

The Weather
 Forecast: Fair Sunday with rising temperature.
 Temperature _____ 48
 Highest yesterday _____ 48
 Lowest yesterday _____ 33

MEDFORD MAIL TRIBUNE

Paid-Up Circulation
 People who pay for their newspapers are the best prospects for the advertisers. A. B. C. circulation is paid up circulation. This newspaper is A. B. C.

Twenty-eighth Year

MEDFORD, OREGON, SUNDAY, APRIL 9, 1933.

No. 15.

COURT FARGE ADMITTED BY FEHL

Comment on the Day's News

By FRANK JENKINS
L. A. BANKS, of Medford, charged with the murder of Constable George Prescott, will plead not guilty. It is expected that he will base his defense on the contention that he was protecting his home.

SUCH a plea, of course, is an absurdity. Constable Prescott was duly armed with a legal warrant when he approached Banks' home. Officers duly armed with legal warrants have the RIGHT to enter homes. They MUST enter homes if the law is to be enforced.

THE theory that a man's house is his castle does not apply to officers of the law properly armed with legal warrants. If we sanctioned the plea that a man's house is his castle, and as such must not be entered without permission even by officers of the law, all this evil person would have to do to avoid punishment for his horrible crime would be to retire within his home, close the doors and be safe. Obviously, we can't permit any such theory as that to prevail.

HERE is an interesting paragraph from the day's news. It occurs in a market dispatch from Chicago: "A booming rise at the very outset of trading carried most grain prices today to the highest levels for nearly a year."

THE reason it is so interesting is that sustained increases in grain prices will be the sure sign that the depression is over and that business revival is under way.

THE market reporter who sent out this dispatch undertook to explain it. The spectacular rise in grain prices, he says, was due to two causes—talk of inflation and reports of unfavorable weather in the grain belt. Talk of inflation, you see, causes people to believe that money will be worth less, so they hasten to exchange it for commodities before the cheapening process begins. Reports of unfavorable weather in the grain belt leads people to believe that grain will be scarcer.

AND if grain is going to be scarcer it will be worth more. Hence people hasten to buy.

THE stock market, we read, followed the tendency of the grain market, and ROSE, but some of the gains scored in the morning's trading were lost in the afternoon. Farm implement, metal, food, rubber and steel stocks, however, remained fairly strong throughout the day.

METALS, foods and rubber are raw materials. Rise in prices of stocks having to do with raw materials are particularly encouraging. Raw materials have been selling far too low. Any increase in their price will better the business situation materially. Increases in prices of stocks based on raw materials is an indication of popular belief that raw material prices will continue to rise.

No Authority to Try or Fine in Contempt Trials

In an order, signed by Earl H. FehI, county judge, and filed with the county clerk yesterday, the suit of the State of Oregon and Howard A. Hill, ex rel, against C. B. Lamkin, former county judge and Victor Bursell, former county commissioner, is ordered dismissed, and all judgments rendered by the court are vacated and annulled. The suit was a contempt proceeding launched against the two former county court officials, in reprisal by FehI and L. A. Banks for the appointment of R. E. Nealon as county commissioner, to fill the vacancy caused by the resignation of John A. Barneburg. The fine is revoked and judgment voided.

Error Admitted.
 In the order FehI admits he was in error in hearing and rendering a judgment, and that he had no jurisdiction in the case. Bursell and Lamkin were fined \$1 for contempt. The legal question now arises that if FehI had no jurisdiction to hear the case, he now has no jurisdiction to dismiss, as it was an illegal action from the start. The case is now pending action on a writ of review to a higher court. The writ of review is based upon the claim that FehI, in ordering the arrest of Lamkin and Bursell, hearing the case and passing sentence, usurped powers not given him under Oregon laws. FehI for weeks questioned the legality of Nealon's appointment, he now declares it valid.

The order sets forth that FehI, in conducting the proceedings, acted upon the advice of M. O. Wilkins, his attorney, specially named by him to conduct the proceedings and now places the blame for the high-handed proceedings upon the shoulders of his former counsel and friend. FehI insisted that Wilkins prosecute the case. The issuance of the order will have no effect upon legal matters that may be pending against FehI, as a result of the contempt hearing and usurpation of power.

FehI, at the time, claimed full jurisdiction, that he had concurrent powers with the circuit court, and issued bench warrants late in the afternoon, which then Sheriff Schermernorn vainly endeavored to serve that night. The order is also an admission by FehI that the former county court had the right to appoint Commissioner Nealon, and were within their legal rights and powers in so doing, and that his appointment was at all times valid.

FehI contended that the appointment of Nealon was a plot "to tie his hands" and with L. A. Banks to "demonstrate" and "Good Government" Congress meetings that Nealon resign. Petitions to the same end were circulated and signed.

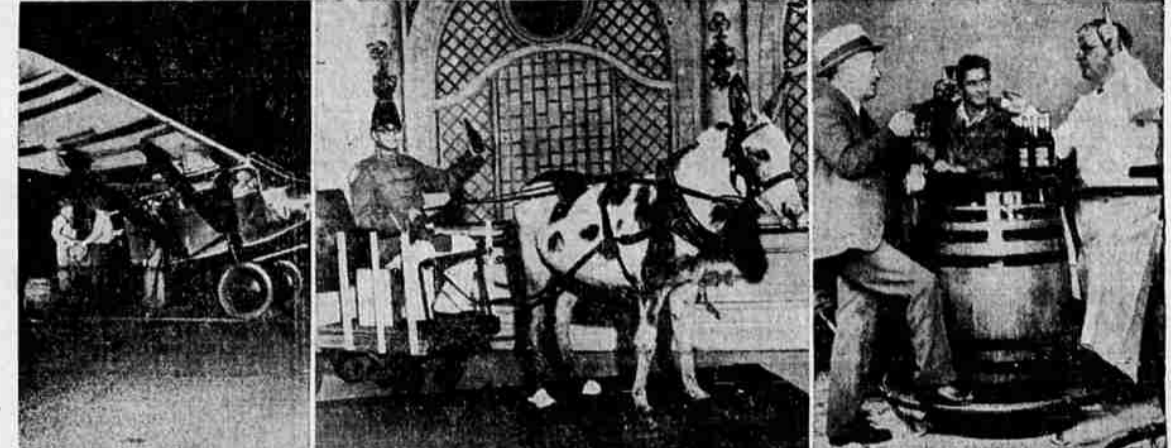
The contempt charge hearing was the first session at the court-house that followed the assumption of office by FehI. The county court was daily pelted with FehI-Banks benches and frequently mutter threats were hurled against both District Attorney Codding and Commissioner Nealon. FehI insisted that Attorney Wilkins, conduct the proceedings instead of the district attorney, while he himself made officious rulings, preface with frequent announcements: "I am your duly elected, qualified and acting county judge." The trial was conducted in a strained atmosphere, and with public attention at a high pitch.

At the conclusion of the so-called "kangaroo" court, Lamkin and Bursell were fined \$1 each. They took an appeal. Transcripts of the proceedings have been prepared for presentation to a higher court. The order is considered by attorneys for Bursell and Lamkin as a move to thwart further proceedings in the case. The "mock" trial was held the first week in January.

Order In Full.
 The full text of the order of the county judge is as follows:
 "The above entitled matter being now before the court for further consideration and the court

being now better advised in the premises, makes these representations and this order:
 "Whereas, the above entitled proceeding was brought by the plaintiff, Howard Hill, upon relation of the State of Oregon, as this court is advised by the said Howard Hill upon the advice, and with the solicitation of M. O. Wilkins, attorney at law of Ashland, Oregon; and
 "Whereas, both the said plaintiff, Howard Hill, and the county judge at said time had faith and confidence in the integrity and legal ability of said M. O. Wilkins and believed that the advice given by him was proper; and
 "Whereas, this county judge believed that he had jurisdiction in the premises to try and determine the said proceedings;
 "Whereas, this county judge is not an admitted attorney at law nor learned in the matters of jurisdiction, but is dependent upon those supposedly learned in the law for advice with respect thereto; and
 "Whereas, this county judge has been further advised by legal counsel in whom the said judge has full faith and confidence, that this Earl H. FehI, sitting as county judge, had no jurisdiction to hear and determine the said contempt proceeding above named, and now being fully advised in the premises, this county judge makes and enters his order:
 "The above entitled proceedings be and the same is hereby dismissed and all orders and judgments therein rendered be, and the same are hereby, revoked and annulled."
 (Signed) "EARL H. FEHL, County Judge."

KING GAMBRINUS HAILED ON RETURN TO ANCIENT THRONE



The old Flemish king, Gambrinus, who, legend says, first gave beer to the world was lustily cheered at the zero hour when 3.2 new became legal in the west. These pictures show the opening hour in San Francisco, largest beer manufacturing center of the Pacific Coast. Left: loading the new beverage into an airplane for delivery to an interior city. Center: "Gambrinus Rex," anti-Volstead mule, proudly hauled the first keg of liquid into a San Francisco hotel dining room and (right) a gathering around an old oaken barrel in a San Francisco brewery. (Associated Press Photos)

Ed Leach Eyed as New Deputy

OLMSCHIED TAKES UP SHERIFF DUTY MONDAY MORNING
 Retention of Jailer Kelly and Deputy Olga Anderson Is Seen — Plans for Turnover of Office Completed

Prospects that Gordon I. Schermernorn, deposited sheriff, by order of Governor Meier, would file a writ of review in circuit tomorrow, as a means of testing the constitutionality of the law, under which he was suspended, looms, according to close friends of the ousted official.

Attorney A. C. Hough of Grants Pass, was reported in the city yesterday, conferring with Attorney Frank J. Newman on future court moves.

According to lawyers, any writ petition would not stay relinquishment of the office by Schermernorn.

Before Governor Meier ordered the suspension of Schermernorn, he procured an opinion from the state attorney-general's office, on the legality of his course.

Edward Leach, civil engineer formerly with the Medford Irrigation district, according to unofficial information will probably be named chief deputy sheriff, by Walter Olmschied, when he assumes the sheriff's office tomorrow morning, under the orders and appointment of Governor Julius L. Meier. The appointment is for 90 days starting April 10.

Olmschied refused to confirm or deny the report on the ground that he would have no public statement to make until he became sheriff.

Leach, if appointed, will take the place of Phillip R. Lovel, runner-up for the Republican nomination in the spring primary, out of a field of eleven. He lost by a few votes. He was rigorously backed by L. A. Banks, whose influence with County Judge FehI is generally credited with gaining him the chief deputyship.

To succeed Lovel, he will take the place of Phillip R. Lovel, runner-up for the Republican nomination in the spring primary, out of a field of eleven. He lost by a few votes. He was rigorously backed by L. A. Banks, whose influence with County Judge FehI is generally credited with gaining him the chief deputyship.

At the county proceedings against his chief, Lovel testified he had written a note to Banks, suggesting a time to be arrested on a criminal libel charge; and it was introduced as evidence. Lovel also admitted that on the night of the ballot robbery, he loaned his sedan to Arthur LeDuff, former Banks business manager, and

SHANN SLASHED BY KIN IN FIGHT; OUT OF DANGER
 William Shann, about 40, suffering from five severe knife wounds as a result of a quarrel Friday night with his father-in-law, Dexter Hale, 54, who allegedly stabbed him in a drunken battle at the Riverside apartments, was reported late Saturday night as getting along nicely, and according to the city physician, will probably be able to leave the hospital within a few days. Hale is held pending further developments.

Two other "battles" on Friday night were reported by officers in the county, resulting in the arrest of Chester Hodgkins, 33 who was brought to the county jail by a Tallent officer early Saturday morning. Hodgkins is charged with assault and battery, the complaint having been sworn to in justice court Saturday afternoon by Ben Webster, who was allegedly assaulted.

Dexter Hale, lodged in the city jail Friday night following the cutting scrape, was moved to the county courthouse Saturday by city police for several days' observation by the county physician.

Officers stated that Hale and Shann had both been drinking and were "tapering off on moonshine." Hale had gone to the Riverside apartments, where he had rented a room and Shann and his wife went there to take him back to the ranch where he lived with them.

Mrs. Shann told police that the men were quarreling. She left the room, and at the time of the stabbing she was sitting in the car. Dr. Edwin Durno was telephoned by Shann, and a report was turned in to the city police.

Officers said when they reached the apartment house, they found Hale on the floor, drunk, and that Shann came in later. Streams of blood were flowing from the wounds, police reported, and the man was rushed to the Sacred Heart hospital, and City Health Officer L. D. Inspeck called Shann had "apparently gone to town to telephone Dr. Durno."

Both Shann and Hale are well known in Medford where they have lived many years. Hale was associated with Noah Lyons in business here a number of years ago.

Formal charges have not been placed against Hale as yet, as officers are awaiting the outcome of Shann's condition.

Early Saturday morning state police were called to Buckshot hill to quell a "disturbing the peace" complaint. Herbert Wade, his wife and two sons, about 16 and 17 years, were brought to the police station, and later released.

The affair was a family quarrel, state police said, resulting in a broken window at the Wade home, some furniture in several pieces, and Mr. Wade suffering slight cuts. No arrests were made.

VALLEY GROWER HEADS PORTLAND BREWERY SCHEME
 Project to Grow Hops and Make Beer — Plan Huge Plant — Option On Hops

Medford, buoyant for a few hours Friday while amber soda flowed from numerous fountains, was boned dry again yesterday. Beer, like an April shower, came and went, leaving behind it only the desire for more of the new beverage.

Calls, received by distributors, retailers and dispensers, received the same answer throughout the day—"We've had to see no beer in bottles; no beer on draught!" and that was that on a Saturday night!

A new supply is expected to arrive in the city Monday. A little may trickle in today, one firm announced. But there is nothing sure about that. The supply expected Monday will also be short-lived, it is feared, if consumed at the rate of Friday's shipment.

It takes times to make good beer, the old folks say, predicting that Medford will not see an adequate supply of the new 3.2 per cent brand before next September.

More than 200 cases of beer were consumed Friday, not including the amount of the beverage served on draught, and there were many people who declared yesterday that they had yet to taste the new drink.

At cafes, where beer flowed Friday for the short while that it did, business in general was increased by an important figure. Tea time saw throngs calling for dutch lunches to go with the beer, and at evening many more people were dining out in hopes of a taste of the beverage, overlooked by the afternoon's trade.

Most of the beer was drunk before it had time to be properly cooled, the dispensers were complaining yesterday, assuring customers that it will be even better after spending at least 24 hours on ice. To which the general reply was—"It was plenty good, while it lasted."

Although the thirst for beer was great throughout Friday afternoon and evening and satisfied in many cases, no crime was traced to the arrival of the new drink. Police made no arrests as a result of the new beer, they stated.

A closer check on illegal drinking, now that a definite stand has been taken by the government on the beverage question, will be maintained by the city police, who stood last night that most of the speakeasies neighboring Medford had closed their doors, voluntarily, and that a definite drive was underway to stop the flow of moonshine whiskey, which brings no revenue into the government purse.

NO BEER SATURDAY; DEMAND BIG AND SHIPMENTS SMALL
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COURTSHIP CLASS FOR UTAH YOUTH

SALT LAKE CITY, April 8.—(AP)—A proposal for courtship classes in all senior high schools in Utah was proposed today by Dr. E. E. Erickson, professor of philosophy in the University of Utah.

The plan is based on experiments in teaching courtship in high schools in Berlin and Stuttgart, Germany, in the past few years. The plan is to have the students, "On the stage, love is the favorite butt of ribald jokes," he said. "In current superficial fiction it is handed lightly to make 'best sellers' the total total result of this bungling manner of treating the deepest emotion of the human race is a vast ignorance and confusion."

Dr. Erickson's scientific courtship would incorporate three stages of approach: "Extensive acquaintanceship brought about through wholesome gathering in schools and churches."

Intensive acquaintanceship during which young lovers develop a real interest in each other.

The stage between engagement and marriage which is "rich with emotions and during which there is a real intimacy between the two."

CALIFORNIA OARS LOSE TO HUSKIES

OAKLAND ESTUARY, OAKLAND, Calif., April 8.—(AP)—On the twelfth, four-day boom of Oakland today Washington's Huskies swept to three thrilling victories over California's Bears in the annual renewal of the crew racing regatta, established 30 years ago.

Beaten in the freshman race by three lengths and out-lucked in the junior varsity when the bow was caught a crab 50 yards from the finish, the Bears' cup of woe was filled to overflowing when the pride of the Blue and Gold "navy," the varsity, was humbled by Washington's first string boat by the margin of seven lengths.

COMB ATLANTIC FOR AKRON DEAD

U. S. S. PORTLAND, OFF NEW JERSEY April 8.—(AP)—Spurred on by the finding of the body of Lieutenant, four-man boom of Oakland today Washington's Huskies swept to three thrilling victories over California's Bears in the annual renewal of the crew racing regatta, established 30 years ago.

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SENATE DELAY ON 30-HR. WORK BILL

WASHINGTON, April 8.—(AP)—The 30-hour work week bill has been held up in the senate by a motion tendered by Trammell (D., Fla.) to reconsider the vote by which it was passed.

Trammell made the motion which he said he would call up next Tuesday, at the same time as the bill's author, Black (D., Ala.), offered another measure to establish a six-hour day, 42 hours a week for railroads.

LUMBER BUSINESS GAINS ENCOURAGE

PORTLAND, Ore., April 8.—(AP)—Lumber shipments from Columbia River ports in March totaled \$7,528,000 board feet, an increase over March, 1932, of 28,516,000 figures released today by the Portland merchants' exchange disclosed. The exchange interpreted these figures as indicating that lumber has at last "hit its upward stride."

Increases in the movement of lumber were noted in all directions, Japan and China both approximately doubled their imports from the Columbia river, and increased were noticeable in the movements to other foreign markets, to the Atlantic and Gulf coasts and to California.

YANKS AND CUBS FAVORED TO WIN

NEW YORK, April 8.—(AP)—Those baseball fans who back their opinions with money have made the New York Yankees and the Chicago Cubs favorites to win the pennants in the American and National leagues again.

Jack Doyle, Broadway betting collector who announced the odds on the 1933 campaign which opens Wednesday, said it has been more than 20 years to his knowledge since any team has been such an overwhelming favorite to win.

The odds on the Yankees reflect the general opinion of fan and expert alike, but in making the Cubs 7-5 favorites to repeat, those who "lay their money on the line" differ with the experts who voted in the Associated Press poll the Pittsburgh Pirates would win in the National circuit.

BEER PERKS UP BUSINESS; GIVES THOUSANDS JOBS

100 Million in Taxes Paid—Breweries of Land Buried With Orders—General Trade Many Lines Better

NEW YORK, April 8.—(AP)—The golden flow of beer swept in tonight washing millions of dollars into government coffers, creating thousands of jobs for the unemployed, and leaving many a brewery vat empty.

A survey of taxing offices in the 20 states and the District of Columbia in which the new 3.2 brew was being sold indicated more than \$100,000,000 has been collected by municipal, state and federal taxing bodies.

The editor of Brewery Age estimated 1,000,000 to 1,500,000 barrels of beer had been sold in the nation, with the federal government reaping close to \$7,500,000 in two days.

From all sides came reports of a demand that exceeded either the supply or the ability of brewers to get containers to convey the new beverage to distributors and consumers.

There was scarcely a brewery in the country keeping up with its orders. Some were so deep in the problem of balancing supply and demand that telephones went unanswered and customers bombarded them by telegraph in pleading for delivery.

Double and triple shifts were put to work. Some plants decided to keep the wheels of their industry moving 24 hours Sunday.

"More barrels, more bottles," complained the brewers, as they ran out of containers.

Cooperages and glass works called in more men and went on double shifts.

In many a city the beer boom was credited with accelerating business in general.

Manly for brewery trucks.

The Chicago association of commerce said many stores were doing their best business since 1929, with steel, electric power, and railroad buying in the upturn.

Beer advertising in newspapers and magazines is a record.

Many of the refrigerator, ice chest, and kindred lines reported improved business, while owners of cafes, hotels, restaurants and clubs watched the beer kegs roll in with broad smiles.

Among the estimates of new jobs were these: Chicago, 40,000; New York, 70,000; Los Angeles, 10,000; San Francisco, 7,000; Albany, Boston, and Minneapolis, 5,000 each.

New York led the revenue parade. The amount of beer ready for movement at midnight Thursday had been estimated at 400,000 barrels, which meant \$400,000 for the federal government, and \$400,000 for the state.

New York City had collected about \$200,000 from close to 17,000 individuals and corporations receiving permits to sell the new beer.

The boost the city revenue, the health department announced plans for a drive Monday among the 32,000 speakeasies estimated by police to exist in the city, and among soft drink parlors, to see that all selling the 3.2 beverage have licenses.

Headlines here told of Manhattan racketeers losing their first round for control of the liquor trade, with all "wildcat" breweries closed, bootleggers halting operation and speakeasies owners rushing for city licenses.

CROWD LIMITED AT YREKA TRIAL OF KILLER HALL

YREKA, Calif., April 8.—(AP)—The state reeled its case today in the trial of George Hall for the murder of Steve Kent, state highway patrolman, and Lester Quigley, garage man. Testimony of E. L. Ballinger, United States customs inspector of Bellingham, Wash., who allegedly was kidnaped by Hall prior to the killings, ended the prosecution's case.

Ballinger testified he was kidnaped by Hall and a confederate named Clark; that Hall wanted to "bump me off and leave me in the brush"; but that on Clark's persuasion abandoned that plan and took the customs man "for a ride" down the highway.

The customs agent identified the pistol and ammunition as that used by Hall in shooting Kent and Quigley, who were seeking to arrest Hall for the asserted kidnaping.

Spectators were restricted in number after Sheriff A. S. Callina told the court the overcrowding was causing plaster to crack in the room below and that the court noise walls apparently were showing the effects of the extra weight.