

The Weather
Forecast: Cloudy tonight and Wednesday; slightly colder tonight.
Temperature
Highest yesterday 56
Lowest this morning 32

MEDFORD MAIL TRIBUNE

Paid-Up Circulation
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Twenty-Seventh Year

MEDFORD, OREGON, TUESDAY, FEBRUARY 21, 1933

No. 284.

JENNINGS FOES STEAL BALLOTS FROM VAULT TO STOP RECOUNT

Comment on the Day's News

By FRANK JENKINS
RELIEF authorities in Seattle call for 200 men to go to work on a garden plot and on street cleaning jobs.

IF THE facts have been correctly reported, it must mean that an unusual situation exists in Seattle. No such thing could happen in Southern Oregon. We have plenty of unemployed down here, and it is probable that a few would rather be cared for without work than to work for what they get.

ONE of the encouraging things about the depression, with its resulting unemployment, so far as our country down here is concerned, has been the fine spirit of patience and tolerance shown by those who have been without jobs and therefore without the means of supporting themselves.

HARRY S. Joseph, of Salt Lake City, wants a law to compel every person over 18 years of age in the country to spend half the money he possesses. Such a law, he says, would open trade channels and restore prosperity.

FOOH, poor, Mr. Joseph! Instead, it would set everybody in the country who has any money to figuring out ways of hiding it so that nobody could discover it and compel him to spend it.

MARY Young, of Seattle, is bitten by a pet monkey in 1931. In 1932, a jury awards her \$750 damages, because, she says in a suit filed against the owner of the animal, she has had horrible dreams of monkeys ever since she was bitten.

FAIR enough, probably; for \$750 is none too much in the way of recompense for horrible dreams of monkeys for two years. But if you have a pet monkey, and are cautious, in these days when \$750 is a lot of money, you will get rid of it, or at the very least muzzle it.

THE 40-day period for which Oregon legislators draw pay has expired, and the work of the session is far from finished. So the members will stay on, at their own expense, and finish the job.

IN view of the fact that they draw only \$3 a day for 40 days, and can't live on that, give them credit for being good sports.

SHOULD the session be longer? And should we pay legislators more than \$3 a day? Well, the hard-headed business answer to both questions is that nobody is COMPELLED to run for the legislature. Those who become candidates for legislative jobs do so of their own will.

THAT is to say, they consider the job attractive enough to warrant taking whatever chances are involved. If good men are willing to work for the pay offered, why pay more? At least, that is the way a business man would figure.

WOULD we get better men in the legislature if we paid more? Answer that question to suit yourself, but this writer doubts it. It isn't the \$3 a day that causes men to become candidates for the legislature. It is the desire to have a

HERMAN Violent. SALEM, Feb. 21.—(AP)—Herman Dobrowsky, 20, was jailed here yesterday when his mother, Mary Dobrowsky, charged that he hurled dishes at her from the kitchen table and threatened to kill her.

MANEUVER RUINS ANY CHANCE FOR FORMER SHERIFF

Judge Orders Dismissal Of Action When Crime Reported — Finger Prints May Find Guilty Parties.

Check by the authorities this morning, of the ballot pouches and ballots stolen last night, from a courthouse vault, shows that official votes were taken from 46 ballot containers.

Ballot pouches to the number of 32 were rifled of the ballots. Fourteen pouches and their contents were taken. The contents of eight of the nine tin containers were taken.

Medford precincts missing, included Northwest, which cast 358 votes, North Main, 321 votes; South Main, 247; Oakdale, 337; Oakdale, 508 votes; Northeast, 435; Southwest, 489 votes; Southeast, 435; West Medford, 481; and Northwest, 358.

Asland, Northeast, with 276 votes cast, and East Central with 245, were also missing.

The missing Medford precincts were among the precincts of the county casting the largest vote. Official ballots cast in this county at the last general election, stated for recounting today, in the election contest between former Sheriff Ralph G. Jennings and Sheriff Gordon L. Schermerhorn, were stored in a vault on the basement floor of the county courthouse last night.

As soon as the theft was known, Circuit Judge George F. Skipworth of Eugene, before whom the recount was proceeding, ordered a dismissal of the action on the grounds that the vault containing the ballots, and even if found, it would be useless.

Entrance was gained to the vault by breaking a window and unfastening the lock. This provided a small space for entry.

Crime Known Early The theft was discovered shortly after 10 o'clock, Attorney Elton Watkins of Portland, special counsel for Schermerhorn, called Attorney Frank DeSousa of this city by phone. Charles Fischer, a locksmith, engaged to fit the keys in the ballot pouch locks, and Joseph Daniels, Jr., were also present. The four men were walking in the rear of the courthouse when Fischer noticed the broken window. Daniels and the others went to the window and found that the supposedly unbreakable glass had been smashed near the latch.

Attorney Frank Van Dyke, one of the counsel for Jennings was also in the courtroom. Attorneys Watkins, DeSousa, and Locksmith Fischer and Attorney Van Dyke were making preparations for the fitting of the keys so the pouches could be opened expeditiously when the recount started. The vault door was intact, and was unlocked by County Clerk George R. Carter.

Investigation Started An investigation was started at once. A number of excellent fingerprints were left on window sills and filing cases in the vault. Some of the pouches had been cut open, and others had their retaining lock-bars broken.

A number of people were outside the courthouse last night, listening through the windows to the speakers at the Good Government Congress meeting. Many of these were being questioned today on what they saw and heard, in the hope they would be able to furnish tangible clues of some sort.

The theft of the ballots closes definitely the recount of the votes for sheriff. Sheriff Schermerhorn retains the office. The court formally closed the contest action.

News Causes Indignation The news of the ballot stealing agrees like wildfire throughout the city and county, causing widespread condemnation and surprise. It was the most dramatic episode of the political war that has racked the county for two years.

No information has been brought to light, officials said, as to the exact hour the theft was committed. There is plenty of evidence, however, that the stealing was not conducted in a haphazard manner. The brazen audacity of the robbery dumfounded

Editor Banks Arraigned on Two New Indictments

Robbed of Rights



RALPH G. JENNINGS, former sheriff, whose right to a recount in the last election was destroyed by theft last night of official ballots.

CRATERS HOLD BIG ERUPTION TO WISH BAKER GOD SPEED

One of the most elaborate eruptions in the history of the Craters club was held last night at the Hotel Medford as a farewell to C. T. Baker, who left today to accept the position of secretary of the Boise chamber of commerce.

The entertainment during the early evening centered about a mock meeting of the chamber board of directors and Mr. Baker's last report.

A gift from the Craters club was presented Mr. Baker by Johnny Reed, who tripped in the presentation scene, bringing a resounding crash and consternation to the recipient as well as the financiers of the gift. It finally reached Baker's hands in good condition.

During the business meeting a resolution was passed by the club promising to support county officials and to aid in bringing to the bar of justice "open violation of the law and their lawless actions."

The resolution also voiced condemnation for "any county officials who have aided, abetted and assisted in this lawless movement in any manner and who have permitted the use of the courthouse for such purposes."

Openings with the statement, "Whereas, continued vicious, libelous, unwarranted and false attacks have been made upon the integrity of various officials and other prominent citizens of Jackson county, by one Llewellyn A. Banks and the Medford Daily News, the publication which he controls," the resolution continued to point out the necessity for endorsement of officials. It also described as "unpatriotic and lawless" the "utterances" and "publications" of L. A. Banks.

The meeting of the club was attended by a delegation from Grant's Park composed of Mayor Walter Stockwell, Chief of Police James Manuel, Dick Helden, Chief Big Horn of the Caversen, George McBride, Captain Hagedorn and others.

Oregon Weather. Cloudy and occasional rain northwards and snow in the mountains tonight and Wednesday; slightly colder interior tonight; fresh and strong northwest winds offshore.

HOLMAN CHARGES LACK BASIS SAYS PROHIBIT COMMITTEE

No Attempt to Pad Budget Or Deceive Ways And Means Committee Found Is Gist Of Official Report.

SALEM, Feb. 21.—(AP)—No attempt to pad the budget nor deceive the ways and means committee in requesting increases in salaries of individuals, one in the budget department and one in the office of the department of control, were found by the committee investigating charges made against Henry M. Hansen and William Elznig by State Treasurer Rufus C. Holman.

This will be the content of a report being prepared by the sub-committee which investigated the Holman charges today. The committee will make its formal report to the ways and means committee tonight.

Holding that a League of Oregon Representatives W. B. Snider and Dean Walker and Senator W. F. Woodward following the committee meeting at noon revealed the contents of the report.

SALEM, Feb. 21.—(AP) Noon Tuesday found the house making but little progress on a rather lengthy calendar and facing debate on old age pensions under special order of business at 2:30 o'clock.

The house approved a bill creating a state board of architecture by a vote of 35 to 17 with seven members absent.

Holding that a League of Oregon City bill has authority to regulate and license for the purpose of revenue such callings, trades and professions as the public good might require, gave too much power and would lead to confusion, the house smothered the proposal under an avalanche of negative votes.

With five bills on the calendar for final action today the senate passed two, tabled two and re-referred one. Four new bills were introduced.

Honey bees took up most of the time of a brief senate session. A house bill providing for inspection of bee hives was passed.

The other measure passed was a senate bill providing for a special tax of one-fortieth of one per cent by port districts for sinking fund purposes.

A. H. Banwell, recently appointed secretary of the Medford Chamber of Commerce, assumed office this morning. C. T. Baker, who recently resigned as secretary to accept a position with the Boise, Idaho, chamber, left today by motor for that city.

News Readers Misled by Steady Harping of Editor On Disproved Charges

Bates Case and Powers of Courts Among Items Appearing Frequently in Attacks Upon Law Officers

Statements made by L. A. Banks on the front page of his paper this morning concerning the courts of Jackson county were proved absolutely false by an investigation of the records, and interviews with the officials made today.

Banks, in one of his statements said: "We witness a justice of the peace of Ashland issuing a warrant for the arrest of a citizen when this justice of the peace had no jurisdiction in the matter."

Court Has Arraignment Power Banks referred in the statement to the warrant for his arrest, issued by Judge L. A. Roberts of Ashland, on a complaint of criminal libel filed against Banks by Attorney M. O. Wilkins, of Ashland.

Banks has repeatedly contended in his newspaper that the justice courts have no jurisdiction to try a case of criminal libel, and has thereby, in using his ability to deal in half truths and "intellectual dishonesty" given the impression to his readers and followers that the justice courts have no jurisdiction to try a case of criminal libel, but on any case from petty larceny to first degree murder, the statutes allow.

Followers Misled Banks' followers were misled in the Ashland criminal libel case much the same as they have been in the other cases where he has taken a particle of truth and twisted it to suit his own ends, all to the detriment of his followers. No one has ever contended that the justice courts have any authority to try cases of criminal libel. It was pointed out, but Banks has declared that they do NOT HAVE such authority, in an effort to mislead his followers and make them think the authorities were attempting to TRY him in that court.

The justice courts have the arraignment power, which it did, in the Wilkins criminal libel case, and then set a time for preliminary hearing. Banks, however, waived his preliminary hearing and was bound directly over to the grand jury.

Have Jurisdiction Banks also claims to his readers, and followers, that the Ashland justice district has no jurisdiction over a citizen living in Medford. "The libel, if any, was committed in Ashland, when the paper was delivered there," District Attorney George Codding said this morning. "And Wilkins was entirely within his rights in filing his complaint there. When

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JAPS MOVING IN ON JEHOI SOIL

TOKYO, Feb. 22. (Wednesday)—(AP)—A Rengo (Japanese) News Agency dispatch from Chinchow today said Japanese troops occupied Nanking early this morning and then took over Koupeiping, eight miles further northwest in Jehol province. The advance added that the Japanese troops then continued in the direction of Peipiao, which is the terminus of a railroad line from Chinchow. After occupation of Peipiao, the advance will be suspended, Headquarters in Changchun said. Japanese airplanes severely bombed concentrations of guerrillas in the neighborhood of Kaku, said Rengo dispatches from Tungliang.

CRIMINAL LIBEL AND SYNDICALISM AMONG CHARGES

Rampaging Editor Nervous As Charges Read In Court — Formal Plea Is Set For Next Thursday Morning.

L. A. Banks, editor and publisher of the Medford Daily News, indicted late yesterday by the grand jury on charges of criminal syndicalism on one count and on a charge of criminal libel on the second count, was arraigned in circuit court this morning before Circuit Judge George F. Skipworth of Eugene. Banks was given until Thursday morning at 9:30 o'clock to enter pleas.

Banks, scheduled to appear at 9:30 o'clock, was 20 minutes late. When he failed to appear at the scheduled time the court called for Sheriff Schermerhorn, and instructed that official to produce Banks in court. Banks quaked.

The two indictments returned yesterday were read to Banks, as he stood before the court, visibly nervous. The first indictment for criminal libel returned a week ago was produced, but he waived its reading. Following the brief proceedings, before a fairly well-filled courtroom, the state, through Deputy District Attorney George Hellum, served notice that a motion for hearing on the sufficiency of the bonds would be sought. Bonds for \$1000, with Howard A. Hill and Ariel B. Pomeroy as sureties, was filed in the first criminal libel indictment. Claude Ward, a brother-in-law of Banks, and Walter J. Jones of Rogue River, appeared as bondsmen for the two indictments returned yesterday.

Advised to Take Time. The court advised Banks in full, relative to his legal rights. Banks waived an attorney. At the conclusion of the reading of the criminal syndicalism indictment Banks said:

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GRAND JURY HAS NOTES ON MEET

Members of the grand jury yesterday announced that W. J. Looker was engaged as stenographer last Saturday by that body to take notes on all that transpired at the meeting at the Armory of the Good Government Congress. The members stated that they wanted such an announcement made in refutation of the claim that Mr. Looker represented an attorney and other interests at the Good Government Congress meeting last Saturday morning.

Such a claim was made in the morning newspaper. Mr. Looker, to the contrary, the grand jurors pointed out was employed by them to take down an accurate report of all that was said and done at the meeting. Mr. Looker is acting as court reporter in the circuit court at the present time.

FARM MORTGAGE MEETING HELD

The Farm Mortgage Adjustment committee met in Medford today with representatives from Douglas, Curry, Josephine, Klamath and Jackson counties in attendance. There were also two members of the state committee present and Raymond Reiter, representing the state committee, presiding, telling of the plans of the organization. It was pointed out at the meeting that it is up to the county committees now to get organized on their programs.

CODDING NAILS MALICIOUS LIES OF DAILY NEWS

District Attorney Hits Back At Traducers — Not In Self Defense But To Give People True Facts In Case

This is the first of a series of articles to be published by George Codding, District Attorney, in this paper. Mr. Codding's object is to correct certain falsehoods which have been broadcast by the morning daily paper.

To the People of Jackson County: Numerous charges have, in the past several months, been hurled against the District Attorney's office, by persons seeking to deliberately distort the truth. Thus far I have refrained from making a statement for the reason that the charges are so ally and untruthful that I assumed they would not be believed.

However, it has come to my attention that some people do believe these false and libelous accusations, or at least wonder why the District Attorney does not make a statement in his own defense.

Will Present Truth. This statement is not made in self defense, but rather to tell the people of this county, who elected me, the truth about the management of the office of district attorney. A certain individual, thru his morning newspaper and in a public address, has told you about the Walter F. Long case, where Walter F. Long lost his life in an affair in the city of Ashland on Christmas day. He has said to the public that the district attorney's office should have called a coroner's inquest to inquire into this case. And this newspaper publisher, L. A. Banks, has labeled this as a miscarriage of justice, and

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WILL ROGERS SAYS:

BEVERLY HILLS, Cal., Feb. 20.—Jim Corbett, Gentleman Jim, truly a title earned and maintained through life. My acquaintance with Corbett has been near 25 years. As he was a great friend of Fred Stone's, who is a great friend of mine, Fred was a great boxer. Corbett always said he would have been middleweight champion if he had taken up that line.

Corbett brought boxing out of the saloon into respectability. He would have been a credit to the ministry, to industry, to teaching; to anything, the same as he was a great credit to the stage. He was a splendid actor. Perhaps the best straight man that any comedian ever worked with.

He never spoke ill of any man. A career lived in good will and ended in glory. Yours,

Will Rogers