

The Weather

Forecast: Fair tonight and Wednesday. Temperature above normal. Highest yesterday 94. Lowest this morning 53.

MEDFORD MAIL TRIBUNE

The Home News

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Twenty-eighth Year

MEDFORD, OREGON, TUESDAY, AUGUST 8, 1933.

No. 118.

SCHERMERHORN GIVEN 3 YEARS

Comment on the Day's News

By FRANK JENKINS. WE ARE REDUCING hours of labor in order to spread employment among a larger number of people which is RIGHT.

HERE'S something else we should do: We should limit IMMIGRATION even more sharply than we do already, so that as little labor as possible may be permitted to come in from outside our borders to divide up still further the number of existing jobs.

WE RESTRICT immigration from the Old World rather sharply, but comparatively few restrictions from immigration from the Western Hemisphere, including Mexico and Central and South America, whose peoples have a standard of living far lower than ours.

WE ARE standing in our own light when we fail to keep this cheap labor out.

BUSINESS is distinctly better with Uncle Sam. If you doubt that, read these figures:

Total income of the federal government in July of this year was \$163,215,871, which compares with a total income of \$174,764,207 in the corresponding month of last year.

That is to say, the old gentleman took in nearly two dollars this year for each dollar he took in last year.

But that isn't all. Expenditures of the federal government in July of last year amounted to \$500,720,467, whereas in July of this year they were only \$270,970,711.

The government of the United States, you see, is taking in TWICE as much and spending only HALF as much.

BEER taxes appear to have helped. Miscellaneous internal revenue, which includes beer, tobacco and various excise taxes, amounted in July of this year to \$113,079,873. This compares with a total of \$42,463,659 in July of last year.

This is the highest level for these taxes since August, 1922.

THE encouraging thing about these figures is the showing that the government is SPENDING LESS. If it were merely collecting more taxes and spending more money, there would be nothing encouraging about it at all.

HERE is something that will surprise you:

We are still paying taxes for the Revolutionary war, the war of 1812, the Civil War and a variety of Indian wars.

Wars are hard on us when they happen, and REMAIN hard on us for generations and generations afterward.

Some day human beings will be wise enough to end wars.

WHILE we are talking statistics, here are some more:

The death rate among babies in the cities of the United States for the year 1932 was the LOWEST ON RECORD. The figure was 56.8, or four points below the rate for 1931.

The infant death rate for 1932 was just HALF what it was 20 years ago.

THESE figures refer only to cities, for adequate records are not available in the country.

Grouping the cities by states, Oregon LEADS THE NATION with a rate of 36, which means 36 deaths of babies under one year of age for each thousand live births.

Oregon, you see, is a pretty good place to have babies.

WIFE OF MAHATMA GIVEN SIX MONTHS

AHMEDABAD, India, Aug. 8.—(AP)—The wife of the Mahatma Gandhi was sentenced today to six months' simple imprisonment for her activities in connection with her husband's renewed civil disobedience movement against the British authorities.

Final Pleas Unavailing For Sheriff

Gordon L. Schermerhorn, former sheriff of Jackson county, was sentenced late this afternoon to serve three years in state prison for conviction in the ballot theft conspiracy.

Schermerhorn was sentenced following a statement in which he defended his absence in California, before the recount proceedings. He declared his "home was constantly spied upon," and that "an effort was being made to arrest him."

Tears came to Schermerhorn's eyes at one stage of his talk. The court, before passing sentence, said, "It is a tragedy that a man of Mr. Schermerhorn's standing and reputation should come here today to be sentenced. It is one of the saddest duties of my life to sentence you. I took a liking to you from the first time we met. My duty is plain."

Schermerhorn's bonds were placed at \$7500. The court said he would inspect them at once. Schermerhorn was remanded to the custody of the sheriff.

Motion for a new trial was denied. Attorney Frank J. Newman, in arguing his motion for a new trial for Schermerhorn, based the plea upon five grounds:

That the method of drawing the jury to try Schermerhorn was illegal; that it should have been drawn from the registered voter list, instead of the tax rolls, and in the presence of counsel and court.

That the opening statement of Assistant Attorney General Moody, wherein he described the flight and concealment of Schermerhorn, was prejudicial.

That the refusal of the court to allow the admission of testimony of W. T. Grive of Prospect, foreman of the grand jury, and former Sheriff Ralph G. Jennings, was detrimental to the defendant's cause.

That alleged statements by Jurors Elsie Churchman, E. C. Fabrick, W. E. Blake and Thomas Gifford indicated they had made up their minds before they were called.

That the remarks of the court in the Amos W. Walker contempt incident, and the incident itself, influenced the jury.

That the court erred in allowing the entrance of the conversation between Schermerhorn and the Sexton brothers in the county jail, and the further entry of Glenn's conversation with the Sexton brothers in the same place.

That the jury was composed of "nine business men and only three farmers, which presented a fair and impartial trial."

The statement by Attorney Newman that "no evidence was introduced to show any connection of Schermerhorn with the crime, brought from the court the comment: 'I do not see how you can make such a statement and be sincere about it.'"

Based on Rumor. Attorney Moody for the state, in reply, said, "The affidavits introduced here are based upon idle rumor and gossip, and should never have been dignified as legal documents."

"During the trial, counsel for Schermerhorn declared in open court that he had received a fair trial, and complimented the court upon the able manner in which he conducted the case, and now, when the verdict has gone against them, cry like babies they did not receive a fair trial."

Attorney VonSchmalz, objected to Moody's comment, and reiterated that the defense had received a fair trial. "Think nothing of it, Mr. VonSchmalz," replied the court. "I know how lawyers act."

The Schermerhorn new trial motion was heard at 11 o'clock and postponed until this afternoon.

RUSH FOR JOBS RESEMBLES RIOT

CHICAGO, Aug. 8.—(UP)—A policeman was cut when he was pushed through a glass door, women's dresses were torn and many applicants were bruised when 15,000 job-seekers applied for 1500 positions today.

Applicants began arriving before dawn and carrying in increasing numbers throughout the day after the Curtiss Candy company had advertised for the additional crew of workers. Police finally were called to control the crowds which centered about the company's employment offices.

LEGISLATOR ARRESTED ON LARCENY CHARGE

OREGON CITY, Aug. 8.—(AP)—Donald J. Ryan of Oregon City, state representative from Clackamas county, was arrested here last night on indictments charging larceny by bailment. The accusation was that he had wrongfully converted money to his own use, possessed by him as a trustee.

BASEBALL

American Washington 5 7 0 New York 1 5 1 Whitehill and L. Sewell; Allen, Uhle and Dickey.

DAVIS' STORY OF JOHNSTON DEATH TOLD AT PROBE

Appearing before the coroner's jury investigating the death of Joseph Baron (Bud) Johnston, C. W. (Chuck) Davis this afternoon demonstrated how he was leaning against the lamp post at the corner of Main and Front streets Saturday night when Johnston sprang him and struck him in the ribs on the right side.

Davis testified at the request of his attorney, Frank DeSouza, following the testimony of 14 witnesses called by officers. In his statement, Davis said that he had never had any conversation with Johnston before he came to him and uttered a vile oath and called him a stool pigeon. Davis said he did not remember saying anything to Johnston.

Although several of the witnesses testified they could tell that Johnston had been drinking, Davis said that he couldn't smell any liquor on Johnston's breath nor could he tell if he had been drinking.

Testimony varied somewhat with John McConochie, who was talking to Davis at the time of the altercation, saying that Davis struck Johnston five times and called him a vile name. Davis said they only saw Davis strike him once.

Witnesses called were John J. Wilkinson, Dr. C. I. Drummond, Howard Gault, Cecil Jennings, Captain Lee M. Brown, Chief of Police Clotous McCredie, John McConochie, Ray Steele, Mrs. C. R. Warner, Mrs. Alice Kincaid, Everett Cole, W. C. Hooper and Ed Gervais.

Members of the jury were Tom Waterman, George Carsons, Charlie Adams, Hiram Meader, Stanwood Osgood and O. Ray.

LIVESTOCK GROWERS HURT BY NEW DEAL

DENVER, Aug. 8.—(AP)—Cattle and sheep men of the west have had "nothing but trouble out of the new deal," F. E. Mollin, secretary of the American Livestock association, said today in announcing he had again telegraphed Secretary of Agriculture Henry Wallace to attend a conference of stockmen here Monday.

Conditions of the parole were that the Sextons "stay off the streets of Medford, work when possible, and not hang around the courthouse."

The court in granting leniency said "These boys were just kids, who were the tools of those who concocted this crime, and in no way benefited."

Granting of a parole or sentencing C. Jean Connors, vice president of the "Good Government congress," and its parliamentarian was postponed until nine o'clock tomorrow.

"I hear this boy is a sort of an agitator," said the court. "and seems to be a dangerous young fellow to have around from what I hear."

The court said he would investigate the case further, and have personal interview with Connors.

The state declared that a letter had been found in the L. A. Banks home written by Connors to the attorney of Constable Prescott last January, in which the "congress parliamentarian" said, "If you can't get law and order in Jackson county any other way, we will come down and get it, with the smoking muzzles of Winchester."

The defense declared Connors was an "Eagle Scout" in Idaho, and exhibited his honor medal.

"His attitude has changed since he was a Boy Scout," declared the state's attorney.

Deputy District Attorney Neilson declared that Connors and Tyrer, both crack shots, had placed tin cans and posts at Pinehurst, and shot them off, with the words: "There goes Judge Norton," "there goes George Coddings," and "there goes Nealon."

Attorney VonSchmalz said, "Jean has some queer notions about reforming the county, and the world, and is proof of the saying a little learning is a dangerous thing. He should learn there is nothing like minding your own business."

Connors "swore to God, I have told the truth," and said "I am sorry for what has happened, and what I have caused Jackson county, and the state of Oregon." He spoke with uplifted hand, and wept as he closed.

Assistant Attorney General Moody said: "Connors' repentance is an eleventh hour repentance, and I have no faith in it."

Wesley McKittrick, "captain of the banks guards," was sentenced to one year in state prison. Extreme leniency was denied because McKittrick had previously been convicted of a felony. He was given the minimum.

R. C. Cummings, employee of Jones, Earl Bryant and James D. Gaddy, who pleaded guilty, were given two years and paroled to Colonel E. E. Kelly.

They were characterized by the court as "just plain dupes."

JONES AND LA DIEU ARE SENTENCED TO NOT OVER 4 YEARS

Motions for New Trial Denied—Bonds On Appeal Set at \$7500—Men Moving Spirits Ballot Taking

Walter J. Jones, ex-mayor of Rogue River, and J. Arthur LaDieu, former business manager for the L. A. Banks newspaper here, both convicted of ballot theft, were each sentenced to "not to exceed four years in state prison," by Circuit Judge George F. Skipton, of Eugene this morning.

Upon the passing of sentence, each was remanded to the custody of the sheriff, and bonds on appeal fixed at \$7500.

Both LaDieu and Jones stood erect in court and listened to the factual words, without show of emotion. Both told the court they "had nothing to say," following pleas for leniency by their attorney.

Deny Retrial Motion. LaDieu was sentenced first, and his motion for a new trial was denied. The motion was based upon the claim that the court's instruction that the fact that LaDieu did not take the stand in his own behalf should not be considered by the jury.

In support of this motion, an affidavit was presented, signed by Earl H. Pehl, former county judge, that the jury had argued the point. Pehl alleged that J. F. Wortman of Phoenix, foreman of the jury, had told him in a telephone conversation on July 4, that "if LaDieu had taken the stand, it might have been different."

LaDieu's counsel also contended that the indictment was insufficient and did not state facts sufficient to constitute a crime.

Attorney H. VonSchmalz of Burns asked the court to consider the fact that LaDieu "did not take the stand and commit perjury, as others might have done."

Held Victim Circumstances. Leniency was also asked for LaDieu on the grounds that he has a wife and three children; that he has always been "a good worker," and "was more or less a victim of circumstances."

Assistant Attorney-General Moody opposed the contentions of defense counsel. "The purpose of the burglarizing of the ballot vault was to

Behind the two-way drive is the announced objective of 4,000,000 new jobs by labor day, less than a month away. Pressure, meanwhile, will be put on lagging employers by the many local organizations now being established.

General Johnson said no specific date had been set for attempting to complete the drive to bring all employers under either temporary or permanent codes.

While he hopes within the next two weeks this can be accomplished and the signal given for consumers to buy only from blue eagle firms, he pointed out the time depended upon the speed with which the recovery administration could study the codes presented and give approval.

Boasts From - Bench -

Interviewed today, the captains and pitchers had the following to say: PITCHER GRANT: "I'm going to have a lot on the ball. I intend to use the Chambers C. C. work to great effect. We will have a spare pitcher, too, who will use the Agricultural program with splendid results."

CAPTAIN SHANGLE: "My team is composed of 100 per cent batters. We will smother Henselman's outfit with our B. N. A. stuff. And, say, what about the publicity work of the Chamber recently? Why, the results of the gold panning contest alone brought us publicity all over the United States, and will be a knockout for my team. Just you watch the fighting Rogues. When these Boos start to get ripe we will show 'em our teeth."

PITCHER HUBBARD: "Wait till the other team sees my 'Farmers' Picnic' curves. And what about my fast ball—the 'Crater Lake' official opening."

CAPTAIN HENSELMAN: "Shangle thinks he has a cinch. Remember the bank moratorium? Well, the \$10,000 scrip idea has not been forgotten and it will be a fine weapon for my boys. These fighting Rogues don't scare me a bit. My wonderful Boos will give them a real run for their money."

Both captains will whip their teams into shape this week and the campaign will definitely get underway next Monday, August 14. The opening gun of the campaign will be fired by Congressman James W. Mott, who will address a forum luncheon at the Hotel Medford at noon on that day.

The rivalry between the two teams this morning was at high fever pitch and if each team does what it says it will do, the 75 new members will certainly be signed up in record time.

WARN EMPLOYERS WANT ALL SIGNED UP IN TWO WEEKS

Consumers Will Be Urged to Buy Only From Those Entitled to Display Eagle After Days of Grace

WASHINGTON, Aug. 8.—(AP)—To employ the country over went today an indirect but renewed warning that Hugh S. Johnson, recovery administrator, wants everybody under the blue eagle in two weeks.

With that goal in mind, he appointed a special board to consider and speed temporary application of the many pending codes that fix minimum wages and minimum hours for as many trades.

When the two weeks has expired, the administrator now plans a concerted appeal for consumers to buy only from the men who are entitled to display the blue eagle.

'Go-Between' Seized

NET CLOSING IN ON KANSAS CITY MASSACRE GANG

CHICAGO, Aug. 8.—(AP)—Federal authorities announced today they were holding Louis (Doc) Stacy as the man who plotted the attempted delivery of Frank Nash, a convict, at the Kansas City union station recently, and that they had learned the identity of the gunman who killed five persons in the attempt.

Melvin H. Purvis, chief of the United States bureau of investigation here, disclosed Stacy was arrested on a federal warrant issued at Kansas City, charging conspiracy to deliver Nash.

Purvis named Verne Miller, notorious South Dakota outlaw, as one of the gunmen who killed Nash and four police officers in a wild shooting fray at the union station in Kansas City. He said the other gunmen were known to federal authorities.

"The attempted delivery was planned at Stacy's home in Maywood (a Chicago suburb) but Stacy himself took no part in the shooting in Kansas City," Purvis said. "It is probable he was not even in Kansas City at the time."

Purvis said Stacy would be removed to Kansas City as soon as possible.

Purvis said Stacy had been an associate of gangsters for years, but that he was not a member of the Touhy gang of Chicago, several members of which have been arrested for the \$100,000 kidnaping of William Hamm, Jr., St. Paul brewer.

Federal authorities said Stacy had not been connected with any kidnaping, but he was suspected of several bank robberies. They delayed questioning him about any bank robberies or other crimes pending an expected solution of the Kansas City killings.

Chicago police said Stacy long had been an intimate of "Machine Gun Jack" McGurn, Capone gunman.

The attempted delivery cost the lives of two Kansas City detectives, a special agent of the department of justice, the police chief of McAlester, Okla., and Nash.

Mrs. Nash, widow of the slain convict, and Mr. and Mrs. Herbert Farmer of Joplin, Mo., have been arrested in the case.

United States Commissioner Edwin K. Walker today issued a removal warrant for Stacy to Kansas City. The United States attorney's office said Stacy would be brought before Walker later today for a hearing on the warrant.

AIRMEN GRATEFUL TO AMERICA FOR KIND TREATMENT

RAYAK, Syria, Aug. 8.—(AP)—When the French distance flier, Maurice Rossi and Paul Codos, arose today, refreshed after a long sleep, they expressed thanks to their own government first and next to Americans for the warm sympathy and aid given them before the start of their epochal New York to Rayak flight.

"We are immensely happy," the aviators said as officers and men of the little French military airfield crowded about them, renewing the congratulations given last night to the tired men who in about 56 hours flew one-fourth of the way around the globe.

Their plane, the Joseph Le Brix, came down to a beautiful landing at 5:10 p. m. G. M. T. (12:10 p. m. E. S. T.), yesterday, an hour after they had informed the military commandant by wireless that they were coming. The whole post was out to greet them.

When the monoplane stopped rolling, Rossi and Codos, stiff and tired, clambered out of the great ship and greeted their own countrymen with great joy.

They said they wanted three things—to report their success to the air ministry; to send their greetings and love to their wives, and to sleep. Rossi and Codos today calculated they had traveled about 9400 kilometers (5787.4 miles) or 856 kilometers (532.1 miles) beyond the record.

They said they were grateful to Air Minister Cot of France for entrusting to them the world record mission and declared they were "very appreciative for efforts of Americans, whom we wish to thank."

"They received us warmly," the fliers added, "and did everything in their power for us."

GROCERY, RETAIL HOURS AND WAGE CODE SUBMITTED

Maximum of 48 Hours Labor Allowed Weekly for Grocers—40 Hours in Other Retail Establishments

WASHINGTON, Aug. 8.—(AP)—Grocers and retailers under fair practice codes submitted to the NRA have agreed to regulations for their industries for the purpose of industrial recovery.

Maximum hours of labor and minimum rates of pay for employees definitely are fixed.

Here is what is expected of those engaged in food and grocery distributing trade:

Maximum hours of labor shall be 48 hours per week. No one shall be employed more than eight hours in any 24-hour period, excepting on the day preceding a legal holiday and on an additional 12 days (when the maximum hours in any one day shall not exceed 10 hours) in any six months period.

In the presidential agreement, the minimum hours of any store which customarily operated more than 52 hours were set at 52 hours. The average number of hours in which retail grocers were open was said by their national committee to be 73.

Contending to shorten hours might lose business, the grocers were allowed 48 hour work week for employees.

NRA officials, however, have explained if store hours are reduced by agreement to below 63, the reemployment which is anticipated thru the allowance of the 48 hour week will not be obtained, and the underspending upon which the food and grocery distributors and retail codes were based will not have been carried out.

Where store or service operations were less than 52 hours per week before July 1, 1933, however, the minimum requirement does not apply, but the previous hours shall not be reduced.

The maximum hours do not apply to employees in establishments employing not more than two persons in towns of less than 2500 population nor to employees in executive or managerial jobs who now receive more than \$35 a week. Outside salesmen or delivery men, employees on emergency maintenance and repair work, and special cases where restriction of hours would unavoidably reduce production also are excepted. But in such cases at least time and one-third shall be paid for hours worked in excess of the maximum.

Minimum wages set of employees is as follows: Not less than \$15 per week in any city over 500,000 population.

Not less than \$14.50 per week in any city of between 250,000 and 500,000 population.

(Continued on Page Four)

Paper and Flour Codes Are Signed

PORTLAND, Aug. 8.—(AP)—The Portland paper trade conference, consisting of wholesale distributors of paper in Portland and Salem, and the flour millers comprising the Pacific Northwest Millers' association, each has signed blanket codes under the NRA provisions.

PORTLAND, Ore., Aug. 8.—(AP)—Governor Meier said today the late Circuit Judge J. W. Hamilton will not be announced until the latter part of the week.

WILL ROGERS SAYS: ONE DROWNS, SIX MISSING IN WAVE

SANTA MONICA, Cal., Aug. 7.—Every week or so another fine plan comes from the administration. This last one of "no strikes during these times and it's to be settled fairly by the government," that's one of the best yet.

Unions are fine things, for they are in every line of business. Bakers have their association for mutual benefit, governments have theirs, all big industries are banded together in some way, but a strike should be the very last means, for it is like war—it always falls on those who had nothing to do with calling it. So viva this last move.

NEW YORK, Aug. 8.—(AP)—At least one child was drowned and six were missing today after a big wave swept a large group of children off a sandbar at Rockaway Beach, Queens.

The children caught by the wave and carried to the sea by its underflow were part of a picnic party of 100 from the Fris de Judas orphan home in Brooklyn.

About a score of children were on the sandbar. Thirteen were dragged quickly from the water, all suffering from submersion. Four were sent to a hospital and inhalators were applied to the other nine on the beach, to at least one of them in vain.

The dead was Ray Evans, 10. In counting six of the children missing, the police said they did not know whether they had been lost in the water, or reached safety and become mixed with the crowd.

Wife of Mahatma Given Six Months

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As members of that board, Johnson named Robert T. Stevens, a deputy administrator; Edward R. Stettinius, secretary of the recovery administration's industrial advisory board; Robert K. Straus, an administrative assistant to Johnson; W. Woolston, of the labor advisory board, and Kilbourne Johnson, son of the administrator.

The hope is that this board may speed study of the many pending codes and order into temporary effect as many of them as are acceptable. Later, all will be studied in public hearings, and modifications made if any are necessary before they are promulgated by the president and made permanent.

This move will augment the continuing attempt to get employers to sign individual agreements with the president to raise wages and shorten working hours. One major purpose of the temporary codes is to apply them to groups which feel the blanket presidential agreement is too inflexible for their purposes.

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