

PROSECUTOR SAYS FEHL DETERMINED TO HALT RECOUNT

PEARS PROLONGED LIFE TOM EDISON

FEHL'S EFFORT TO HINDER PROBE OF THEFT REVEALED

JONES RESIGNS AS ROGUE RIVER MAYOR IS WORD

RELIEF COMMITTEES WORK IS DESCRIBED

COOS BAY LUMBER SHIPMENTS GROW

KLAMATH FALLS, July 27.—(Sp.) In his opening statement to the jury yesterday on behalf of the state, Assistant Attorney General Ralph E. Moody said:

"It appeared upon the face of the election returns as tabulated by the county clerk after the last November election that Earl H. Fehl was elected county judge and that Gordon Schermerhorn was elected sheriff. Proceeding therefrom was instituted by Ralph Jennings who was a 'write-in' candidate for the office of sheriff, contesting the election of Schermerhorn, and demanding under the statute a recount of the votes cast for the office of sheriff, claiming that that recount would show that Jennings was elected sheriff rather than Schermerhorn.

"The ballot pouches and boxes containing the ballots cast at the 1932 general election when returned to the county clerk's office were piled on the floor, or in a corner of said office and not placed in the vault. They were not placed in the vault until New Year's eve of 1933. When it was learned that there was an attempt to have the votes of the November election recounted consternation possessed Fehl and his adherents. It was determined by them that no recount of the ballots should be made and that all means necessary were to be adopted to prevent the recount of the ballots. During the latter part of November or the early part of December Fehl, with another, tampered with the ballot boxes which were then on the floor and not yet been placed in the vault, and a few of the seals were taken off of these ballot boxes by Fehl and some others so as to indicate that the ballot boxes had been tampered with and thus prevent the court from allowing a recount.

"In the contest proceedings objection was made to the recount of the ballots by reason of the ballot boxes presenting physical evidence of having been tampered with. And it was the understanding of the parties who were interested in preventing the recount that if the judge should allow a recount notwithstanding the physical evidence showing that the ballot box had been tampered with that such other means would be taken or adopted as would be sufficient to prevent a recount of the ballots. When the judge ordered a recount of the ballots it was then intended to steal the ballot pouches from the messengers who were conveying the pouches to and from the courtroom basement vault to the courtroom. However this plan or scheme to steal the ballots from the messenger boy for some reason or other was not accomplished. However an endeavor was made to accomplish this theft. After the ballots on the evening of the day that the judge ordered a recount to take place the next morning were placed in the vault it became necessary in order to prevent a recount to arrange for the breaking into the vault and the stealing therefrom of the ballots. This was accomplished. Arrangements having been made by Fehl, and those associated with him in the conspiracy.

"Schermerhorn was kept out of the state from the time that proceedings instituted against him to recount the ballots until he took his oath of office, and qualified in the early morning hours of January 2, 1933 thus permitting him to remain in office during the pendency of the contest proceedings against him. Had he not absented himself from the state so that service could have been made on him the election contest and the recount of the ballots, had they been there to recount, would have taken place before his term of office began. While Schermerhorn was absent from the state he was in constant touch with Fehl, and obeying his directions and on the early morning of his return Schermerhorn appointed as his deputy the ones that Fehl and Banks directed him to name.

"The evidence will show that Fehl was aware and present around the premises at the time the actual burglary took place when some 35 ballot pouches were stolen from the vault and the ballots subsequently destroyed by those who carried them away. It was evidently the intention of Fehl to prevent not only a recount of the office of sheriff but to prevent a recount of the votes of any other office—the county judgeship included. The evidence will show that there was a meeting in the court house in Fehl's office on the late afternoon of February 20, 1933, after the judge had ordered the recount to proceed the following morning. This was a secret meeting at which were present Fehl, Banks, Ladieu, Jones, Schermerhorn, Brecheen, Glenn, Amos Walker, and others whose identity the evidence will reveal."

More glory was added to the reputation of the Rogue river valley pear yesterday, when the subject of his food value came up again in a conversation on West Main street.

Horse Bromley of the California Oregon Power company announced that the pear was Thos. A. Edison's only food for many days. That when his health had reached a condition where he could not eat anything else, he was fed pears, because of their sugar content and unusually high food value. He lived many days, sustained by pears alone.

The story, Delroy Getchell, champion of the pear, declared last night, further proves his contention that the pear is a food of remarkable medicinal qualities.

KLAMATH FALLS, July 27.—The state in the trial of Earl H. Fehl, county judge, on trial for ballot theft, county judge, on trial for ballot theft, county judge, on trial for ballot theft, introduced for purposes of identification, files of habeas corpus proceedings, instituted by Fehl last February against Chief of Police Clatus McGinnis, to secure the release of Virgil Edington, C. W. (Chuck) Davis, Tom L. Brecheen, and others arrested for ballot theft.

To halt the proceedings launched by Fehl, an injunction was obtained in circuit court.

County Clerk Carter testified that he had procured the records last Monday, July 24, the day the present trial started, from Mrs. Ingrid Holmes, secretary to the county court, who took them from Fehl's desk.

The documents were the originals of the abortive action started by Fehl when the arrests for ballot thefts were launched.

Fehl was in attendance in court in this city when the documents were turned over by his secretary in Medford.

Their appearance came as a surprise to the defense.

They were introduced by the state as part of the chain of evidence showing Fehl's interest and aid to those accused.

KLAMATH FALLS, July 27.—Residents of Rogue River, attending the Fehl ballot theft conspiracy trial here, bring the news that Walter J. Jones, convicted of ballot-theft has resigned as mayor of Rogue River, and that "Daddy" Snow has been named to fill the vacancy.

Jones was the second of the ballot theft defendants to be convicted, and the evidence showed that he was the "signalman" and "generalissimo" of the crime.

Jones, in January, when the Banks demonstrations at the courthouse flourished, presented a petition, demanding the resignation of Commissioner R. E. Nealon. He was named

road supervisor by Fehl, and later resigned that post.

Jones is scheduled to be called as a witness for the Fehl defense. Gordon L. Schermerhorn, former Sheriff, also convicted, and John Glenn, former county jailer, and pensioned Spanish American war veteran, acquitted on the Fourth of July, by a jury of which Charles Bylaess was foreman, are also slated as defense witnesses.

The work of the Jackson County Relief committee was described at the last meeting of the Kiwanis club by Mrs. R. E. Green in an enlightening and interesting manner.

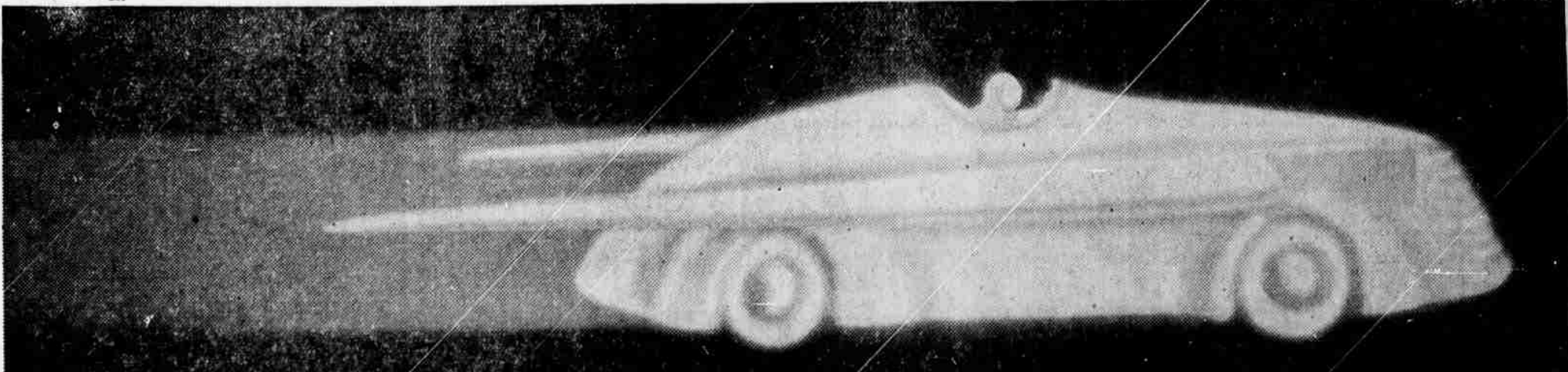
All workings of the group, created by the governor to handle distribution of relief in this county, made possible through the reconstruction finance corporation, were explained by Mrs. Green.



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ASSOCIATED OIL COMPANY

HATCHERY TOUR ENJOYED BY 20

Over twenty business men participated in the chamber of commerce caravan to the United States government fish hatchery at Butte Falls Tuesday.

Upon arriving at the hatchery a tour of inspection was made under direction of Superintendent Adams who explained in detail everything in connection with the \$35,000 Federal investment.

A shipment of 350,000 cut-throat recently made attracted a great deal of attention. A tour was made also of the state hatchery, under guidance of Everett Moore. The beautiful grounds surrounding the hatchery were particularly attractive and citizens are invited to pay them a visit at any time, according to Mr. Adams, as they provide an excellent place in which to hold picnics.

Those who made the trip include: E. G. Brown, C. I. Hayes, A. J. Klockner, W. D. Butler, T. E. Daniels, Ralph Cowgill, Col. W. H. Paine, Elmer Wilson, W. C. Wilson, R. E. Shreve, E. G. Townbridge, Chester Hubbard, J.