

**The Weather**  
Forecast: Fair, except somewhat cloudy tonight and Wednesday, frost tonight.  
Highest yesterday 54  
Lowest this morning 25

# MEDFORD MAIL TRIBUNE

**Paid-Up Circulation**  
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Twenty-Seventh Year

MEDFORD, OREGON, TUESDAY, MARCH 21, 1933.

No. 307.

# CITY MUST PAY SEWAGE DAMAGE

## CLAIM OF BENSON IS DECLARED JUST BY HIGHER COURT

Norton Decision for \$500 Is Affirmed — Tollefson Plea for Rehearing Is Denied — Pardon Now Only Hope

SALEM, March 21.—(AP)—In the first opinions handed down by the Oregon supreme court since the legal holiday period which started March 2 the court today rendered 14 written and a score of oral decrees. None of the cases were declared of major importance, many involving suits for money and performance of contracts.

An opinion by Justice Harry Belt affirmed the Jackson county circuit court in the case of Axel Benson and Adina Benson, respondents, against the city of Medford. The opinion stated this suit was a suit to recover damages on account of sewage which the city permitted to escape from its septic tank into a stream running thru real property alleged to be owned by the Bensons.

The circuit court, presided over by Judge H. D. Norton, returned a verdict of \$500 against the city. Medford appealed, but the court affirmed the lower court. The opinion stated "there will be no danger of the city's being subjected to another such action on the same state of facts."

Other opinions handed down today included: Petitions for rehearing denied in Cohn vs. Duntley and State vs. Tollefson.

By virtue of the state supreme court today denying his petition for a re-hearing, only executive clemency stands between Alvin Tollefson and state prison.

Tollefson is under sentence to serve two years and six months for perpetration of a bank robbery. He was sentenced to state prison. He had used this money to cover up his own default. All the money taken was recovered. Some had been hidden in a coffee pot at Tollefson's home.

Tollefson entered a plea of guilty before Circuit Judge Norton and was sentenced to state prison. Immediately steps were taken to appeal the case, and petitions to the high court filed, on the grounds that Tollefson's constitutional rights had suffered.

At the time of sentence a large number of Medford and Central Point people asked that he be granted a parole, which the court denied. It is understood that petitions, widely signed, are ready to be presented to the governor asking for clemency.

The Tollefson case gained wide attention at the time, and has been a source of public interest here for several months.

## OPEN FORUM AT ROTARY MEETING

An open forum on the subject of "Education" was held at today's meeting of the Medford Rotary club. The discussion was conducted by Glenn Smith, principal of Medford high school, who answered numerous questions asked by his fellow Rotarians. Among the topics discussed were vocational tendencies of the present day student, the use of leisure time, good citizenship as developed in the schools and the value of a college education. The merits of the consolidated county school system and other interesting phases of the school economic problem were also discussed during the session. The total enrollment of the Medford schools is nearly 3,000 this year, which is approximately the same as last year, according to the speaker. The teaching staff, however, has been decreased in line with the economy program instituted in the local schools some time ago.

"Red" MacDonald of the Oregon State college basketball team was a guest of honor at the meeting, and told of the recent series with the University of Southern California, for the Pacific coast championship. "Red," who is a former Medford high school athlete star, paid tribute to school economic program. He spoke highly of the sportsmanship of the defeated Trojan team.

A motion was unanimously passed at the meeting that the Medford Rotary club subscribe to the George Prescott memorial trust fund which is now being raised. The Rotary subscription will be in addition to those made by individual members of the club.

President Lantis announced that nominations for officers would be in order at next week's meeting, and urged a full attendance.

Ernest Gilstrap of Eugene was a visiting Rotarian at the session, and guests included Fred McDonald of Corvallis and A. Hedges of San Francisco.

## Will Prosecute



WILLIAM S. LEVENS, assistant attorney general, named yesterday by the governor as special prosecutor of cases in Jackson county.

## CHECK HOSPITALS IN PORTLAND FOR FUGITIVE MAYOR

State police today were checking upstate hospitals in an effort to locate Walter J. Jones, mayor of Rogue River, indicted in the ballot theft cases, and reported yesterday by his attorneys as sick in a Portland hospital. The district attorney's office ordered his arrest yesterday, when it was found. State police said they had been unable to find any trace of Jones in Portland hospitals. Jones was not a home last Wednesday afternoon and evening, when an effort was made to serve a warrant upon him. Saturday his attorneys announced he was in Portland, and would surrender Monday at 10 a. m. He failed to do so and later the affidavit was filed claiming sickness. Jones was a leader in the "Good Government Congress," and was a frequent courteous visitor, taking part in the "demonstrations." Authorities say he was both inside and outside the courthouse auditorium on the night the ballots were stolen. Claude Ward, a brother-in-law of Banks, also indicted on the ballot theft charge, is ill. His sickness is certified by a doctor's affidavit. He will be served with a warrant as soon as his health will permit.

All warrants in the ballot stealing case have been served except the John Doe warrants, and those for the above two men. Officials claim that all the leaders are apprehended. They refused to deny or confirm the report that "a dozen have confessed."

John Glenn of Ashland, former county jailer, held in custody, is expected to furnish bail in the sum of \$10,000.

## HUMANERS SUED BY DOG FANCIER

PORTLAND, Ore., Mar. 21.—(AP)—David P. Egan, dog fancier, who recently surrendered to the constable's office on a charge of cruelty to animals preferred by Mrs. F. W. Swanson, manager of the Oregon Humane society, today filed suit for \$6,000 against the humane society for removing forty dogs from an enclosure on his farm.

Egan, who was in Montana when the dogs were removed to the society's pound, posted bail bond when he returned to the city. Agents of the society were quoted as having said the dogs were in "a half starved condition." Egan said he left his animals in care of other persons when he left the city and that plenty of food was provided for them.

## FARMERS IN RUSH TO GROW BARLEY CROPS

CORVALLIS, Ore., March 21.—(AP)—Any wholesale rush to barley growing by Oregon farmers would be purely a gamble, in the opinion of farm crop specialists at Oregon State college, even though legal beer is just around the corner. Oregon once raised considerable acreage of malting barley in the eastern part of the state, and Oregon specialists have been studying the situation ever since there was a possibility beer might again be legalized.

Radio for Salem Cops.  
PORTLAND, Mar. 21.—(AP)—A dispatch to the Journal from Washington, D. C., said a license for a short wave broadcasting station for Salem police was granted by the Federal Radio commission today.

More than 750,000 persons visited at the Akron, Ohio, municipal airport in 1932.

# Beer Bill Ready for Signing Tomorrow Morning

## INDICTMENTS BY GRAND JURY MAY COME TOMORROW

Slaying of Prescott Under Probe Today — Fleming Only Prisoner Showing Regret — Early Trial Aim

The Jackson county grand jury, Theodore J. Bell, Jr., of Talent, foreman this morning resumed investigation of the warrant slaying of Constable George J. Prescott last Thursday morning by L. A. Banks, agitator, editor and orchardist, while relating arrest for service of a warrant for complicity in the ballot robbery.

The grand jury is under supervision of Assistant Attorney General William S. Levens, named yesterday by Governor Meier as special prosecuting attorney for all cases of criminal syndicalism, criminal libel and the ballot theft, besides the murder.

First degree murder indictments will be sought against Banks, who admitted the killing of Prescott, according to police, and declared "he would do it again under the same circumstances," his wife, Edith R. Banks, who held open the door for her mate, while he fired the fatal shot, and E. A. Fleming, Jacksonville orchardist, at the Banks home before and during the murder.

Fleming, alone of the three murder scene principals has shown remorse. Banks continues to maintain a defiant attitude, and pictures himself to his jailmates as a "martyr." He claims to be the victim of a "conspiracy." Mrs. Banks in her cell in the county jail, continues cool and calm, and without regret.

Report Thursday, Bellet. The grand jury is not expected to complete its investigation until late tomorrow, of the murder, and not report until Circuit Judge W. M. Duncan of Klamath county returns Thursday morning to the local bench.

As far as the authorities know, Banks has received no word from his two brothers residing in California, and neither has been to visit him. Yesterday Mrs. Banks dispatched a telegram to a Salem acquaintance, asking that he recommend a Portland physician.

## HOOPER HOPES TO REMAIN AT HOME

PALO ALTO, March 21.—(AP)—Back from the long years of government service in war and in peace that culminated in the presidency, Herbert Hoover entered his home on San Juan Hill here today and told interested he hoped to remain there "for the next 30 years."

The former president received the greetings of state officials, Republican leaders and neighbors at the Palo Alto community house after motoring here from Oakland, where he arrived by train from Chicago this morning.

It was a quiet ceremony. About 300 persons cheered and applauded as the police-escorted automobile bearing the former president, drove up.

PORTLAND, Ore., March 21.—(AP)—A \$3600 annual license for manufacturers, jobbers and wholesalers of beer in Portland was tentatively decided upon today as city officials began the task of drawing an ordinance taxing and regulating beer. There is no state license, tax or regulation, the legislature having left the matter to municipalities.

## PEAR GROWERS OF ROGUE VALLEY TO GET RELIEF FUNDS

R. F. C. Aid Promised in Telegram From President — Exact Basis of Loans to Producers Unknown

PORTLAND, March 21.—(AP)—"Some relief" in the basis of loans has been approved by the reconstruction finance corporation for producers of apples and pears in Oregon, according to a telegram received last night by Governor Julius L. Meier from President Roosevelt.

In response to the governor's request, that some new measures of relief be extended Oregon growers, the president said:

"Your telegram, March 16, in regard to the basis of loans by reconstruction finance corporation and regional agricultural credit corporation in districts of your state, was referred by me to the directors of the reconstruction finance corporation with a request that the subject be most carefully reconsidered."

"I am advised that some increase in the basis of loans has been approved and reconstruction finance corporation is sending out word of that today."

(Continued on Page Three)

## DR. LAMBERT OF FOOTBALL FAME IS SHOT BY SON

COLUMBUS, O., March 21.—(AP)—Dr. F. A. Lambert, nationally known football official and member of the advisory council of the national rules committee, was shot and probably fatally wounded by his son, Samuel, 17, early today during a family quarrel.

At a hospital, where Dr. Lambert underwent an emergency operation, he absolved his son from all blame.

Young Lambert described the shooting as accidental. He said he had been called by Mrs. Lambert, who told him his father had choked her and twisted her arm. Then, the youth said, his weapon was discharged accidentally.

Dr. Lambert's condition was described by physicians as "extremely serious." The bullet grazed his lung and pierced his liver.

Mrs. Lambert told police her husband had been drinking and that she called her son to her aid. When the son entered the bedroom, she said her husband picked up a revolver and that the youth grappled with his father for the weapon. As Lambert backed away the gun was discharged.

## Employment Relief Plan Placed Before Congress In Roosevelt's Message

Work in Forests Through Organization of Civilian Conservation Corps Is Urged for Early Summer

WASHINGTON, March 21.—(AP)—Prospective sites for thousands of camps where President Roosevelt plans to employ unemployed put to work in improving forests are being selected by the U. S. forest service, which is ready to carry out its part of the gigantic employment plan on short notice.

WASHINGTON, March 21.—(AP)—Chairman Cohnert of the house labor committee today refused to introduce President Roosevelt's unemployment relief bill on the ground that organized labor is opposed to it.

WASHINGTON, March 21.—(AP)—President Roosevelt recommended to congress today the creation of a "civilian conservation corps" to give jobs in the forests.

Again writing concisely, he addressed his fifth major proposal to the legislators with a promise of putting 250,000 to work "by early summer," if given authority to proceed within two weeks.

Grants to States Urged.  
The president also outlined suggestions for "grants to states for relief work," and a broad program of public construction.

He asked establishment of the office of federal relief administrator to direct the machinery for co-ordination of his relief plans.

He said he would submit soon to congress recommendations to carry out the direct relief work and the public construction plan.

Funds are available for relief until May, he said, necessitating further appropriations before that time.

The presidential text follows:  
To the congress:  
It is essential to our recovery program that measures immediately be enacted aimed at unemployment relief. A direct attack in this program suggests three types of legislation.

Plans Outlined.  
The first is the enrollment of workers now by the federal government for such public employment as can be quickly started and will not interfere with the demand for or the proper standards of normal employment.

The second is grants to states for relief work.

The third extends to a broad public works labor-extending program.

(Continued on Page Three)

## Starts New Duties



George H. Dern, former Utah governor, as he looked in Washington, D. C., upon assuming office as secretary of war in the Roosevelt cabinet. (Associated Press Photo)

## OREGON FORESTS COULD PUT MANY JOBLESS TO WORK

PORTLAND, Ore., March 21.—(AP)—Several thousand men could be put to work in the national forests of Oregon and Washington under the relief plan suggested by President Roosevelt, C. J. Buck, regional forester, said here today.

The forestry office today had not been advised as to how the proposed legislation may be administered, but in anticipation of the plan Buck has been making a preliminary survey of the situation in the Pacific northwest for executive positions.

He said, the object is to find men who are familiar with logging and timber clearing.

Fire protection will be one of the most important developments, Buck said. This will be accomplished by removal of snags along highways and on connecting ridges, the clearing of fire lands around summer camps and recreation grounds, and development of roads and trails. New recreation areas will be opened and roads constructed to them. Water systems will be installed and sanitary provision made.

Buck said the first work will be on the lower levels in the upper Willamette valley, on the coast and in the Puget Sound area. That of the Cascade mountains, it is proposed to develop range conditions.

That depends. If the gravities from out in the country do not lie, Mr. Roosevelt's strong arm tactics were very popular. There is no question that congressional revolts against him are brewing. But if the first one is met with a wave of abuse against congress it will not take the boys long to find out which way the wind is blowing.

Mr. Roosevelt has some farm intentions he is not divulging just yet. He has his eye on the profits of middlemen. While his bill does not say so it would authorize the government to go after wholesalers and retailers of farm products. At least that is the interpretation given privately by the man who wrote it—Prof. Rex Tugwell of Columbia.

Therein lies the explanation of why the bill promises increased agricultural prices without commensurate increase in cost to the consumer.

That laudable objective will be hard to reach.

Mussolini has less power than the secretary of Agriculture would have under the farm bill. It gives him (Continued on Page Three)

## ADJOURNING OF SENATE DELAYS SIGNATURE DAY

Fifteen Days Must Elapse After Roosevelt Signs Before Sale of Beer Begins in Unrestricted States

WASHINGTON, March 21.—(AP)—The house of representatives voted final passage of the 3 beer and wines bill today, but senate adjournment before the vote took place made it impossible to send the legislation to the White House for President Roosevelt to sign it before nightfall as had been planned.

There was no record vote in the house, only a short speech against the bill by Representative Blanton (D., Tex.) preceding the shouts of "aye."

Since the vice-president has to sign the bill while the senate is in session, it can not go to the president before tomorrow. Then fifteen days must elapse after he signs it before sale can be begun in states not having restrictions against it.

It was questioned among officials whether if the president signs the act into law by noon tomorrow, April 6 or 7 will be the first sale day.

The conference report providing for wine of the same alcoholic content by weight as beer, was approved yesterday by the senate, 43 to 36.

The measure climaxes a 13-year-old fight between congressional wets and dries, with the former forces victorious for the second time this year. Late in the last session, congress voted to submit repeal of the 18th amendment.

Action on the report came in the house shortly after it was received from the senate. Debate was limited to an hour. Representative Gullen of New York, assistant Democratic leader, sought approval without a roll call vote.

## ACCUSED SLAYER IN DIME-A-LOOK RACKET

BEND, Ore., March 21.—(AP)—Charles Kinzey, bound yesterday to the grand jury here, yesterday on a charge of slaying three trappers at Lava lake nine years ago, has hit upon a method of commercializing his notoriety.

Accosted by a cell-mate, police said, Kinzey appears in front of his bars so that spectators, who have paid ten cents, may peer at him. The cell-mate arranges the "bookings."

Flood Threatens  
GWINNAP, O., March 21.—(AP)—Flood waters threatened new destruction here today wearing down a levee protecting homes and the municipal airport in the extreme east end.

SANTA MONICA, Cal., Mar. 20.—If the beer is three and a fraction per cent. alcoholic, and you want to get 100 per cent. drunk, why all you're going to have to do is drink 33 1-3 glasses. Fifty per cent. drunk is 16 2/3 glasses.

We will be the only country in the world where you can just regulate your intoxication by arithmetic. You say to some friends: "Let's go out and have a 10 per cent. good time." So you get out your pencils and find that's only three glasses, so you all decide to raise it to a 20 per cent. party. A wife will bawl out, "John, you have had 12 1/2 per cent. too much now."

From the looks of it the treasury is going to get a bigger kick out of it than the drinkers.

Yours,  
Will Rogers  
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## SOLONS' REVOLT THREATENED AS F. D. DRIVES ON

Boys in Congress Becoming Restless Under Strong Arm Tactics—Farm Relief Plans Are Ambitious

Copyrighted by McClure Newspaper  
By PAUL MALLON.  
WASHINGTON, March 21.—The boys in congress have become restless underneath.

Under their breaths they are dogging the Roosevelt strong arm and muttering the honeymoon is over. From here on in they insist they are going to have something to say about the bills they pass.

That depends. If the gravities from out in the country do not lie, Mr. Roosevelt's strong arm tactics were very popular. There is no question that congressional revolts against him are brewing. But if the first one is met with a wave of abuse against congress it will not take the boys long to find out which way the wind is blowing.

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## CAT AND RAT CHUMMY DESPITE OLD INSTINCT

NEW CASTLE, Pa., March 21.—(AP)—If the Pied Piper ever gets around to New Castle and goes to work, he probably will find a cat among his followers.

The cat lives in a feed store. A city employe who threw her a piece of bread was startled a few minutes later by seeing the feline chewing on end of the crust and a rat eating the other end.

But it didn't surprise Jack White, caretaker at the city tool house next door.

"They play together," he said.

## BOY OF FIVE SHOOTS COLLECTOR OF TAXES

CRUZ ALTA, Argentina, March 21.—(AP)—A boy of five, Ricardo Pignoni, today shot and killed a tax collector, Pedro Bergola, when the collector visited his grandfather's home.

The boy said that he heard the visitor demand money and believed him to be a kidnaper because he had heard much discussion recently of abductions and killings.



Joan Crawford

## Love Cannot Return to Old Environment—Joan

HOLLYWOOD, Cal., Mar. 21.—(AP)—Any reconciliation between Joan Crawford, screen actress, and her actor husband, Douglas Fairbanks, Jr., will have to take place in an "entirely new atmosphere."

Mrs. Crawford and Fairbanks said they had separated "as the only means to their future happiness." Both denied there was any "other woman" in the separation, and Fairbanks announced he would set out to re-win Mrs. Crawford.

The actress said it is her intention to dispose of her beautiful home and build a new and smaller place in Hollywood for herself. Her decision to sell her home was made after spending several nights alone which

## FIVE IN YACHT DIE BY FUMES

VANCOUVER, B. C., March 21.—(AP)—The five members of the family of W. Cross, of Dapp, Alta., were dead today, victims of carbon monoxide poisoning on the yacht in which they had planned to cruise during the summer along the British Columbia coast.