

BROTHER RISKS HIS LIFE FOR COLLINS

Disbarment Rule Against Owen Duffin Sought

VICE HEAD OF COMPANY UNDER FIRE

Affidavits Similar to Those Against James Duffin to Be Up In Court Today.

WITHHOLDING OF FUNDS ALLEGED

Investigating Committee of Bar Association Meets; No Action Public.

A rule will be asked today against Owen D. Duffin, attorney and vice president of the Attorneys' Mercantile Agency Company, to show cause why he should not be disbarred.

Information was prepared yesterday by L. D. Greene, attorney for W. L. Martin, and forwarded to W. Clarke Otte, Assistant Commonwealth's Attorney. Mr. Otte was not in his office and the information will be sent to him early today, Mr. Greene said.

The information is exactly the same as that filed against James R. Duffin, president of the agency, and consists of affidavits filed by Louis M. Eyerman, former bookkeeper of the agency, James Kinnear and Mr. Martin. The affidavits charge withholding of funds collected for clients.

James R. Duffin will appear in Judge William Field's court at 9:30 o'clock this morning to answer a rule issued against him Thursday by Judge Field. He will be represented by Ernest Woodward and Edward Hamilton, chief counsel.

Counsel for James Duffin said yesterday that the answer probably would not be completed until early Saturday morning.

Investigating Body Meets.
It was learned yesterday that the investigating committee of the Louisville Bar Association held a meeting. Following the session, F. M. Drake, chairman, said:

Proceedings of the investigating committee are necessarily of a confidential nature. The committee never discusses its affairs, even to the extent of stating whether or not a matter is pending before it, until it makes a report to the Bar Association.

Mr. Green said no steps have been taken in the Inter-Southern Life Insurance Company, which James R. Duffin heads. Mr. Martin announced Thursday that he would ask such an audit immediately.

Both Duffins Named.
An affidavit of Louis Eyerman filed before Judge Field Thursday against James R. Duffin also contains allegations against Owen D. Duffin. It was learned yesterday, it says a number of accounts were collected and the funds withheld from one month to four years. It said in part:

The affidavit, said Owen D. Duffin (vice president of the attorney's agency) was the active manager of said business during the time of this affidavit's connection with the said Attorneys' Mercantile Agency Company and which accounts remained unpaid, were placed in the hands of the said Owen D. Duffin for his attention.

Affiant states that a great number of accounts each month remained unpaid, the collection of said accounts having been made prior hereto from one month to four years and that the said Owen D. Duffin's attention was called repeatedly to the unpaid balance due.

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Fisk President Fights Efforts To Force Ouster



DR. MCKENZIE.

Dr. Fayette McKenzie, White Head of Negro University, Is Under Fire.
Special to The Courier-Journal.
Nashville, Tenn., Feb. 6.—Dr. Fayette McKenzie, white president of Fisk University here, has refused to resign as head of the institution, one of the most important in the country for members of the negro race, in the face of efforts upon the part of alumni to force him out. It is charged that he has stifled efforts of students to raise themselves to the same scientific levels as white students. He denies this. A near riot of 100 students Tuesday night aggravated conditions at the school.

COURT OUTLAW BALL ON SUNDAY

Playing Game for Pay Is Anti-Work Act Violation, Drury Holds.

Frankfort, Ky., Feb. 6 (AP)—Playing baseball in Kentucky on Sunday for pay was declared illegal by the Court of Appeals today in an opinion of Kentucky Sunday Law Attorney, J. H. Drury.

Professional and semi-professional baseball were affected by the ruling. Play for pay is work, the court held. The whole court said:

Governor William G. Fields, when informed of the opinion, declared it was the purpose of the present Administration to see that all laws are enforced.

A fine of from \$2 to \$50 for every person playing ball for pay is levied by the law. Section 1321 of the Statutes part of which was quoted in the opinion as follows:

If any person on the Sabbath Day shall himself be found at his own, or at any other place, playing, or shall employ his apprentice, or other person, in labor or other profit or amusement, unless such as is permitted above, he shall be fined not less than \$2 nor more than \$50 for each offense. Every person or apprentice employed shall be deemed a separate offense.

Ohio Is Affected.
Cincinnati, Feb. 6 (AP)—Cincinnati teams playing in the Kentucky-Indiana-Ohio League will be affected by the Kentucky court ruling. It is feared, unless a loophole can be found through which Sabbath participation may be sanctioned.

Judge Frederick L. Hoffman, president of the Cincinnati Amateur Baseball Commission, then an officer of the K-I-O League, said today:

Bellevue and Ludlow, Ky., are two cities with teams in the K-I-O League and I do not believe that the rule prohibiting these teams from playing semi-professional baseball on Sunday would have much effect.

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LEAF BOYCOTT PROBE LOOMS AS ERNST ACTS

Quick Action Seen On Plea for Inquiry Into Tobacco Concern Moves.

DELAYED BY OBJECTION

Kentuckian to Ask Passage of Resolution Without Committee O. K.

By ULRIC BELL.

The Courier-Journal Washington Bureau.
Washington, Feb. 6.—Quick action on the proposal of Senator Ernst of Kentucky for an inquiry into the alleged boycotting of American tobacco co-operatives by the Great Britain and American tobacco corporations was predicted tonight despite obstacles encountered today.

Ernst introduced his resolution, directing the Federal Trade Commission to make the investigation and report to the President not later than July 1, 1925, with a speech in which he urged the active support of Senators on both sides. He sought immediate adoption.

Senator William Cabell Bruce, Democrat, Maryland, however, objected on the ground that the measure should take the usual course by reference to a committee. The resolution went over without prejudice.

It appears that further objection will be made, however, Mr. Ernst will ask that the resolution be referred to the Committee on Interstate and Foreign Commerce, headed by Senator Ellison D. Smith, Democrat, South Carolina. Mr. Smith is one of the Senators who are backing the Ernst proposal. A favorable report by the committee within a few hours would be in prospect in the light of a survey of sentiment of members of that body.

Appropriation Deleted.
The Ernst resolution was offered without change except that the provision for a \$50,000 appropriation for defraying the expenses of the Trade Commission was deleted. This was done after it had been pointed out that the commission could come to the Senate for necessary funds to conduct any inquiry ordered by that body.

The Trade Commission would be directed to make sweeping examination into the boycotting of American tobacco co-operatives by the British and American companies whereby they keep out of each others markets.

This agreement, it is alleged, entered into by the British and American companies to refrain from buying stocks from co-operatives handling certain types and grades of tobacco.

Ernst emphasized this in his speech today by reading into the record a letter written by President Coolidge to Judge Robert W. Bingham, in which the President expressed satisfaction that a commission representing the co-operatives was going to England to try to get the Imperial Company to change its policy.

Documents also offered by Mr. Ernst show that the co-operatives five spokesmen were unable to get any assurances from the Imperial officials.

Other affidavits and letters were presented in support of the charges that buyers for the Imperial have paid exorbitant prices to non-member of the co-operatives at times in order to reduce the morale of the members and cause the breaking of contracts.

"The tobacco growers' co-operative association," Mr. Ernst told the Senate today, "is a body of men who are victims, obtained the supply of capsules last week."

Armond Weakley, Baltimore, Md., was likewise identified as the student in the dispensary at the time G. Delbert Thompson of Canton, Ohio, the last student taken violently ill, presented his prescription.

Weakley told Police Prosecutor John J. Chester, Jr., in charge of the investigation, that he remembered filling prescriptions for three persons while he was on duty in the dispensary last Friday afternoon. Prescriptions for two of the three called for quinine and aspirin capsules.

Taken to University Hospital, where Thompson is still confined as a result of the illness, Weakley was identified by Thompson. Weakley was unable to say if Thompson was one of the two men who obtained the capsules from him under the supervision of an instructor. Weakley's story called exactly with that told several days ago by Thompson.

A bottle of the poison containing approximately seven grains and

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Associated Press Praises C.-J. Sand Cave Stories

The following telegram was received Friday by The Courier-Journal from Jackson S. Elliot, assistant general manager of The Associated Press, New York:

C. E. Heberhart, Courier-Journal.
Daily staff work by The Courier-Journal on Cave City story as fine example of continued excellence on story having sustained national interest as I have ever known. Please accept our congratulations. We thank you for making your remarkable series of copyrighted stories available to 1,200 Associated Press newspapers.

(Signed) JACKSON S. ELLIOT, Assistant General Manager, The Associated Press.

Hundreds Over U. S. Watch for Millennium

Dog In Race to Nome Praised By Senate

Washington, Feb. 6 (AP)—There was not an objecting voice raised in the Senate today when Senator Dill, Democrat, Washington, stopped proceedings to pay tribute to Balto, the lead dog in the team which made the last dash into Nome with diphtheria antitoxin.

Kasson, the driver, also was complimented, as were other drivers and dogs and Indian boys who helped along the journey. Declaring Nome should never be left again in such a plight, Senator Dill said the race was a fitting finish "to the long list of records made by the heroic dogs of the Northland."

FUGATE ON TRIAL FOR SLAYING TWO

Noble Cousins Were Killed In Fight Between Five Breathitt Youths.

By RUSSELL BRINEY.

Staff Correspondent of The Courier-Journal.
Jackson, Ky., Feb. 6.—A combination of young men, moonshine whiskey and pistols, according to evidence heard today in the Circuit Court, resulted one Sunday afternoon in the slaying of two noble cousins in a tragedy, in which two youths lost their lives and another was seriously wounded.

John L. Fugate, one of the survivors, is on trial for the murder of Cager Noble, who, with a cousin, Pedro Noble, was killed in the battle. On the one side were the two Nobles; on the other, Fugate; his cousin, Wilson Fugate, and Jackson Combs, who is better known as "Big Man," and who, at the time, described himself, one witness said, as "a wildcat's kitten."

Testimony on both sides today failed to show that up until the time they met Sunday afternoon, November 16, at Polly Landrum's house on "The Barge," a stream emptying into Troublesome Creek, there had been any deep grievance among the boys, though they may have been in some previous minor difficulties with each other.

Displayed Gun, Charge.
Trouble arose at Polly Landrum's over one of the youths' alleged reckless display of a shotgun, but a fight was averted. The five young men at length departed. Soon afterwards the report of firearms were heard. The two Nobles were found dying and Wilson Fugate shot through the body.

The scene of the fight was about eighteen miles from Jackson. It was not until a witness stood today that all five young men had been drinking, more or less, and that all five were armed. John L. Fugate shot through the body of one of the Nobles. William Fugate, in reply to the same question, said he carried a gun because "everybody did."

The two Fugates and Combs were taken to the hospital. (Continued on Page 2, Column 1)

MELLON FIRM HELD VIOLATOR OF U. S. ORDER

Stone Accuses Aluminum Company of Ignoring Dissolution Decree.

BROUGHT OUT IN ELECTION

Comments On Practices of Makers of Many Household Utilities.

The Courier-Journal Washington Bureau.
Washington, Feb. 6.—Attorney General Stone, advising the Federal Trade Commission today that there have been violations of the dissolution decree ordered against the Aluminum Company of America as charged by the commission, announced that he had ordered a full investigation of the company's more recent activities in order that the Department of Justice might act with full knowledge.

Mr. Stone, about to retire as Attorney General to become an associate justice of the Supreme Court, thus paved the way for possible prosecution of the corporation which figured so largely in the Presidential campaign and in which Andrew W. Mellon, another member of the cabinet, is heavily interested.

Mr. Stone's announcement also served to uphold some of the charges made by the commission, when, during the Presidential campaign, it gave to John W. Davis the opening for a prolonged attack on the "Aluminum Trust."

Mellon Defends Corporation.
Secretary of the Treasury Mellon defended the corporation then against Mr. Davis' charges that it was the beneficiary of extremely high tariff duties. Since the election, President Coolidge, because he is said to have felt that the commission made its report when it did for adverse political effect upon the campaign, has undertaken to reorganize the trade body. His latest selection to succeed one of the so-called hostile commissioners is William H. Hunt, of Washington, whom Senator Norris in debate yesterday characterized as the greatest reactionary in the United States.

The original report of the Trade Commission, dealing with the aluminum company, was released in the midst of the campaign and for a time was the cause of bitter partisan feeling.

Mr. Stone, however, passes by that phase of the matter and deals with the facts represented. "With respect to some of the practices complained of, he states: 'They are the result of the commission's investigation of the aluminum industry, which was conducted in the midst of the campaign and for a time was the cause of bitter partisan feeling.'"

The reason a further investigation by the Department of Justice has been decided on, the Attorney General explains, is that the report of the Trade Commission reveals the apparent violation of certain provisions of the dissolution decree. There was little in the report touching on the methods of the company since that time, and Mr. Stone wants the report brought up to date.

Docks Loaded, Crowds Barred.

Reid, his family, Brother Willard Downs, a gaunt, hairy man, 57 years old, a policeman and two newspaper men were in the house, with the doors locked. Outside a half dozen police men tried to keep the crowd in order while a dozen traffic officers, stationed at various places along nearby streets, had difficulty in routing the ever-growing motor car loads of curious.

Reid, who terms himself "the apostle of doom," was placid, devout and sincere, though weary. Throughout the day and the early hours of the night, with only a few occasional apprehensive glances through a window at the mounting crowds, he read his Bible, and led his family and the children in hymns and prayers.

In occasional brief silences the voice of Brother Downs boomed through his beard, uttering scriptural quotations. Mrs. Reid, her children within sight of her strangely glowing face, said nothing; she sat and waited.

Covers Entire Budget.
In short, the report deals with nearly everything in which the budget of the household is concerned.

The attorney general views the commission's report on the aluminum company and the reports of the Trade Commission revealing the apparent violation of certain provisions of the dissolution decree. There was little in the report touching on the methods of the company since that time, and Mr. Stone wants the report brought up to date.

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Mourns for Collins



MISS ALMA CLARK.

BOURBON BANDITS LOSE DEATH FIGHT

Court of Appeals Upholds Extreme Penalty In Slaying of Banker.

Frankfort, Ky., Feb. 6 (AP)—The Court of Appeals today affirmed the Bourbon Circuit Court judgment meting out the death penalty to Elmer Hall, Richard Newhouse and George Farrell, Newport, Ky., boys for the murder of Frank Buchanan, a director of the Farmers Bank at Clintonville in June, 1924.

Robert Mollen is serving a life sentence after turning State's evidence. He was not involved in today's opinion.

Judge Dietzman wrote the opinion, handed down in each case. The whole court sat and concurred. No errors in the trial judge's conduct of the cases were found.

On June 11, 1924, Hall, Farrell, Newhouse and Mullen left Newport for Lexington in an automobile they had previously stolen in Newport. Judge Dietzman reviewed. Hall had been released on April 15, 1924, from an Ohio penitentiary where he had served a term for robbing a storehouse. Newhouse had served a term in Greendale and also in the Frankfort Reformatory and Farrell, on an amended charge of stealing an automobile, had served a jail term.

A few days before, these lads, with the exception of Mullen, had visited at night the Clintonville Bank where they attempted unsuccessfully to break the safe. Returning to Newport, they counseled with Mullen, told plans, and went, heavily armed with .38's, Newhouse with a .45, to the scene of their holdup.

Frank Buchanan was shot in the fusillade. Hall was wounded in the face and Newhouse, to whom Buchanan was in his death throes clung, retreated through the lobby on into the pike where he shook off Buchanan, who fell dead in the road. All confessed.

Bourbon Is Pleased.
Special to The Courier-Journal.

Paris, Ky., Feb. 6.—General satisfaction was expressed here over the decision of the Court of Appeals in sustaining the Bourbon Circuit Court in the cases of George Farrell, Richard Newhouse and Elmer Hall, the Newport trio who shot and killed Frank Buchanan, banker at Clintonville, Bourbon County, in which the three were given the death sentence.

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GOES BACK IN CAVE BUT HITS BLOCK

Rescue Party Ready to Start After Kin of Victim When He Reappears.

'CAN ONLY HOPE,' SAYS ON RETURN

Second Brother Faints As He Watches Shaft Being Sunk to Prisoner In Cavern.

By JOHN FRANCIS.

Staff Correspondent of The Courier-Journal.
Cave City, Ky., Feb. 6.—Two dramatic developments late this afternoon marked the titanic struggle which is being made to save the life, if possible, or at least, to recover the body of Floyd Collins, daring Barren County cave explorer.

Homer Collins, one of Floyd's brothers, nerved himself to attempt another journey into the cave and before his absence was noticed he had slipped away into the cave in a desperate effort to reach the entrapped man. He had been gone quite a long time and another rescue party was preparing to enter the cave and bring him out, fearing another squeeze or cave-in, when he reappeared. He declared that an electric light, which had been placed on this side of the squeeze, still was burning and that he penetrated still further, but "could only hope that Floyd still is alive."

Brother Faints.
The entire climax of Homer's attempt to reach his brother came a few minutes after he returned to the surface, when another brother, Andy Lee Collins, while standing near the shaft which is being driven into the hill, fainted and was taken to the Red Cross tent to be resuscitated. Andy Lee Collins came into Cave City this morning with his family from their home in Kewanee, Ill., after a mad automobile drive, during which he met with two accidents, which were not serious.

S. H. Lane, in charge of the lighting system at the cave, this afternoon explained more thoroughly the test which was made early this morning with the radio amplifying set which was connected across the light wires. Mr. Lane said that many people had the impression that the electric light bulb which William Burke Miller, staff correspondent of The Courier-Journal, placed around Collins' neck, had been used as a radio-telephone transmitter. This was not the case. Mr. Lane said that the sounds which have been heard in the cavern could have been caused by Collins' breathing or moving about, causing the vibrator in the light circuit in its socket. Mr. Lane said the sounds heard then would have been caused by breaking of the electric circuit.

Workers Spurred On.
Hopes that Collins lives, raised by the radio test, though meager at best, have spurred on the workers sinking the shaft.

A dynamo has been lost a drum drill has been employed to sink a form of survey hole to determine what different strata of earth and rock are to be encountered. Spect-

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THE WEATHER.
Washington, Feb. 6 (AP)—Forecast:

Kentucky and Tennessee—Increasing cloudiness with mild temperature Saturday, probably followed by local rains Saturday night or Sunday; cooler Sunday afternoon.

Indiana—Mostly fair Saturday, becoming unsettled by Sunday; moderate temperature.

Comparative Temperatures Here Yesterday.

1924.	1925.
1 A M . . . 45	1 A M . . . 47
2 A M . . . 43	2 A M . . . 45
3 A M . . . 42	3 A M . . . 43
4 A M . . . 40	4 A M . . . 41
5 A M . . . 39	5 A M . . . 40
6 A M . . . 38	6 A M . . . 39
7 A M . . . 37	7 A M . . . 38
8 A M . . . 36	8 A M . . . 37
9 A M . . . 35	9 A M . . . 36
10 A M . . . 34	10 A M . . . 35
11 A M . . . 33	11 A M . . . 34
12 M . . . 32	12 M . . . 33
1 P M . . . 31	1 P M . . . 32
2 P M . . . 30	2 P M . . . 31
3 P M . . . 29	3 P M . . . 30
4 P M . . . 28	4 P M . . . 29
5 P M . . . 27	5 P M . . . 28
6 P M . . . 26	6 P M . . . 27
7 P M . . . 25	7 P M . . . 26

Rotor Ship Now Sailing Smoothly On Test Trip

Buckau Is Driving Across Baltic Sea Under Own Power In First Trial.

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By JAMES E. WHARTON.
Special Correspondent of The Courier-Journal, and the North American Newspaper Alliance.

On board the Rotor Ship, Buckau, off Danzig, February 6, via pilot boat. With our two huge rotors grinding at most inaudibly, catching a brisk southwest wind, we now are driving smoothly through the water of the Baltic, we are making from six to seven sea miles an hour, our bow pointing west toward Arkona, the northernmost tip of Central Germany, 500 miles distant.

We may reach there Saturday. The Buckau left Danzig at 5 o'clock yesterday afternoon, on the first leg of the long trip to Scotland using her 100 horsepower Diesel engine to warp her out of the dock. The waterline is low and cargo lumber is strewn across the wide deck.

Once beyond the harbor's mouth and in open water, her engine was stopped and the two big rotors put in action. They immediately caught the southwest wind, blowing at a rate of three or four miles a second. It now seems evident that with fair winds we will make better speed under rotor power than under motor power. Due to the weather and darkness, only a handful of people were on hand to see the rotor ship off, nevertheless they were recognized by whistles as we passed through the harbor. In the Baltic there appears to be no mist and a fresh wind is blowing.

Trapping of Collins In Cave City Cavern, Rescue Work Reviewed

Has Been Imprisoned In Passage Way More Than Week; Efforts to Save Him Futile.

By Staff Correspondent of The Courier-Journal.

Sand Cave, Cave City, Ky., Feb. 6.—Ten o'clock Friday morning marked the end of the 168th hour, the seventh day, one week since Floyd Collins was trapped in Sand Cave.

Heroic efforts have been made to save him and it may be that he is still alive though, the natural passage being blocked since Wednesday. It is estimated by those driving a shaft that he cannot be reached before Sunday night.

Collins was in the cave an entire day before his whereabouts was known. A searching party was organized the Saturday morning after his disappearance. Jewell Estes, 17 years old, heard him call for help and discovered his plight.

Ordinary methods failing to release the prisoner, his fate held in a rock vise, the interest of the State and nation was aroused Sunday. Collins pleaded with the workers to "jerk my foot off." Attempts were made to widen the passage.

23 Cents Is New 'Gas' Price Here

Fourth Advance In Month Is Effective Monday; Was 17c Before Rises.

A fourth advance within a month in the retail price of gasoline will take effect Monday morning when the fuel will sell at 23 cents a gallon at Louisville's serving stations. The new price represents a 2-cent increase over the present rate.

The advance was announced by the Standard Oil Company of Kentucky yesterday afternoon and the other companies operating in Louisville followed with similar announcements. (Rapid increases in the cost of the fuel during the last month are due to a shortage of crude oil, officials of the companies here said. A high grade gasoline was selling in Louisville for 17 cents a gallon.)

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WHAS
Programmes on The Courier-Journal and Louisville Times broadcasting station for today and Sunday and other stations throughout the United States will be found on page 4.