

The Weather Forecast: Unsettled tonight and Friday; occasional rain. Normal temperature. Highest yesterday 57. Lowest this morning 38.

MEDFORD MAIL TRIBUNE

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Twenty-Seventh Year

MEDFORD, OREGON, THURSDAY, MARCH 2, 1933.

No. 291.

FEHL ORDERED KEEP HANDS OFF

FURTHER ACTION IN BALLOT THEFT DEFENSE NIPPED

Order Signed by Judge Duncan Ties Hands of County Judge, Who Would Aid Suspects to Freedom

County Judge Earl H. Fehl at about 11 minutes of 12 today issued a warrant for the arrest of Chief of Police Clatus McCredie on a charge of contempt of court when he refused to appear before Judge Fehl this morning on the service of four habeas corpus writs in connection with arrests in the ballot theft case, according to the judge.

"That warrant will be served if it shakes the very foundation of Jackson county," Judge Fehl told the Mail Tribune this afternoon, and said that the warrant had been placed in the hands of the deputy sheriff. He said the sheriff had been directed to serve the warrant.

Chief McCredie had not been located at 3 o'clock this afternoon, and as far as could be learned, the warrant had not been served. "There is no proper warrant out for the arrest of Chief McCredie as far as this office is concerned," was the statement made by the district attorney's office this afternoon, "because of the fact that Judge W. M. Duncan shortly before noon ordered the county court to desist and refrain from any further action in connection with the writs."

A certified copy of the judge's order, which was issued shortly before noon, was filed in the clerk's office at 1 o'clock and served on the sheriff shortly thereafter, according to the district attorney's office. This makes any action by the sheriff in connection with the service of the warrant illegal as the bench warrant is said by the district attorney's office not to carry the proper seal.

The certified copy of Judge Duncan's order was delivered to Judge Fehl at 1:48 p. m., according to Deputy District Attorney George W. Nelson, and it was reported at the courthouse that Judge Fehl threw the copy back into the county clerk's office, from the court chambers.

Fehl said this afternoon that he probably issued the warrant "about 15 minutes of 12," and added: "A warrant isn't time."

When he appeared before Judge Duncan in circuit court this morning concerning the affidavit of prejudice and the motion of appeal filed, Fehl was reported to have denied both the prejudice and appeal.

An appeal to higher court is possible under the law. The district attorney's office expressed the opinion that Sheriff Gordon L. Schermerhorn was liable for his bond as an officer, as well as personally, if he proceeded to serve the warrant issued by Fehl after having seen the circuit judge's order.

A restraining order prohibiting County Judge E. H. Fehl from exercising any judicial powers in the Jackson county ballot theft and destruction cases in which he is a defendant, was signed early this afternoon by Circuit Judge W. M. Duncan of Klamath county, presiding in this district.

Restraining order signed by Judge Duncan says the county judge is "ordered and directed to certify the records in the case, and transmit same forthwith to the circuit court."

The order also directs that the county judge "desist and refrain from any further action in said criminal matter," the ballot robbery case. A certified copy of the restraining order was placed in the hands of Sheriff Schermerhorn for service.

Fehl would free suspects. Application for the restraining order was filed this morning, following the denial by Fehl of motions filed with him, seeking an appeal from the county court in the circuit court, and filing of affidavits of prejudice against Fehl. The action followed the move of Fehl late yesterday, issuing writs of habeas corpus for J. Croft and Virgil Eddington, held in the city jail, and T. L. Brecheen of Ashland and C. W. (Chuck) Davis, held by the state police in the Josephine county jail at Grants Pass. A habeas corpus writ was also issued in circuit court by Judge W. M. Duncan for C. W. McKerran, reputed leader of the "Greening Mountain Boys." It is returnable tomorrow.

Want Impartial Hearing. The affidavits of prejudice were signed by Chief of Police Clatus McCredie, and set forth that a "fair and impartial hearing could not be obtained," and that Fehl was a co-defendant with the other defendants in the ballot theft case. It was contended that Brecheen and Davis, held in Josephine county, were outside the jurisdiction of the county court and county judge. The habeas corpus proceedings were made returnable this morning at 10 o'clock. At that hour the district

Roosevelt, Hoover To Talk Finances At Friendly Meet

WASHINGTON, March 2.—(AP)—President Hoover and President-elect Roosevelt will sit down together at the White House tomorrow for what is scheduled as a formal call of respect, but apparently reliable sources reported today that other than social subjects probably would be discussed. It was indicated that both have matters they wish to discuss with each other outside of the purely formal routine, and intimation was given that economic subjects might be talked about.

MEDFORD BANKS OBSERVE HOLIDAY; REOPEN MONDAY

Medford banks closed their doors this morning following receipt of a proclamation from Governor Julius L. Meier, announcing a three day moratorium throughout the state. They will remain closed, heads of banks stated, until Monday morning, when regular business will be resumed at the usual time. The same program has been adopted by all three banks of the city, and it was believed that Ashland banks would join the local institutions in the manner in which they will observe the moratorium.

When doors are closed for the three day period to regular business, persons wishing access to their safety deposit boxes will be granted admission and the banks will distribute change in return for currency in order to cause no cessation in buying and selling. No checks, however, will be accepted before Monday, and no withdrawals will be granted.

The Federal Reserve bank in Portland, a telegram received from these informed bankers, will continue transaction of business, except as limited by the state holiday. No other banks are remaining open for business, B. E. Hayden, president of the First National bank, declared in contradiction of press reports to that effect. Several Portland banks, he stated, are open to the same type of business as the Medford banks are carrying on. He described as false any reports of withdrawals, adding that the banks might be allowing small change to persons in danger of going hungry, but that no regular business was being transacted, according to instructions wired from the Rose City.

The same program is being carried out by banks of California and Arizona, he further stated, and declared as absolutely false any rumors about town, predicting a longer moratorium.

(By The Associated Press) A statewide three-day bank holiday ordered today by Governor Julius L. Meier.

JAPANESE BOMB JEHOI AIRDROME

TOKYO, Mar. 2.—(AP)—A Renzo (Japanese) news agency dispatch from Chingchow, Manchuria, said today that two Japanese airplanes had bombed an airdrome recently established at Jehoi City, the capital of the northern province of Jehoi, by Marshal Chiang Hsiao-Liang, north China military leader.

LINGYUAN, Jehoi, China, Mar. 2.—(AP)—Major-General Tadashi Kawahara, commanding the sixteenth Japanese infantry, swept through this city this morning on the heels of the retreating Chinese, and marched on toward Jehoi City.

TEXAS BANK HOLIDAY ADDED TO MOVEMENT

AUSTIN, Texas, March 2.—(AP)—Governor Miriam A. Ferguson today proclaimed a financial moratorium in Texas for five days and ordered all banks to remain closed.

PORTLAND, Ore., March 2.—(AP)—Senator Thomas J. Walsh, who died today, has a brother, Felix J. Walsh, living in Portland. He was eating breakfast today when he was told of the senator's death. He said he would make plans for attending the funeral.

attorney's office had not prepared its motions, which were not filed until 11 o'clock. Further steps to end the turmoil (Continued on Page Two)

SALES TAX HAS SPOT AMONG BIG ISSUES IN HOUSE

Revenue Raising Must Be Settled Before Adjournment—Chain Store Tax to Bring On Bitter Fight

SALEM, March 2.—(AP)—The Oregon legislature continued work on its heavy calendar today while the interest of the state at large and of most legislators, the executive office and state banking department was centered on the three-day bank moratorium declared, its effects and immediate results.

Both houses plunged into important legislative matters, while at the same time legislation was being drafted relative to regulator banking laws to become effective before Monday when all banks are scheduled to reopen. These bills were expected to fall into the hopper the first thing tomorrow, if not late tonight, and the decks would be cleared for their immediate consideration.

SALEM, March 2.—(AP)—The house of representatives this morning, under special order of business, will plunge into consideration of the general sales tax, the major revenue raising measure before the Oregon legislature. And this is but one of the big issues to be settled before it would seem adjournment could be taken.

The utility control bill was not on today's calendar and would not be considered before tomorrow unless a special move is made to advance the bill. Permanent license plates was among the matters on the house calendar, while a negative report on the chain store tax bill was expected to bring out a fight on the floor. The house has 51 bills on its calendar and the senate 17.

Refuse Cleared Away. Both houses of the Oregon legislature cleared their calendars yesterday of much "refuse" material to make way for the final spurt on major legislation prior to adjournment. The material was cleared, both by defeats and approval of minor proposals.

The utility control bill came to the house from the senate in an amended form. A vote of 31 to 27 rejected the minority house committee report to pass the original bill, while the majority of the committee amended it even further than the senate had done, including replacing some of the features of the budget supervision section. Much of the control was taken out of the seven-point program.

NEIGHBORS' FUSS HEARD IN COURT

A circuit court jury today was hearing the damage suit of Manilla Burdell against Della P. Wilkerson, both of this city, for \$10,000 damages, allegedly sustained May 12, last, during a neighborhood quarrel between the litigants. Mrs. Burdell alleges physical pain and injury, as the result of a beating. Letters, one consisting of eight pages, were introduced this morning as evidence.

The complaint alleges that during the course of the combat the defendant repeated: "Bite the dust, Manilla, bite the dust!" The trouble, the evidence reveals, started in a dispute over clothes on a clothesline, and blown against a fence. The fence was shopped down.

Allison Moulton, attorney for the defense, this morning while cross-examining Mrs. Burdell, attempted to show that a scar on her leg was sustained when she fell off her horse, and not, as charged, when dragged across the lawn by Mrs. Wilkerson. The case is expected to go to the jury late today.

ASSASSIN'S VICTIM STILL NEAR DEATH

MIAMI, Fla., March 2.—(AP)—The condition of Mrs. Joe H. Gill, Miami society woman wounded by one of Giuseppe Zagara's bullets when he attempted to assassinate President-elect Roosevelt, still is critical. Dr. T. W. Hutson said today: "Mrs. Gill's condition is critical. She is fighting a severe infection caused by the bullet wound in the abdomen. During the last week she has held up the same condition throughout."

Marked improvement in the condition of Mrs. Anton Cernak of Chicago continued to build up hope for his recovery today.

Sen. Walsh Dies Aboard Train Enroute to Take Cabinet Post

Death During Honeymoon

WASHINGTON, March 2.—(AP)—Shock and surprise was the reaction of the capital today at word of the death of Senator Walsh of Montana in the midst of preparations for a brilliant inaugural that was to have brought him into the attorney generalship.

The senate immediately adopted resolutions of regret and adjourned out of respect to Mr. Walsh. A 10 o'clock meeting had been called to expedite important legislation.

ROCKY MOUNT, N. C., Mar. 2.—(AP)—Senator Thomas J. Walsh of Montana died suddenly of a heart attack aboard an Atlantic Coast Line train near Wilson today, while en route to Washington with his bride, whom he married Saturday in Havana.

The senator, who had been appointed attorney-general in the cabinet of President-elect Roosevelt only a few days ago, was stricken and died within a few minutes as he lay face downward in a berth in his drawing-room. He was 73 years old.

Death occurred at 7:10 a. m., as Conductor Herbert Weathersee, operating on the train between Laurens, S. C., and Rocky Mount, felt his pulse.

Four Present. Only the conductor, Mrs. Walsh (Continued on Page Ten)

BOETCHER RELEASED BY KIDNAPERS, UNHARMED

DENVER, March 2.—(AP)—Nearly seventeen "days and nights of blackness, discomfort and threats" he endured in the hands of kidnapers has ended today for Charles Boetcher, 2nd, 31-year-old heir to riches. He was returned unharmed last night.

"Thank God, it's all over," young Boetcher said in his first utterance since the kidnapers released him in the stockyards district. "There were conflicting statements last night as to whether his multimillionaire father, Claude K. Boetcher, had paid the \$60,000 ransom demanded by the abductors when they seized the young investment broker, the night of Feb. 12. Developments today, however, showed the money had been paid."

"Where I was held and by whom I do not know," young Boetcher said. "It appeared to be in a basement of some house 18 hours by fast automobile from Denver. Neither do I know who my abductors were but there were two of them—possibly three."

The climax to the west's most amazing kidnaping came with startling suddenness. Shortly after 4 p. m. last night, Dr. John M. Foster, young physician and close friend of Boetcher, drove to a designated spot near the municipal airport. In his automobile he had \$60,000.

There the kidnapers were waiting. Although they remained out of sight themselves, they allowed the physician a glimpse of their blindfolded victim. Foster dropped the bag containing the money and raced for Denver to inform young Boetcher's family.

Soon after young Boetcher telephoned his mother, Mrs. Millson McCormick, from a drugstore in the vicinity where he had been released. Foster and Norman Barwise sped to the spot and picked him up. "Some place along the way we stopped and I got the impression another man joined us," young Boetcher said. "That's what makes me think there were three in the gang."

Death During Honeymoon



Senator Thomas J. Walsh of Montana, whose death occurred on board a train early today, shown with his bride at a few days, the former Senora Nieves Perez Chaumont de Truffin, in Miami, Fla. They were en route to Washington, where Senator Walsh was to become attorney general in Roosevelt's cabinet.

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"Finally the men said they were going to let me out. They said that after I had been let out I should count to 150. 'Then go around the corner where you will find a telephone,' he continued. 'Be sure and call your parents as they are worried about you. I called them and here I am. Seventeen days—it seems more like seventeen years—of blackness, discomfort and threats—thank God, it's all over.'"

Hamilton Patton, appointed chairman of relief work in Jackson county the first of the year, announced today that he handed his resignation to the county court yesterday afternoon, following announcement of appointment of the relief committee by Governor Julius L. Meier. The resignation had not been accepted last night.

Mr. Patton stated today that he offered his services to the county for a period of two months as manager of relief. The time expired March 1. The same service, he stated, was offered each candidate for county judge.

SUDDEN HEART ATTACK TAKES VETERAN SOLON

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BANKS ORCHARD DEBTS ORDERED PAID BY COURT

In a decree and order handed down in circuit court late yesterday by Circuit Judge William M. Duncan, judgment is awarded O. B. Waddell in two suits for collection of money against the Suncrest Orchards, Inc., L. A. Banks, president, and against L. A. Banks and Edith R. Banks. The total amount of the judgment, on two mortgages, against orchard and residential property is \$11,028.44.

The order also provides that "if through inability or refusal the sheriff fails to act," he coroner shall act. And if the coroner fails or refuses, an executor shall be named by the court, upon a supplemental order. The decree also provides that the court retain jurisdiction pending final settlement.

In the findings and conclusions of the court, it is held that the affidavit of prejudice filed by Banks, was not within the time prescribed by law, and further that the prejudice affidavit was not based upon facts.

In the judgment against the Suncrest Orchards, Inc., \$4500 is allowed on the first cause of action, and \$2028.44 on the second count; \$4500 is allowed in the second action. Involved in the proceedings is unpaid county taxes for the past four years. The case was based upon loans made and secured by mortgages in the orchard property, and on residential property in this city.

Run Starts on State Treasury

SALEM, Mar. 2.—(AP)—Immediately upon word of the three-day bank moratorium among legislators and state employees, a miniature run was started on the state treasury office, which was open at the time. Following the cashing of numerous checks, some in three figures, Rufus C. Holman, state treasurer, called a conference and issued the following order: "Owing to the bank moratorium which has just been declared it will be necessary for me to decline to cash further bank checks until such time as business is resumed by the several banking institutions."

INSULL INQUIRY MADE TO ORDER FOR N. Y. BANKS

Investigation Hits Chicago Financial Institutions Blow to Pride — Senate Witnesses Look Foolish

By JAMES McMULLIN (Copyrighted by McClure Newspaper Syndicate.) NEW YORK, Mar. 2.—Max Steiner, a Tammany lawyer—may be seen in the role of chief inquirer for the senate stock market investigation. He is said to be receptive to the idea of working for a committee with a Democratic chairman—though he wouldn't work with Norbeck.

Utility people hear that the federal trade commission's investigation of their activities will not be curtailed after all. The necessary part of the appropriation will be restored with the warm approval of the new President. Just another try gone wrong.

The insull inquiry—as so far conducted—might have been failed to order for New York benefits. New York banks are gloating a bit. They figure that Chicago's claim to financial preeminence will certainly be handicapped by the evidence that Chicago's banks were far worse suckers for the insull transactions than their New York brothers. Of course New York's turn could still come.

The financial community was pretty well disgusted with the performance of Jackson Reynolds and Myron Taylor before the senate committee. The senate won't round easily when the witnesses couldn't suggest how the demanded budget-balancing act should be accomplished. One of the witnesses is privately but vehemently insisting that he was misquoted. New York is skeptical.

The incident gave rise to the crack: "What would Taylor and Reynolds know about budget balancing? They can't even balance their own." (Continued on Page Eight)

ROOSEVELT OFF TO INAUGURATION

NEW YORK, March 2.—(AP)—Guarded by an army of 700 uniformed police and plain-clothes men in addition to a detachment of secret service operatives, Franklin D. Roosevelt left today for Washington to be sworn in as president of the United States.

The president-elect and his party left the Roosevelt home by automobile at 4:30 p. m., and drove directly to the Liberty street ferry to cross the Hudson to Jersey City, N. J., where a special train was waiting.

There were 100 police stationed around the Roosevelt home, half a hundred rode motorcycles as an escort, more than 200 were stationed along the route to the ferry, and 300 were assigned to the ferry house.

BEVERLY HILLS, Cal., Mar. 1.—England says: "We won't sell war materials to Japan, as she has been proven the aggressor nation." We say: "Well, that would be taking sides." We want to be in the position where we can sell to both sides.

Then they wonder why Europe thinks we are always out for the dough. Let's don't kid ourselves. We are out for it a lot of the time. England tries to stop war; we try to stop disarmament. One fellow tries to stop the actual fight; we try to regulate the number of bullets he shall have after the fight starts. Take your pick as to who is the humanitarian.

Yours, Will Rogers

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