshal; and also deputy United States marshal; Morgan, the policeman; and there was Warren, who lived over in Wilcox. Besides those four there was the half-brother, Jimmie, who died at that time."

The colonel had much praise for Wyatt, and said, "He made a good officer and was noted as a brave man. All the while he was in Tombstone he held office of some kind, either in the United States marshal's office or with the city."

Colonel Breakenridge is the author of a recent book on Tombstone's "true story"—"Heldorado." The book is probably the most accurate historical of any published about the mining camp, critics have said. In that book the colonel has much to say of the Earps, and the days when Wyatt Earp was a peace officer are here retold for the benefit of all who care to read.

The colonel closed with the statement that Wyatt Earp was "very loyal and true to his friends. He got into a good deal of trouble because of that loyalty."

NOTED PAINTER TAKES OWN LIFE

Emil Fuchs, Despondent, Is Victim of Pistol in Gotham Home

NEW YORK, Jan. 13.—(P)—Emil Fuchs, internationally famous painter and sculptor, committed suicide today by shooting himself in the heart on the balcony of his West 67th street apartment. Police said he had been a sufferer from cancer for a long time and had undergone several operations.

The body was found by a sister, Renee Fuchs, who became alarmed at not finding him when she went to the apartment to prepare his noonday meal, as had been her custom. Knowing her brother's despondency over his health, she went at once to the balcony where she found the body with a bullet from a revolver which had been held close against the chest.

Police said a note addressed to the sister, the text of which was not made public, explained that the artist felt himself a burden to himself, his sister and the whole world and felt that he "might as well end it."

TWO MEN DEAD AND ONE FACES CHARGES

FRESNO, Cal., Jan. 13.—(P)—Two men are dead and one driver is under arrest charged with manslaughter as the result of a series of automobile accidents in and about Fresno today. The dead: Byron Russell Potter, about 25, Shafter, killed instantly when car he was riding in struck a tree.

ARIZONA'S LAW MAKERS BEGIN SESSION TODAY

Appointments Are Made For Positions in Both Houses

JONES IS CHAPLAIN

Selection of Clerk Brings Contest In House

PHOENIX, Ariz., Jan. 13.—(P)—Arizona's ninth legislature will convene at noon tomorrow with Harry W. Hill of Maricopa, Greenlee county, as president of the senate, and M. J. Hannan, of the same city as speaker of the house of representatives. Both Hill and Hannan were chosen unanimously this afternoon at caucuses of the Democratic party in both houses.

Senator T. W. Donnelly of Tucson, prominently mentioned as the leading candidate for the presidency during the past two weeks, refused to permit his name to be placed in nomination.

Former Senator Dan P. Jones of Mesa was chosen as chaplain of the upper legislative body over the Rev. E. E. Williams of Phoenix. Jones is an elder of the Church of the Latter Day Saints. He also has been speaker of the house.

Graham Secretary
William J. "Bills" Graham, was elected to be secretary of the senate without opposition. Larry Williams will be his assistant. Ralph Hooker of Yavapai county was chosen to be sergeant-at-arms.

In the house, Mr. J. Hannan was nominated by W. Coxen of Wilcox and after seconding speeches had been made by Thomas Maloney of Tucson, Mrs. Vernette O. Ivy and M. J. Francis of Phoenix and E. O. Williams of Thatcher, a motion to make the election unanimous was made by O. B. Patton of Ajo. This motion carried.

When it came to the selection of the chief clerk for the house there was another story. R. T. Mahon of Maricopa, Mrs. Lallah Ruth of Payson and Mrs. Ruby Colter were placed in nomination. The early halting Mahon polled the greatest vote and seemed to be going strong until Mrs. Colter withdrew in favor of Mrs. Ruth, who was elected on the following ballot. Then Mrs. Colter was chosen to be deputy clerk.

The Rev. C. M. Burkhardt, pastor of the First Christian church at Mesa, was chosen to be chaplain of the house, and J. O. Whiteside again was elected to be sergeant-at-arms.

Caucuses Called

After many conferences in the hotel lobbies during Saturday and this morning the Democratic members of the legislature began to drift toward the capitol building early this afternoon and when the caucuses were called into session shortly after 2 o'clock every member of the Democratic delegation except one answered the roll call.

Long before the senate conferees went into session the rumor had reached those who waited in the lobbies that Senator Donnelly had caused his name to be withdrawn as a candidate for the presidency and the election of Senator Hill was freely predicted. Hill was nominated by Allan K. Perry of Maricopa and the seconding speech was made by Senator Donnelly.

Other employees of the senate will be named by the committee on employees and supplies which will be named tomorrow. The employment of additional house attaches also awaits the action of a committee.

Members of the legislature were reticent when questioned about the probable course of early activity, but all showed no hesitancy in expressing the belief that Colorado river legislation would hold a large place in the coming session, with a strong coterie in each branch of the legislature lined up to fight any effort to commit the state to an extravagant expenditure of money for commissions and attorneys.

Senator Fred Sutter of Bisbee, as he laughingly took over the desk occupied at the last session by Senator Colter, Apache, declared that he was going to keep Colter's place as warm in the fight against extravagance as Colter had kept it in his fight for constitutional privilege.

Tomorrow's session will be occupied with the business of organization and the announcement of committees and in getting the machinery of the clerical labor oiled. It is probable that bills which are awaiting introduction will not be presented until Tuesday.

Weather Report

PHOENIX, Ariz., Jan. 13.—(P)—Low and high temperatures for the 24-hour period ending at six p. m. today, announced by the Phoenix office of the government weather bureau, follow:	
Boston	22 34
Chicago	23 36
Denver	22 32
El Paso	23 36
Flagstaff	18 30
Kansas City	18 30
Minneapolis	22 30
Needles	24 32
New Orleans	40 72
New York	26 38
Phoenix	56 72
San Francisco	38 46
Seattle	32 40
Yuma	40 74



Mrs. George Herman (Babe) Ruth and her daughter, Dorothy.

Wife of Babe Ruth Dies in Fire; Identified By Friend

WATERTOWN, Mass., Jan. 13.—(P)—Mrs. George Herman Ruth, wife of "Babe" Ruth, the home run king, was burned to death in a fire which destroyed the home of Dr. Edward H. Kinder, dentist, here, Friday night, it was learned today when relative identified the body. She was known to her neighbors as Mrs. Helen Kinder, wife of the doctor.

Two sisters of Mrs. Ruth, Catherine and Nora Woodford of South Boston, identified the body at a local undertaking establishment. Dr. Kinder could not be located.

District Attorney Robert Bushnell of Middlesex county assigned state detectives to investigate the case and ordered an autopsy of the body. Dr. George O. West, medical examiner, later said this showed death due to burns and suffocation.

Had Been Separated

"Babe" Ruth arrived in Boston today after having been called here by his friend and legal counsel, John P. Feeney, of Boston. He issued a statement in which he said that he and Mrs. Ruth had not been living together for three years. "We had no permanent home," the "Babe" said, "and Mrs. Ruth went to South Boston to be near her mother three years ago. She had been in Boston since."

Found on Floor

A pedestrian discovered a fire in the home of Dr. Kinder Friday night. When fire apparatus arrived the interior of the house was a mass of flames. Firemen found Mrs. Ruth unconscious on the floor of a bedroom on the second floor. Apparently she had retired for the night and had been overcome while attempting to escape. She was taken to the home of neighbors where she died a short time later.

Dr. Kinder had left the house earlier in the evening to attend a prize fight in Boston. Neighbors identified the body as that of Mrs. Kinder and it was taken to a local undertaking establishment where it remained until today.

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A. J. Jensen, 42, of Fresno, died at county hospital of fractured skull resulting from collision.

Vernon Lo Forti, 15, is under arrest, charged with manslaughter as a result of Jensen's death.

North Fifth avenue.