The Weather
Forecast: Unsettled, probably with showers tonight and Wednesday. Not much change in temperature.
Highest yesterday 52
Lowest this morning 34

MEDFORD MAIL TRIBUNE

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Twenty-eighth Year | MEDFORD, OREGON, TUESDAY, MAY 9, 1933. | No. 41.

U. of O. Library

DAMAGING EVIDENCE ADMITTED

Comment on the Day's News

By FRANK JENKINS.

ONE OF THE SPEAKERS at the Rotary "optimism meeting," of which you read in this column yesterday, was Dick Hovey, of Hovey & Walker, large owners of timber in the Klamath Basin. Dick, to this writer's knowledge, has been anything but optimistic for the past couple of years.

He has just returned from an extensive trip through the East, and he was genuinely enthusiastic. That fact was clearly apparent as he spoke.

His hearers sensed it plainly.

"BACK EAST," he said, "everybody is for Roosevelt — Republicans and Democrats alike. They feel that at last somebody is DOING SOMETHING, and they are for him.

"In his efforts to revive business and put an end to the depression, Roosevelt has the country behind him."

AND EVERYBODY back there, he added, bankers along with the rest, is for the inflation program. Perhaps those who are for it don't know just what it means, but they are for it just the same, for it looks like a way out of the murk of depression in which we have been wandering so long and so aimlessly.

LET US PAUSE here to remark that very few of us, probably, know much about inflation. But some of us are beginning to figure out some of the ways in which it is going to work. Wool growers, for example.

A year ago wool was selling on the range in Oregon at around seven cents a pound. That meant that the wool grower who borrowed $100 borrowed the equivalent of about 1500 pounds of wool.

Today wool is selling at around 17 cents, which means that the wool grower can PAY BACK his loan with about 600 pounds of wool. That looks pretty good to him, and so it's hard to convince him that inflation isn't a mighty fine thing.

LUMBER YARDS through the Middle West consuming territory, Mr. Hovey told his hearers, are exceedingly low on stocks, and while they are selling very little lumber at the present time any upturn in demand will mean that they must buy HEAVILY in order to fill in their depleted stocks.

This buying, whenever it comes, will mean business for the mills.

WHEN will it come?

Well, Mr. Hovey noted particularly the run-down condition of houses generally. They are badly out of repair. Their roofs are in bad condition.

And they are dingy from lack of paint. When people begin to get a little money again, they will begin to repair their houses and repaint them.

AND what is true of houses, he says, is equally true of railroad equipment. The cars are battered and dingy. The ties are getting old. When the railroads begin to buy again, they will have to buy a lot of paint and lumber.

"As a matter of fact," he added, "it looks to me that paint and lumber are two commodities that are simply bound to be in demand in the next few years.

SO MUCH for lumber, in which we are keenly interested out in this country.

But it isn't the lumber market alone, according to Mr. Hovey, that is facing shortages. "I was told by a big manufacturer of shirtings," he said, "that if every man in the country would buy only ONE shirt there wouldn't be enough shirting material to go around and meet the demand."

TWO THINGS of the utmost importance stand forth from Mr. Hovey's observations.

One is that people over the country are beginning to get their confidence back. They have faith in the country's new leadership. They are looking for improvement—believing, that is, that things are going to get better, instead of worse.

And supplies of important commodities, including lumber, are low, with a big dammed-up demand due to the fact that for more than three years people have been DOING WITHOUT THINGS.

(Continued on Page Four)

BANKS' ATTORNEYS LOSE HARD FIGHT TO BAR GUN, NOTE

Loaded .38 Automatic Found Covered Up On Cot Adds to Arsenal Found in Home — Letter Held Threat

EUGENE, Ore., May 9.—(AP)—As the state neared the end of its testimony here Tuesday afternoon, the defense counsel intimated it would ask for a recess Wednesday morning to give it time to prepare its case in the trial of Mr. and Mrs. Llewellyn A. Banks.

The judge will probably grant either a half-day recess Wednesday morning or a full-day recess, with court being reaumed Thursday.

EUGENE, Ore., May 9.— (AP) —A loaded .38 automatic, a supply of ammunition and a heavy cartridge belt, plus a threatening letter written by Llewellyn A. Banks to Chief McCredie of Medford, were admitted as evidence by Judge Skipworth Tuesday as the state piled up its testimony that Banks not only had stocked a large arsenal in his home, but had openly threatened to use it.

The gun, which the state says was found covered up on a cot in the Banks house following the shooting of Constable George Prescott, makes the third weapon found in the home. The cartridges add to the formidable supply of ammunition which has been stacked on the clerk's table in the courtroom as the state has steadily added to its testimony that Prescott was killed in a well-plotted "stand" against the law.

Lawyers in Bitter Battle.

The admission of the gun and the letter, along with the "death cartridge" identified as the one from which sped the shot that killed the officer, precipitated a bitter legal battle as court opened Tuesday and preceded the sharp personal clash between Ralph Moody, chief prosecutor, and Frank Lonergan, chief of the defense counsel.

After the jury, made up now of seven men and five women, filed from the courtroom, Judge Skipworth heard arguments from both sides as to the admissability of the evidence, which according to state testimony, was not found in the Banks home until 4 o'clock on the afternoon of the shooting.

The .38 automatic, together with the ammunition and cartridge belt, was found under a woman's coat on a cot in the hall, according to Rodney Roach, state policeman, who had appeared on the stand late Monday. He had gone to the house with Officer Walter S. Walker and they had found the weapon during the search. They had also searched the fireplace and found, buried in the ashes, the cartridge identified as the one with which Prescott was slain.

Rule Admission.

After hearing arguments as to the admissability of the evidence, Judge Skipworth ruled that it be admitted.

"Under the charge of first degree murder the state must show intent, preparedness in premeditation," ruled Skipworth. "While it is admitted the weapon was not the one used in the alleged killing, it still has a bearing on the purported preparedness for battle of the defendants."

The same ruling was applied to the letter allegedly written by Banks to the Medford police chief. This letter, a duplicate of the one written to Capt. Lee Bown of the state police, was not delivered until after the shooting. The two letters had been handed to Prescott just before the bullet crashed into his body. The letters read:

Refused Accept Arrest.

"I have committed no crime. I refuse to submit to arrest on charges framed by the power interests and Medford's old gang. Any effort to arrest me will result in bloodshed and probably my own death."

The letters then continued saying Banks and his wife could sign bonds backed by property worth a half-million dollars to guarantee his appearance in court to answer the charges.

Following cross-examination of Rodney Roach, who had remained on the witness stand, his companion, Walter S. Walker, was called. Walker substantiated Roach's story of the finding of the new evidence.

Keith K. Ambrose, state policeman, and Charles Clause, ex-Ashland police chief, were the next witnesses. They testified concerning minor details of the state policemen's action in guarding and searching the Banks home following the shooting.

Clause admitted harboring animosity against Banks because "Banks wrote in his paper against us officers."

EUGENE, May 9.—(AP)—The state expects to complete examination of witnesses by Wednesday evening in the case of Llewelyn A. Banks, ex-Medford publisher, and his wife, Edith R. Banks, both charged with first degree murder for the death of Constable George J. Prescott, it was announced by state attorneys today.

Captain Lee Bown of the Medford police headquarters, officials conducting the autopsy on Prescott's body, and several other key witnesses are yet to be heard from.

Brothers Held in Kidnaping

This Associated Press telephoto shows Kenneth Buck (left) and his brother Cyril as they were photographed at Barnstable, Mass., in connection with the kidnaping of Margaret McMath, 10-year-old girl. Police said Kenneth confessed.

Dramatic Developments Come Thick and Fast in Murder Trial of Banks

Testimony of Deputy Sheriff Lowd Is Strong Link in States Chain Of Evidence Against Pair

BY ARTHUR PERRY.

EUGENE, May 8.—Dramatic moments came swiftly in the murder trial of L. A. Banks, former Medford orchardist and publisher, and his wife, Edith Robertine Banks, as four witnesses came to the stand Monday afternoon, and testified to threatful words and happenings in the Banks home, immediately following the slaying of Constable George J. Prescott, on the morning of March 16 last. The best progress of any day since the trial started was made.

Philip B. Lowd, deputy sheriff and former political protege of Banks, gave damaging evidence against him. With Captain Bown of the state police, Lowd testified, he had gone to the Banks home on the murder morning. There, on the porch, he saw the body of Constable Prescott. He helped Deputy Coroner Harold Brown place it in a carry-casket. Then on the door mat of the Banks home he saw two envelopes, one addressed to Captain Bown, whose attention he attracted to them. Captain Bown picked them up, Lowd testified, as Mrs. Banks opened the door.

Glad It Wasn't Lowd.

As Captain Bown and Lowd entered the Banks home they saw Banks, wearing an overcoat, and with his hands in its pockets, standing in the dining room.

Mrs. Banks, the witness testified, said, when he entered:

"My God, Phil! I'm glad it wasn't you!"

They approached Banks, as he stood in the dining room. Banks asked, "Is this Captain Bown?" and shook hands with him, and then said "Hello, Phil!"

"I asked him, 'Have you a gun in your pocket,'" the witness said.

"Mr. Banks replied, 'No. If I had I might be tempted to use it!'"

Banks was then escorted by Captain Bown and Lowd to a waiting auto and whisked away to the Josephine county jail in Grants Pass. Just beyond the city limits of Medford, the witness testified, he asked Banks, "how many shots did you fire?" and Banks replied "one." Banks said he

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Smudge Pot Takes a Rest.

To subscribers who have inquired about the absence of Smudge Pot, the past 10 days, this absence is only temporary. When "Smudge Pot" Perry returns from Eugene where he is covering the Banks trial, the popular colyum will be resumed, and no doubt improved by the enforced rest and absence of its pilot and originator.

LOS ANGELES, May 9.—(AP)—A distinct earth shock was felt here at 1.04 p. m. It lasted about five seconds, but was not strong enough, apparently, to do damage.

FEHL SEES BANKS AND ADMIRERS ON TRIAL SCENE VISIT

EUGENE, May 9.—County Judge Earl H. Fehl spent Sunday afternoon in Eugene, visited L. A. Banks in the county jail, and spent a short time with defense witnesses and members of the "good government congress," here for the murder trial.

Judge Fehl arrived by auto, and left late Sunday for Salem, on official business, and expects to stop here on his return Tuesday or Wednesday.

Rain fell intermittently all day Sunday, and the jury remained in their hotel under the eyes of a man and woman bailiff.

They are not allowed to read newspapers, or have contacts of any nature. The woman bailiff telephones each day to their homes, so the women jurors can have word of what is going on in their homes.

Among the Medford people who arrived Monday to attend the trial were Mrs. Robert R. Hammond and Mrs. Glen Fabrick of Medford. They were on their way home from Portland, and left for Medford Monday afternoon.

YEAR OF HEALTH WILL BE MARKED

Another year of good health will be celebrated in all Medford schools Friday afternoon, when health honor roll programs are held and pins and banners presented the winners.

To whom the health cup will be presented has not been revealed and much interest in its future location has been expressed by each school group.

Programs will be held at 2 o'clock in each school and Coach Darwin K. Burgher and Dr. E. W. Durno will be among speakers of the day.

HIGHER EDUCATION BUDGET SLICED TO BONE IS APPROVED

Six Institutions of State to Operate On $2,278,788 Next Year — $4,750,000 Needed in Boom Days

PORTLAND, May 9. — (AP) — Its budget balanced, higher education in Oregon is moving forward into another year with total unrestricted income from all sources amounting to $2,369,068 for the 1933-34 period.

The estimated requirements on the basis of the budget adopted are $2,278,788 and the six institutions of higher learning in the state will be operated on this basis for the year beginning July 1, next.

The $2,278,788 budgeted for this year compares with the $4,750,000 spent annually in the boom period from 1920 to 1930.

Members of the board of higher education approved the budget late yesterday on substantially the same basis submitted by Chancellor W. J. Kerr. There was no conflict of opinion on consequential issues. All board members were present, except Mrs. Cornelia Marvin Pierce who is in Washington, D. C., with her husband, Representative Pierce.

Some Items Uncertain.

E. C. Sammons, chairman of the finance committee of the board, said it was necessary to estimate some items because of uncertainty as to exact receipts from taxes or student fees. He added that "we have inserted a $90,000 'bumper' item in an effort to take up whatever slack may develop." He added, however, that "we believe we have met the emergency in the best way possible and we are trusting that full co-operation all the way around will bring us through."

The board approved centralization of agricultural work at Oregon State College, appropriated $5000 for municipal research at University of Oregon, and retained radio station KOAC at the state college, although cutting the allowance for the work more than one-third.

Summer Schools In.

After a period of some uncertainty as to the fate of the summer schools, the board included these schools in the budget, and summer classes will be held as usual at Eugene, Corvallis and Portland, with a post session at Eugene. The work will depend mainly on student fees, however, since the income was considerably reduced.

With normal schools on a four-tem basis summer work was never endangered there as it is a regular part of their instruction year.

The state salary reduction will be applied to the actual monthly salaries earned by those under the jurisdiction of the education board, it was decided, regardless of the source from which the money comes.

ALLEGED KIDNAPER SAYS BROTHER NOT PARTNER IN CRIME

BARNSTABLE, Mass., May 9.—(AP)—Kenneth Buck, alleged kidnaper of Peggy McMath, today exonerated his brother Cyril, also under arrest for the crime, of any part in the abduction.

In a sworn statement made in jail, whether both men are held awaiting a hearing May 22, Kenneth told Police Chief Hall of Harwich that he alone was to blame and responsible for the crime. Hall said Kenneth declared that he could "implicate no other person."

The announcement of Kenneth's statement was made by Chief Hall after a conference which lasted two hours and a half.

Meanwhile, Cyril Buck disclosed to James F. Kiernan, a lawyer, that on two occasions he tried to induce Neil McMath, father of the kidnaped child, to inform police that he was in touch with the kidnapers. McMath, anxious for the return of his child, refused.

WHOLESALE SUICIDE BY YOUNG WORRY JAPANESE

TOKYO, May 9.—(AP)—Because 55 girls and young men have committed suicide since February 11 at Mount Mihara on Oshima Island, 50 miles southwest of Tokyo, the Oshima police have asked the home office for reinforcements.

The normal staff of 12 policemen has kept scores of other persons from taking their own lives, but effective patrol of the huge volcano is impossible. The Crater's sheer sides are more than a thousand feet deep and the bottom is always hidden in flames and vapor. The bodies of those who jump to their death never are seen again.

The sensational death of a school girl February 11 brought Mihara into the limelight and it became the favorite suicide spot of the lovelorn and the life weary.

Six youths jumped into the Crater last Sunday. All the recent victims were under 28 years of age, the majority in their teens.

Japan's suicide rate is high. The beautiful Kegon waterfalls near Nikoo used to be the favorite spot for persons desiring to die. They went there from all parts of the country.

HOUSE REJECTS GUARANTEE FOR FARMER PROFIT

Lower Branch Stands With President Against Amendment—Senate Action Due Wednesday As Last Step

WASHINGTON, May 9—(AP)—The house today rejected the Norris-Simpson cost of production amendment to the farm bill.

The house stood squarely by the administration, approving the rest of the measure and putting it up to the senate where quick agreement was expected.

The senate action, due tomorrow, will be the last step necessary to send the bill to President Roosevelt for signature, unless present indications are reversed and the senators decide to hold out for the Norris-Simpson clause, which seeks to guarantee cost of production and a reasonable profit to the farmer.

The house stand was voted after the members adopted a rule offered by the democratic leaders to prevent republican opponents from making further technical delays. Only yesterday they had blocked the vote by making a point of order against a change in the bill made by the conferees. Today's rule forbade any more points of order.

FEHL'S PRINTING PLANT REMOVED BY LEGAL OWNER

Upon a replevin action filed in circuit court today, all the machinery and equipment belonging to Niedermeyer, Inc., in the office of the Pacific Record-Herald was moved out of the Fehl building today.

The machinery and equipment of the Pacific Record-Herald came into the possession of Niedermeyer, Inc., upon a mortgage foreclosure recently granted the Niedermeyers against the Fehl Pritning company, but has been used by Fehl since Fehl moved his paper from the Medford Daily News plant back to its old location on West Sixth street. When the Pacific Record-Herald building was seized by Roy Parr last July, upon a damage action, Fehl moved his paper to the Medford Daily News plant, then in the possession of L. A. Banks. When the Medford Daily News plant was taken back on a mortgage by the old News Publishing company, Fehl moved back, and has since published his paper on the Niedermeyer machinery and equipment.

Fehl could not be reached today, as he had gone to Eugene to confer with L. A. Banks, who is on trial for his life for the killing of Constable George Prescott. Many of Fehl's chief supporters and followers, all members of the Good Government Congress, are also in Eugene attending the trial.

Niedermeyer contended, in the complaint for possession in the property which he filed yesterday, that by an agreement entered into March 1, 1933, Fehl had agreed to pay $20 a week rental on the property. The complaint further alleged that the $20 a week rental has not been paid.

The property, the complaint stated, is valued at $1500, and further that the Niedermeyer corporation has been damaged to the extent of $100 by Fehl's wrongful dtention of the property. Possession of the property was demanded on May 3, the complaint stated, and Fehl refused to deliver the property to Niedermeyer, thereby retaining it wrongfully since May 15.

Fehl is expected to counterclaim with the contention that Niedermeyer owed Fehl money for rental, as the printing equipment was kept in the Fehl building between the time Fehl reclaimed the building, at a mortgage sale, and the time he started using the Niedermeyer equipment.

Fehl has three days in which he can file a re-entry bond, and regain possession of the property.

BASEBALL

National.

	R.	H.	E.
Pittsburg	0	3	1
Boston	7	15	0

Batteries: Hoyt, Smith, Chagnon and Grace; Frankhouse and Spohrer.

American

New York at Chicago, Boston at Cleveland, Philadelphia at Detroit, postponed; cold and wet grounds.

National

Chicago at Brooklyn postponed, cold.

STATE, DEFENSE BOTH SCORE AS TRIAL DRAGS ON

(By Arthur Perry.)

EUGENE, May 9.—Continued slow progress was made at the Monday morning session of trial of L. A. Banks, former editor and publisher, and his wife, Edith Robertine Banks, charged with first degree murder for the slaying of Constable George J. Prescott, on March 16, last.

Testimony of State Police Detective Sergeant C. A. Warren, under defense cross-examination, was completed, and the direct examination finish, and the cross-examination of State Police Detective Sergeant A. K. Lumsden started.

During the Monday morning session, both the state and the defense scored. The "Mother and Daddy" note, found in a coat pocket in the Banks home, and alleged to contain a warning, was denied admission as evidence, temporarily, by a ruling of the court. Assistant Attorney-General Moody said "it's materiality will be developed, when it would be re-introduced." The court overruled the introduction of the note because its authorship had not been fully established.

The court, in making the ruling, read an Oregon state supreme court decision, holding that after the commission of a crime, police officers have the legal right to search a home for evidence. The defense, by its line of questioning, had been inferring that the officers were not within their rights in searching the Banks home following the murder.

The court also ruled that statements attributed to Mrs. Banks were applicable only to her, and not binding upon the Defendant Banks, when he was not present.

Sergeant Lumsden testified that when, with Sergeant O'Brien, Lieut. Alex Dunn and Charlotte DeFord of Tillamook, he was in the Banks home, following the killing, Mrs. Banks was "cool, calm, deliberate and defiant," and had said:

From the state and defense examination of Sergeant Lumsden, it was shown that Mrs. Banks, when the state police and other officers arrived, resented their entry, and was

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PARK SNOWFALL REACHES 70 FEET

The heaviest snowfall recorded in the history of Crater Lake was announced today by the National Park service for this season. The total measurement up to May 8 was 70 feet, 5 inches. Last year's total was 65 feet, 8 inches.

Of this fall there remains on the ground 12 feet of snow at Government Camp and other measurements at the various locations, correspondingly deep. Four inches of snow fell at Union Creek yesterday and travel into the national forest is discouraged. Entrance to Crater Lake is blocked by the heavy May snowfall, but workmen are busy with plans for an immediate reopening of the roads.

CURB ON DOGS IN CITY NECESSARY

Arrests and court action will be necessary in cases of owners whose dogs are running loose within the city limits, according to local officers who received two complaints this morning. A city ordinance provides that dogs be tied up during the months of May, June and July.

C. J. Hardman of 809 South Newtown reported to officers this morning that one of his cows had been badly chewed up by a dog last night. Bill Reinhart of 203 Elm street also filed a complaint, stating that dogs were ruining his garden.

ATTEMPT DYNAMITING SAVANNAH CITY HALL

SAVANNAH, Ga., May 9.—(AP)—An effort was made to blow up the city hall today with dynamite. Eight sticks of dynamite with fuse attached and lighted were found by a visitor.

ROOSEVELT IRKED WHEN M'DONALD UNABLE DELIVER

Diplomatic Smiles Come Hard As Developments Abroad Lower Hope of Economic, Arms Confab

(Copyrighted by McClure Newspaper Syndicate)

By Paul Mallon.

WASHINGTON, May 9.—Mr. Roosevelt is managing to keep up the usual diplomatic smiles with considerable effort. Frankly he is worried and irritated by developments abroad. So is his secretary of state. Their hopes for the Economic and Disarmament conference have never been lower.

Apparently Premier MacDonald is even less a power in Britain than they thought. While here he must have been talking more for Ramsay than for England. He not only failed to deliver on anything but he could not even stop the fruitless English fight against the dollar.

That was one thing our highest officials privately thought he could do.

The one inside fear we had in going off the gold standard was a fight with the British over the dollar. A fight like that becomes a race for the bottom. It cannot do anyone good. Both sides merely see which can depreciate their currencies most.

We are in better shape for that than the British. They cannot get rich fighting the dollar. It will cost them plenty. Trebling their currency inflation fund is only a starter. We do not have such a fund and do not need it because we have the gold.

The fact that MacDonald washed out on the tariff truce leaves our boys skeptical whether they will even get silver when the June 15 debt payments come due.

He certainly left the impression here that they would pay. They have seventy-four million in silver coming from India for that purpose.

The British government (Chamberlain, Runciman and Baldwin) apparently has a different idea. They may be for trading purposes.

These conciliatory moves France is making do not mean she is getting big-hearted.

Our officials realize she did not

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JOHN M. SCOTT DIES, PORTLAND

PORTLAND, Ore., May 9.—(AP)—John M. Scott, 66, former assistant passenger manager of Southern Pacific lines in Oregon, died here last night. He retired in 1928. Before coming to Oregon in 1906 he was chief passenger clerk in Chicago for the Union Pacific and Southern Pacific systems which later were separated by supreme court order.

Scott was born in Inverness, Scotland, and when he was 15 years old got his first job as a printer on the Inverness Courier at 4 shillings a week. His first railroad job was on the Highland Railway in Scotland. He worked as a ticket clerk.

Mr. Scott was well known in this city, where he was a member of the University club, and a prominent participant in social and business affairs for many years.

NEW YORK, May 8.—Now our president has been going along mighty nice and our congress, both Democratic and Republican, have been decent beyond all expectations. They have given him every power from mayhem to manslaughter, but if he starts asking for the sole and exclusive right to deal with this debt thing he is going to ride his horse under the first limb he has hit.

These debts have become imbedded into the people's minds like religion has, and any time you come out on either side (just like arguing religion) you are going to lose and change nobody's opinion.

Yours,

Will Rogers

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