

The Weather  
Forecast: Unsettled with rain to-  
night and Saturday. Not much  
change in temperature.  
Highest yesterday 53  
Lowest this morning 35

# MEDFORD MAIL TRIBUNE

MEDFORD, OREGON, FRIDAY, MARCH 24, 1933.

No. 2.

## OSTER HEARING BARE SECRETS

### Comment on the Day's News

By FRANK JENKINS.  
HERE is something that interests  
all of us in this lumber country:  
A resident of southern Oregon was  
in Long Beach the night of the earth-  
quake. The next day, he drove over  
Long Beach, Huntington Park, Santa  
Monica, Hollywood and various areas  
of Los Angeles, noting the damage  
that had been done.

In all this area, he didn't see a SINGLE WOODEN HOUSE that had been damaged.

WOOD is the cheapest of the estab-  
lished building materials. Taking  
it by and large, it is the most satis-  
factory building material for homes,  
some of America's most beautiful  
homes being built of wood.

So far as Southern California is  
concerned, it is the SAFEST building  
material.

CHEAPEST most satisfactory and  
SAFEST. That is a pretty good  
line of selling argument for wood  
as a material for building homes.

IN 1931, Americans spent THREE  
BILLION dollars for vacations—  
chiefly in what, for want of a better  
word, we call "touring."  
That's a lot of money, isn't it—  
especially in the first year of a de-  
pression.

AND here's something interesting:  
In 1930, 482,000 American tour-  
ists spent \$868,000,000 in Europe.  
In this writer's humble judgment,  
they could have got more for their  
money if they had spent it at home—  
especially if they had spent it out  
here on the Pacific coast.

IN 1931, 869,000 tourists visited Cali-  
fornia. They came from 46 states  
and from every province in Canada.  
In May, June and July of that year,  
an average of 3173 tourist cars en-  
tered California every day from other  
states. Only 18 per cent of them  
camped out. The rest stayed at  
hotels.

Experience indicates that of each  
10 persons coming to California as  
tourists one returns within five years  
to become a permanent resident.

IN 1931, tourists spent in Northern  
California—that is, California north  
of the Tehachapi—the sum of \$68,-  
000,000.

They stayed an average of 11 1/2  
days, and spent an average of \$5.99  
each per day. Among these tourists,  
cars costing \$1500 or more were in the  
majority.

THIS \$68,000,000 equaled 44 per  
cent of the value of the California  
fruit crop that year. 96 per cent of  
the vegetable crop was MORE  
than ALL the gold produced in Cali-  
fornia in five years.

OF THIS \$68,000,000, \$23,000,000  
went for food and lodging. The  
rest was divided among car expense,  
local transportation, clothing, recrea-  
tion, personal expense, cameras and  
supplies and souvenirs.

For example, they spent \$1,500,000  
for souvenirs.  
HOW were these figures obtained?  
Well, Californians incorporated in-  
dependent 938 tourists in Yosemite  
Park, sent out questionnaires to 2882  
others in various places and inter-  
viewed 266 guests in San Francisco  
hotels.

From these sources, they obtained  
percentages which they applied to the  
total number of tourists, getting the  
figures here given.

IF YOU question the accuracy of this  
method, come down to the office  
of this newspaper on the night of  
the next election and watch the  
counting of the first 100 ballots.  
If these ballots are scattered widely  
enough to represent an accurate cross-  
section of the voting public, you will  
be able to forecast quite closely the  
outcome of the election from them.

THE figures on tourist expenditures  
here quoted were given to this  
writer by Bert Hall, president of the  
Shasta-Cascade Wonderland associa-  
tion.

The Shasta-Cascade Wonderland asso-  
ciation has meant a lot to South-  
ern Oregon and Northern California,  
and is going to mean a lot more.

WASHINGTON, March 24.—(AP)—  
Representative Lea (D., Cal.) said to-  
day he would reintroduce his wine  
legislation bill next week and hoped  
for action soon by the house ways  
and means committee.

## Schermerhorn Had Close Relation With Banks Gang, Claim

At this morning's session of the circuit court, in the Schermerhorn ouster and suspension hearing, testimony was introduced by the state in an effort to show that the sheriff was reluctant to serve warrants against County Judge Earl H. Fehl and L. A. Banks, the latter now under indictment for first degree murder; that "his attitude was one of encouragement towards threats made by Banks 'guards,' and that he maintained a close liaison between Banks and Fehl, and conferred with them on matters in which both were interested.

J. T. Davis, transfer man testified at this afternoon's session, that Sheriff Schermerhorn had talked to him about securing the release of the news print of the Banks newspaper seized by the constable, and he had refused, "except under the proper papers." Davis said the newspaper was held in his warehouse, and that the sheriff and four or five others had endeavored to have him release it. He testified that later he saw Schermerhorn, and the sheriff told him, "we can't do nothing until morning."

**Hunted Violence**  
Davis further testified that he was visited at the warehouse by four or five men, he did not know who they were, to have him turn back the newspaper.

"One of them," Davis testified, "got hard-boiled, and said, 'What would you do if we broke down the door, and took the paper?'"  
Davis said he replied, "If any of you fellows want to break down the door to my place while I am here, go ahead and try it."

Davis said one of the men suggested, "You leave the door open and we will go in and get the paper." Davis frowned on the proposition.

The witness said that he talked with the sheriff at his place, and in front of the News office.

Davis said the men with the sheriff on the visit, were not known to him by name, "but he had seen them around the newspaper."

**Carey Continues**  
Sam Carey, former ad solicitor for the Banks paper, completed his testimony at the start of the afternoon session. Under cross examination, he did not materially change his previous testimony. Sheriff Schermerhorn had been present when threats were made, and made no effort to halt them.

Carey testified that the sheriff had said, at one point, when threats were made:

"That's the way they did things in the old days, but they don't go any more." Carey said he told the "Banks guards," they would have to accept any legal paper served.

Carey testified that C. J. Connors, Wesley McKittrick, Arthur LaDieu, and Donald Taylor, all under indictment for the killing of the armed guards in the Banks plant.

**Guo Permit Wanted**  
McKittrick testified at the morning session that he had talked to the sheriff about getting a permit to carry a gun and was told "it won't be necessary." McKittrick also testified that he had been present when the court ordered the sheriff to permit only those able to be seated to remain in the courtroom, "because the fire hazard is too great." He ordered the court authorities to keep the aisles clear.

Frequent objections and exceptions to testimony were offered by Attorney F. J. Newman, counsel for Sheriff Schermerhorn.

Sam Carey, former ad solicitor for the Banks newspaper, testified that Sheriff Schermerhorn was a frequent visitor at the "News" office; that threats were uttered by "guards" in his presence, to which his "attitude was one of encouragement"; that after the late Constable Prescott had seized news print on a legal attachment, Sheriff Schermerhorn had, over the telephone, sought its release, and held the view "that the second seizure was not legal, on the first attachment."

**Guards Voiced Threats.**  
Carey testified that the men frequenting the News as "guards" were armed and had declared "they would not permit another seizure." Carey was on the stand at the noon adjournment, and was under cross-examination this afternoon at the opening of the court.

Carey testified that he had heard Arthur LaDieu, former manager of Banks' paper tell the guards, if another attachment was threatened, "to tag 'em and let them lie."

M. O. Wilkins, former attorney for Banks, and counsel for Fehl, testified that he was present at a conference held at the county judge's home, called for two o'clock in the morning, on January 2, last. Wilkins testified that Fehl told him he was "a representative of Schermerhorn's" and that the absent sheriff would return from northern California in the night and deputies would be sworn in at Fehl's home. He said John Glenn, Thomas L. Brechen and six or eight other men were present at this meeting, and the law on ballot recounts discussed at length. Glenn and Brechen are under indictment for ballot theft.

**Fehl Had Active Part.**  
Fehl testified that "plans were formed for taking possession of the sheriff's office," and that "resistance was anticipated." Wilkins said he had presented a bill to the sheriff

## FEHL IN EFFORT QUASH WARRANT IN BALLOT THEFT

Earl H. Fehl, county judge under indictment for participation in the ballot theft, this afternoon filed a motion in circuit court seeking to quash the warrant upon which he was arrested and an order discharging him from arrest. The motion was filed by his attorneys, H. Von Schmaltz and T. J. Enright.

The latest legal move came on the heels of Fehl yesterday filing an affidavit of prejudice against Circuit Judge W. M. Duncan. It alleged he could not secure a fair and impartial trial, and that the prejudice affidavit was not filed for the purpose of delay.

Fehl was scheduled to enter a plea and be arraigned Thursday. The prejudice affidavit automatically blocked the action.

In the motion to quash and discharge, the accused county judge alleged the accused official announced that he would demand an early trial. No date has been set for the hearing of the motion to quash. The state will contend that it is evasive, and intended to delay justice.

**MEIER EXPLAINS  
STATUS ON FEHL**

Response to the petition asking for removal from office of County Judge Earl H. Fehl was received today by the past commanders of the American Legion, stating that the governor does not have power under the law to cause removal of a county judge.

"Should the county judge be disqualified for service," the governor's letter stated, "the governor may appoint someone to fill the vacancy."

for services, but it had been ignored. He testified he acted as counsel for Schermerhorn upon the representations of Fehl, who took an active part in the proceedings held at his home.

Wilkins also testified to discrepancies between the state's representation of Schermerhorn's attitude towards Fehl, and "that it was held by the sheriff from Thursday evening to Saturday noon," and that Banks surrendered voluntarily, per announcement made at a "great assembly of the Good Government Congress" in the Armory.

**Attaining Denied.**  
Attorney Newman denied Wilkins, in cross-examination if he had "been quite an agitator yourself." The impeachment was denied. The witness admitted he had been attorney for both Banks and Fehl in litigation arising from the turmoil.

Twenty witnesses, including two former "Banks guards," are scheduled to be called by the state, represented by Attorney O. C. Boggs. Attorney Newman said "plenty of witnesses" will be called by the defense.

It is now forecast that the hearing will last until late tomorrow, if not into next Monday.

Hearing before Circuit Judge W. M. Duncan of the charges filed against Sheriff Gordon L. Schermerhorn, asserting his unfitness and ineligibility to hold the position, was started this morning and it is anticipated that the session will take the entire day.

The hearing was called by Governor Meier, upon the filing of the charges by Commissioners R. E. Neslon and Ralph Billings. The court will hear the testimony and file recommendations with the governor, who will act upon them.

Although "congressional" officials claim a membership of 6000, this number has never gathered at a public meeting, the largest assemblage having been estimated around 2000. Active workers of the "inner circle," who faithfully attended the sessions, were never estimated in numbers over one hundred.

The county commissary, operated for some time under an appointee of County Judge Earl H. Fehl, was re-cruiting headquarters for the Good

## FOREIGN POLICY KEPT VEILED BY F. R. COMPLAINT

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By PAUL MALLON  
WASHINGTON, March 24.—The frankness of the new administration in domestic affairs is not being applied to foreign policy.

Strong deceptions were attempted at first in connection with the trip of Norman Davis abroad. Everybody swears he is going only to Geneva as head of the disarmament mission.

For your own accurate information his passport names Britain, France, Germany, Italy and Switzerland as prospective ports of call.

The White House line about ambassadors calling last week because they were "old friends" was so misleading. The official assertion that the British, French and German ambassadors asked to see the president is also untrue.

What appears to be behind the whole thing is a new deal internationally. Mr. Roosevelt is supposed to have in mind a consultative pact to make the Kellogg pact effective. He would not go so far as to guarantee the security of any nation. He is toying with the idea of adding to the Kellogg pact a provision for consultation and conference among signatories when the going gets rough.

Something like that is needed now in the strained condition in Europe. You can bet your last dollar Norman Davis has some informal nota-

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## RUNAWAY BOY IS DETAINED HERE

Billy Springer, 13, of Tacoma, Wash. who decided three days ago he would "go south," was a guest at the city jail last night, and his father is en route here from the north to return the young boy to Tacoma, according to a telegram received by Chief of Police Clatus McCreedy from Tacoma's chief, M. D. Gray.

Billy, who made the trip from Eugene to Medford Thursday, said he had only missed one meal since he left home. He is a 7-A student in the Tacoma schools, he said. Billy thought he'd like to go down around Los Angeles, but the arrival of his father will probably convince him that "the north isn't so terrible."

## Scores Withdraw From Banks' "Congress" When True Objective Learned

Return of Membership Cards Is Refused; Outrages Charged to Leaders Open Eyes of Followers

With a score of leaders in the Good Government Congress in jail, some charged with first degree murder, others with stealing and burning the official ballots from the November election, still others with criminal syndicalism and another with slandering a bank, 185 conscientious citizens of Jackson county have already asked that their names be withdrawn from the membership of the "congress," a complete tabulation of published requests shows.

Many of the group had verbally requested that Secretary C. H. Brown of the organization return their membership cards to them, but in no known instance has this been done. Citizens who said they had been misled and who signed the cards through misrepresentation, have asked that he made public they wished to formally withdraw from the group which has in every way violated all principles of good government, their letters state.

"While we believe in the tenets and principles endorsed on the membership cards, we signed, the events of yesterday convince us that those principles have been violated and therefore wish to be no longer affiliated with this organization."

Another citizen who said he was sorry he had attended one meeting wrote the editor:

"I wish to announce to the public that our affiliation with the 'Good Government Congress' is terminated at this date.

"While we believe in the tenets and principles endorsed on the membership cards, we signed, the events of yesterday convince us that those principles have been violated and therefore wish to be no longer affiliated with this organization."

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(Continued on Page Six)

## Seven Indicted by Grand Jury

### FRUIT FINANCING PLANS REVEALED BY REGION CHIEF

Extra Fancy and Fancy Grades Only Will Enjoy Benefit of Federal Aid Is Announcement by Towle

SPOKANE, Wash., March 24.—(AP)—The regional agricultural credit corporation of Spokane today announced its program for financing the cost of production of Pacific northwest crops of apples and winter pears, which is expected to call for advances to growers of from \$5,000,000 to \$10,000,000.

The plan, as announced by R. E. Towle, general manager of the corporation here contemplates the financing of extra fancy and fancy grades of fruit only, and control of selling through selected marketing agencies.

Money will be advanced strictly on a basis of actual costs of production, and on a budget basis, Towle said. Maximum use of 16 cents a box will be allowed for growing costs, 12 cents for harvesting and 27 cents for packing, a total of 55 cents a standard pack box.

A selling commission of a minimum of 3 1/2 cents a box will be permitted in addition to the 55 cents.

Allowance of selling commissions in addition to the basic loan means the grower is being granted an increase of 8 1/2 cents a box over the maximum financing previously authorized by the Reconstruction Finance Corporation, Towle explained.

The date for suspension of the train was first set for March 27, but opposition was made by Roseburg and Grants, Paas.

Since this information has been received, the utilities commissioner's office also announced the conference called for Wednesday between Southern Pacific officials, the Roseburg chamber of commerce and the commissioner had been postponed likewise.

The utilities commissioner stated the Southern Pacific company had not set a new date for effectiveness for the suspension order issued several weeks ago.

## FLOOD OF ORDERS BOOKED FOR BEER

By the Associated Press.  
In more than a dozen states vats were bubbling today in preparation for putting legal 32 beer on sale April 1.

Breweries reported they were deluged with orders—in New York the suggestion being made that it might be necessary to ration beer until supply could catch up with demand.

Beer advertisements appeared in newspapers for the first time in 13 years, heralding the date on which sale will be permitted. An informal ruling by Attorney General Cummings held anticipatory advertisements were not infractions of the law.

Arrives in City—Beulah Jenkins arrived in Medford on the Shasta this morning from LaJolla, Cal., where she has been spending the winter.

## DROWNS DAUGHTER IN BATHTUB



Mrs. Marie Kennedy, housewife of Montrose, suburb of Los Angeles, killed her eight year old daughter, June, by immersing her in the bathtub of their home while her husband was at work. She then called police and told them of her act. Her husband later said she had been suffering from growing mental weakness but he had delayed making an insanity complaint, hoping she would improve. (Associated Press Photos)

## BANKS AND WIFE ARE CHARGED IN PRESCOTT DEATH

Fleming's Connection With Ambush of Officer Comes Up Later—Mrs. Martin Among Lesser Indicted

Llewellyn A. Banks, agitator, former editor and orchardist, and his wife, Edith B. Banks, in a joint indictment returned this noon by the grand jury, are charged with first degree murder for the slaying of Constable George J. Prescott on the morning of March 16, while the officer was in the act of serving a warrant upon Banks for indictment as one of the Jackson county ballot thieves.

The full text of the indictment reads as follows:

"Then and there being, and then and there acting together, did then and there unlawfully and feloniously, purposely and of deliberate and premeditated malice, kill one George J. Prescott by then and there shooting him, the said George J. Prescott, with a rifle loaded with powder and bullets, which said rifle he, the said Llewellyn A. Banks, then and there had and held in his hands."

No action was taken at this time relative to E. A. Fleming, Jacksonville orchardist, arrested while attempting to flee the murder scene, by the back door. It is understood that the grand jury will consider his case soon.

Fleming Nervous.  
Fleming, who has been held in the Josephine county jail the past week, was lodged in the county jail here late yesterday. He was described by jail attendants as in a high state of nervousness, worn from worry, and losing weight rapidly.

Time for the arraignment for pleading of Banks and his wife on the first degree murder indictment has not been set, but will be at an early date officials indicated. Under the first degree murder charge, they are not subject to bail. Banks is held in the Josephine county jail at Grants Pass; Mrs. Banks in the jail here.

Few Present.  
The indictments were returned at the noon hour, after the adjournment of the Schermerhorn ouster proceedings, and received by the court. Three women spectators, including Mrs. C. H. Brown, mother of Henietta B. Martin, sitting their lunch in the courtroom; two men spectators and court attendants were the only persons present. The indictments were presented and received by Circuit Judge Duncan.

At the same time, indictments charging Mrs. Henrietta B. Martin, president of the "Good Government Congress," her father, C. H. Brown, secretary of the organization, and O. L. VanWegen and E. I. Pritch with "riotous conduct and disturbing the peace" were returned. The indictment grew out of Mrs. Martin's attempt to buggy-whip Leonard Hall.

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## SHASTA TO STAY WHILE LONGER IS DECISION OF S. P.

SALEM, Ore., March 24.—(AP)—The Southern Pacific company today notified the public utilities commission of postponement of the effective date of the suspension of the Shasta train between Eugene and Roseburg. No date for its effectiveness was set and it was not learned whether the action would mean indefinite postponement.

The date for suspension of the train was first set for March 27, but opposition was made by Roseburg and Grants, Paas.

Since this information has been received, the utilities commissioner's office also announced the conference called for Wednesday between Southern Pacific officials, the Roseburg chamber of commerce and the commissioner had been postponed likewise.

The utilities commissioner stated he had not yet received a formal complaint against suspension of the train from Roseburg, but was advised that such a complaint was being prepared. Grants Pass secured a complaint with the railroad in that the Shasta from the south would run as far north as Grants Pass, it was announced here.

The commissioner stated the Southern Pacific company had not set a new date for effectiveness for the suspension order issued several weeks ago.

## JONES AND GLENN TO SEEK LIBERTY BY POSTING BOND

Walter J. Jones arrested yesterday for ballot stealing, was ordered released this afternoon on \$7000 bond with his wife, H. W. Jones of Rogue River and E. W. Wilson of Rogue River as sureties.

The court gave the state the right to bring when it had investigated the qualifications of the sureties. A hearing was prevented today due to other pressing court business.

H. W. Jones and Wilson are small landowners of the Rogue River district.

Steps were under way this afternoon to secure the release on bonds of Walter J. Jones, mayor of Rogue River and Fehl appointee as road supervisor, and John Glenn of Ashland, former county jailer. Both are held in the county jail on ballot theft indictments. Glenn was arrested early Thursday morning at his Rogue River home, after state police had sought him for nearly a week.

Jones claimed to have a severe cold bordering on bronchitis, and a doctors certificate that he was ill.

Attorney Enright for Glenn said that the sureties named for Glenn were Jesse T. Thomas of Ashland, Nick Rossi of the same city and Hank Kates of this city.

Jones wife appeared in court this morning and said she had secured bondsmen for her husband.

The district attorney's office indicated it would request a hearing on the qualifications of the bondsmen.

## LEATHER LUNGED READY FOR TEST AT CALLING HOGS

Everything is in readiness for the hog calling contest to be staged by the Chamber of Commerce tomorrow morning at 11:00 a. m. on the Southern Pacific tracks at 8th street, is the word from a chamber of commerce headquarters.

The list of entrants so far received includes in the women's division, Mrs. Laura Jones, Griffin Creek; Mrs. Annette Prick, Medford; Miss Ollie Depew, Ashland; and in the men's division, A. C. Martin, Medford; John Anderson, Central Point; Fred V. Woodridge, Medford; Rand Hensby, Medford; W. N. Carl, Proutville; E. J. Garstena, Medford; Dr. D. W. Stone, Medford; John Duggan, Sams Valley; Dick Bradley, Medford; David E. Wilson, Central Point; H. C. Mechem, Jacksonville.

As previously announced the prizes will be \$10 first prize, \$5 second prize, and \$2.50 third prize in both divisions and are awarded by the retail merchants of Medford.

It is expected that the contest will start punctually at 11:00 a. m. and those intending to take in this unusual event are asked to be on hand promptly.

## FABRICK RESIDENCE THREATENED BY FIRE

City fire department was called to the home of Mrs. Glen Fabrick, 106 Crater Lake avenue, at midnight Thursday, to extinguish a fire in back of the chimney.

A grass fire at the corner of Sixth and Oakdale was placed under control at 1:35 o'clock by the fire department today, and Fire Chief Roy Elliott requested that no grass or rubbish fires be started on windy days.

## BANKER MITCHELL INDICTED ON TAX

NEW YORK, March 24.—(AP)—Charles E. Mitchell, former chairman of the board of the National City Bank, was indicted by a federal grand jury today on a charge of willful evasion of his income tax for the year 1929.

The indictment charges that in 1929 Mitchell's net income was \$2,623,405.95, whereas he reported a net loss of \$48,000, and therefore paid no tax.

He was charged in the indictment with evading payment of a tax of \$673,312.81.

## IDAHO MORTGAGE HOLIDAY DECREED

BOISE, Idaho, Mar. 24.—(AP)—Governor C. Ben Ross today issued a proclamation suspending mortgage foreclosures for 90 days, and declaring "There have been numerous and continuing mortgage foreclosures upon real estate throughout the state," and adding that "many other such mortgages are about to be foreclosed," the governor in his proclamation invoked the authority of the banking and mortgage holiday law enacted by the last session of the legislature to block all further evictions.

## ARMY FLIERS DIE IN PLANE CRASH

MIAMI, Fla., Mar. 24.—(AP)—Second Lieutenant Charles W. Stoff, 24, of Thorndale, Fla., and Staff Sergeant Gale M. Lester, 30, of Mitchell field, both members of the fifth observation group of the army air corps, were killed today as their plane crashed in an attempted landing at Chapman field here.

**WILL ROGERS**  
says:

BEVERLY HILLS, Cal., Mar. 23.—Here is a suggestion that will help you all out of a lot of anxiety and anguish in case your town or district should be hit by some disaster:

Run quick and turn off the radio, otherwise you will hear where your own home has been swept away by the flood, you have been lost in the fire and your husband kidnaped. We had an earthquake out here.

That's all we had (which was plenty) but that wasn't enough news for the radio. They added "oil wells overflowing and on fire, a city burning to the ground," and as a P. S., "a tidal wave coming in from the ocean." So in case of disaster, run (don't walk) to the nearest radio and turn it off, for they take delight in killing you whether you have been killed or not.

Yours,

Will Rogers

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