

The Weather
 Forecast: Fair tonight and Thursday. Little change in temperature. Temperature. Highest yesterday 95. Lowest this morning 58.

MEDFORD MAIL TRIBUNE

The Home News
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Twenty-eighth Year MEDFORD, OREGON, WEDNESDAY, AUGUST 9, 1933. No. 119.

ERASE REMAINING INDICTMENTS

Comment on the Day's News

By FRANK JENKINS.

IN PORTLAND Sam Taylor is brutally beaten to death following a drinking party at the apartment of Mr. and Mrs. William Edward Smith. Smith claims Taylor made improper advances to Smith's wife.

Anyway, there was a drinking party and a fight followed and now a man is dead.

IN BURLINGAME, exclusive suburb of San Francisco, a gay party is held on Sunday. This party, like the one in Portland, ends in a brawl.

Bunny Burton is hit with a beer bottle and dies.

ACE HUDKINS, prize fighter, gets into a dispute in a Los Angeles night club, and is shot twice with a small caliber revolver. The bullets glance on his ribs, and by great good luck—good luck, so far as he is concerned—he comes out of it with only minor wounds.

Dick Harris, manager of the night club, it held by the police on charges of assault with a deadly weapon.

PAULINE GREY, of Portland, aged 18, is hit by an automobile traveling at high speed and without lights, thrown to the street, where her head hits the sidewalk, and is taken to the hospital suffering from a possible fractured skull.

The car that did the damage speeds on into the night without stopping.

JUST casual news of one day. Boozie mixed up with quite a lot of it—possibly with all of it.

THE new program of shorter hours, so as to spread available employment among a larger number of workers, is a good program. It is better to have everybody employed part of the time than only a few employed all the time.

But this new program of shorter hours of labor, when it is finally worked out, will involve more LEISURE TIME for everybody—or nearly everybody.

What to do with this additional leisure time is going to be quite a problem.

If people employ it chiefly in raising hell, the results aren't going to be so good.

STATE WIPES OUT LAST OF BALLOT STEALING CHARGES

Criminal Libel, Syndicalism Indictments—Mrs. Martin and Father Only Ones Yet to Be Dealt With

All pending indictments, arising out of the Banks-Fehl inspired turmoil in this county, were dismissed this morning by the court upon motion of Assistant Attorney General Ralph E. Moody.

These include criminal libel, criminal syndicalism and ballot theft indictments against L. A. Banks, a criminal libel indictment against Leonard Hall, editor of the Jacksonville Miner, and criminal syndicalism indictments against a number of "Congressmen."

Davis in Abeyance.

The ballot theft indictment against C. W. (Chuck) Davis, confessed ballot thief defendant, was ordered held in abeyance pending the result of contemplated grand jury action, as the outgrowth of a street altercation last Saturday night when Joseph B. (Bud) Johnston met death.

Indictments against Henrietta B. Martin, president of the self-styled "Good Government Congress" charged with riotous conduct, and her father, C. H. Brown, secretary of the organization, charged with slandering a bank in a signed article, were not dismissed.

The cases come under the jurisdiction of the district attorney's office, and will be held in abeyance. The court expressed the hope that the indictments against the "Congress sides be dismissed" to clear the docket, and end the agitation.

The district attorney's office refused to dismiss, giving no reason for their course.

Appeals of the habeas corpus proceedings instituted by Earl H. Fehl as county judge in an effort to secure the release of ballot theft defendants, when first arrested last February were dropped. They were carried to the circuit court on an appeal.

Walker Action Dismissed

The state also dismissed the contempt proceedings against Amos W. Walker, probation officer under Fehl and arising from Walker's testimony in the Schermerhorn trial.

In seeking the dismissal of the pending indictments and actions, Assistant Attorney General Moody said: "All the principals in the ballot theft cases have been disposed of. All of the main defendants, but one, have been convicted and sentenced. The state regrets the miscarriage of justice in the trial of John Glenn. He was undoubtedly as guilty as any of the other defendants."

"Just what the Glenn jury had in mind in this improper verdict, I do not know. I have never talked to any of the jurors. I have, however, informed that they were in-

Gets Insult Post



D. C. Green, former vice-president of the Electric Bond and Share company, has been elected president of the Middle West Utilities company, the firm now in receivership formerly headed by Martin (Insull). (Associated Press Photo)

NEW CO. JUDGE URGES CITIZENS PULL TOGETHER

Judge Earl Day Issues Public Statement—Pledges Non-Political and Businesslike Administration of Office

Earl B. Day of Sams Valley, who today received from Governor Meier his official appointment as county judge to replace Earl H. Fehl, announced to states prison for complicity



Earl B. Day

BASEBALL

American.
 NEW YORK, Aug. 9.—(AP)—Washington today regained their three-game lead in the American league, defeating New York, 4 to 1, behind Monte Weaver's effective pitching to get an even break in the four-game series. The score: R. H. E. Washington 4 7 1 New York 1 7 1 Weaver and L. Sewell, Gomer, Moore and Dickey.

National.
 Philadelphia 2 8 1 Boston 4 10 0 Rhem, Ragland and Davis; Centwell and Spohrer.

R. H. E.
 St. Louis 7 13 3 Chicago 4 15 0 Chicago Johnson, Carleton and Wilson; Thinning, Warneke and Hartnett.

CLOSING TIME IS SET AT 6 P. M. BY MEDFORD STORES

Various Groups Will Decide On Best Time for Opening—New Hours Effective Thursday, Is Announced

A meeting of retail merchants, with most retail trades represented, was held at the city hall yesterday afternoon for the purpose of discussing opening and closing hours with John Moffatt, chairman of the retail committee of the chamber of commerce.

Although last week the hours of eight to five were set for the retail establishments of Medford, it was felt by many that this schedule should be modified due to the fact that the grocers have announced a schedule of eight to six on week days and eight to eight on Saturdays. Under the provisions of the retail code of the national recovery act retail stores are permitted to operate their stores 6 1/2 hours minimum with a 48 hour week for employees, while the remainder of the retail stores have a 40 hour week minimum with a 40 hour week for employees.

Difficulty Arises

It is believed by the majority of retail merchants that uniform hours for all stores would be very commendable but considerable difficulty was encountered at the meeting in bringing these desired results about. The hardware men and others who cater to the farmer extensively would prefer earlier opening and earlier closing hours while other stores who do little business in the morning prefer the evening hours.

Considerable discussion was held by those attending and it was unanimously decided to close the stores at 6:00 p. m. from Monday to Friday inclusive and 8:00 p. m. on Saturday.

As far as opening hours were concerned it was decided that the various groups such as barbers, hardware, ready-to-wear, men's shops, department stores, etc., each hold separate meetings and determine their own opening and closing hours. In this way, it is believed that hours will be established for all stores which will be entirely suitable to each group.

Fear Confusion

It may be that a certain amount of confusion will be occasioned by the shopping public if too many different hours are established but it is expected that the majority will endeavor to conform with the 6:00 o'clock closing by readjusting their opening hours in order to close at this hour and at the same time abide by the national recovery administration. The consensus at the meeting seemed to be that a majority of the retail establishments are opposed to Saturday night opening and with the various groups making their arrangements, it is possible that some stores may stay open while others will remain closed.

In the meanwhile, however, commencing tomorrow (Thursday) will adopt the 6:00 o'clock closing during the week with the exception of Saturday when the 8:00 o'clock closing will prevail, but stores wishing to close earlier will do so. As the various groups arrange their hours the public will be notified through the newspapers. It was announced by the chamber of commerce this morning.

Recovery Chief



Two weeks' leeway was decreed by Gen. Hugh S. Johnson, recovery administrator, before sanctioning pressure on business and industry to comply with the President's blanket wage and employment agreement. (Associated Press Photo)

COUNTY TURMOIL AT BANKS' DOOR SAYS SKIPWORTH

Lane County Circuit Judge Leaves After Clearing Cases With Admonition For Prompt Agitation Ban

Circuit Judge George F. Skipworth, who since May 1, with a 10 days' interlude, engaged in presiding at the Banks murder trial, and the five ballot theft cases, which started June 8, left this morning for Eugene.

The parting admonition of Judge Skipworth was to "forget the agitation." The court stated the prosecution had demonstrated that "law and order has not broken down in Jackson county. In the future there should be prompt and summary action for law violators," said Judge Skipworth. "If anybody gets on the courthouse steps and advocates revolution, arrest him on the spot. The need of Jackson county from now on is prompt and summary law enforcement for law violators."

Banks Is Blamed.

Judge Skipworth, in his discussion, placed the blame for the Jackson county turmoil squarely on the shoulders of L. A. Banks, and the editorials written by him.

"Now then, there is no doubt in the world but what Jean Connors helped steal the ballots. He said he helped steal them. He went in with young Sexton and threw these ballots out the window. He sat on the witness stand and said so in all of the cases. Now then the officers give the boy a bad reputation—not that he has committed a crime, but they claim he advocated force and that he has advocated violations of law."

Editorials Bred Crime.

"Now I had a long talk with this boy this morning, in the presence of Mr. Kelly. He had been reading these editorials written by Banks, and THESE IS THE VICER OF THE WHOLE BUSINESS. That all goes back to that Medford Daily News, and there is the whole trouble in this county. If it hadn't been for that continuous publication I doubt if I would have been here today, or any of these people would have ever been brought before the bar."

"Now he (Connors) became imbued with the violent doctrine advocated by Banks through the Daily News, who conceived the idea that he was a reformer and that all law was wrong."

Advocated Strife.

"No doubt about that—that was his attitude, and there is no question about it, and he advocated strife and he advocated trouble, and this Good Government Congress was organized and young Connors was the vice-president and parliamentarian of the Good Government Congress—if they had any rules of parliament in there—rules of order—I don't know whether they did or not—I doubt it. At any rate, he was one of the active members."

"Now during all of these trials he has been aligned with the defense. I mean people who were in sympathy with the defense. He has been in conference with them. I have seen him myself in conference with them around in different places, and he says that he is involved."

THREE OF BALLOT THIEVES ENROUTE TO PRISON CELLS

In charge of Sheriff Olmscheid and Deputy Sheriff Phil Lovd and Jailer Fred W. Kelly, and escorted by state police, three of the convicted ballot theft defendants left early this afternoon to start serving sentences in state prison.

They were: Walter J. Jones, ex-mayor of Rogue River, "generalissimo" of the ballot theft, sentenced to "not to exceed four years."

J. Arthur La Dieu, former business manager for the L. A. Banks newspaper, sentenced to "not to exceed four years."

Wesley McKittrick, "captain of the Banks guards," who pleaded guilty to ballot theft participation, sentenced to one year. McKittrick's previous record prevented his parole. The state said McKittrick, "had tried to atone for his mistakes and undoubtedly gave information that prevented wholesale bloodshed in Jackson county."

The trio will be "dressed in" at the penitentiary this evening.

Thomas L. Brechen of Ashland, sentenced to 18 months in state prison for admitted ballot theft, was received at the state prison this morning.

Earl H. Fehl, former county judge, sentenced to four years has a stay of execution of sentence, pending filing of a motion for a new trial within ten days.

Efforts were under way this morning to secure bonds of appeal for some of the convicted and sentenced men. The proffered bonds were disapproved on the grounds they did not represent sufficient and justifiable security.

Instructions have been given that the \$7500 bonds offered must be accompanied by an abstract of the property, if the bonds are based on property security, and free from all encumbrances of any nature whatsoever, and double the amount of the bonds.

The court ruled that all future bonds be gut-edged in all respects.

DIAMOND LAKE HIGHWAY GETS LARGEST FUND

PORTLAND, Ore., Aug. 9.—(AP)—The Oregon Coast highway, the two Santiam routes, Diamond Lake and Willamette highways received the bulk of the allocation of \$1,240,000 of federal highway funds at the meeting of the state highway commission here yesterday. An additional \$75,000 was set down for maintenance and \$35,000 for surveys.

The allocation of the public works fund was made by the commission in conference with forest service and bureau of public road officials following arguments of delegations from federal funds. The projects must now be approved by the government before bids can be called.

The Diamond Lake road received the largest individual allotment with \$200,000 set aside for this project. The coast highway received \$185,000 for the Hebo-Dolph section, \$50,000 for the Port Orford-Buchre Creek and \$40,000 for the Gardiner-Glenada sections. The South Santiam received \$170,000 and the North \$120,000. The Willamette highway was allotted \$150,000; Western-Elgin, \$100,000; Cascade Lakes, \$75,000; Tillamook, \$35,000; Enterprise-Imnaha, \$30,000; Lincoln County-Berry Creek, \$25,000, and the Wapinitia project, \$50,000.

AIMEE AND DAVE PATCH UP RIFT

LOS ANGELES, Aug. 9.—(AP)—Aimee Semple McPherson-Hutton and her husband, David, have reached a "temporary reconciliation," Jerome Mayo, attorney for the vaudeville baritone, announced today.

Mayo said the prospects were "bright" for a permanent reconciliation and Hutton's divorce suit might be dropped.

HOME LOAN OFFICE OPERATING MONDAY

PORTLAND, Aug. 9.—(AP)—The Oregon home loan office probably will be ready for business by Monday, according to J. P. De state director of the state unit. Headquarters will be in the postoffice building here.

Hundreds of applications for employment and for loans have already been received. Lipscomb said, and has been able only to sort these letters, all of which ultimately will be answered.

FARM BOYS FIND ECONOMIC LOAN IS BANKERS' JOKE

WASHINGTON, Aug. 9.—The best economy joke of the summer season is the one about the farm boys who fell among city slickers.

The administration agricultural reliefers needed about fifty million dollars to finance cotton operations. They wanted it for 60 to 90 days. They went to the R. F. C. but found they would have to pay 4 per cent. That was too high, so they went shopping in Wall street.

There they fell among bankers.

Two banks were particularly nice to them, agreeing it was outrageous the short term money it wants at one-quarter of one per cent. They have not paid more than one-half of one per cent in ages.

The inner tumult was well concealed. A well-meant economy turned out to be an expensive bargain. Treasury officials are inclined to blame one man in the agriculture department.

(Continued on Page Three)

BANKS' SENTENCE COMING FRIDAY

I. A. Banks, convicted slayer of Constable George J. Prescott, March 19, will be sentenced Friday morning at 9 o'clock, in the Lane county courthouse, by Circuit Judge George F. Skipworth.

Banks was convicted of second degree murder, and the penalty is life imprisonment.

Two criminal libel, two criminal syndicalism and a ballot theft indictment against Banks in the circuit court were ordered dismissed by the court, upon motion of Assistant Attorney-General Ralph E. Moody.

Banks, in the ordinary course of procedure, will be "dressed in" at the state prison early Friday afternoon. Eugene is 72 miles from Salem and prisoners are taken from Lane county by auto, upon inflation of sentence.

Friends in this city state that Mrs. Banks, who has been in Eugene since her husband's conviction, May 22, will make her home in Salem in the future, after a short visit in California.

INTENT OF NRA IS MADE PLAIN

WASHINGTON, Aug. 9.—(AP)—Citing the intent of the recovery act was to increase employment, administrator Hugh S. Johnson said in a statement no retailer could stagger employee hours, enforce rest periods or shorten the hours of store operation without defeating the purpose of the codes.

His emphatic assertion immediately took place among the most significant yet to come from the NRA, in view of constant reports as to retailers for getting around the codes and yet displaying the blue eagle.

Inquiries on this point have increased of late, while the officials have plucked ahead at other aspects of making the law effective.

CUBAN PRESIDENT TAKES WAR STEPS TO HALT STRIKES

HAVANA, Cuba, Aug. 9.—(AP)—President Machado late today decreed a state of war in the entire island of Cuba.

The announcement issued from the palace said the president had signed a decree declaring a state of war in the whole republic effective after 6 o'clock this evening.

The announcement was made by Dr. Ramon Guerra, presidential secretary, who had just been talking to his chief.

Senat Guerra said he did not know the terms of the decree and he could give no indication of the attitude the government will adopt toward the demand that Machado resign his office.

The startling announcement came while Cuba and the United States ambassador, Sumner Welles, were awaiting the reply of the president to the proposal he resign his office as the central feature of a plan for political peace in the republic.

Meanwhile, the strike approaching general proportions, had tied up the normal activities of Havana.

Griffith on Stand.

SALEM, Ore., Aug. 9.—(AP)—Franklin T. Griffith, president of the Portland General Electric company, took the stand in circuit court here today on resumption of the case of Sarah M. Hewitt against Central Public Service corporation and others for damages for alleged fraud in connection with purchase of Central Public Service stock.

Grass Fire, Again—Another grass fire called the city fire department out this morning. It was at the corner of Quince and West Main, and no damage resulted.

BAN FOR SALOON FIRST REQUISITE

PORTLAND, Aug. 9.—(AP)—The saloon must be banned.

This was the first premise established at a meeting here late Tuesday of the state liquor control committee which will recommend suitable regulations to the legislature for the distribution and sale of liquor, once the 18th amendment has been repealed.

The members of the committee, appointed last month by Governor Julius Meier, announced they were fully agreed that the saloon must not return to Oregon. There was further agreement that there must be suitable state laws regulating the sale of liquor, but allowing the several counties and municipalities to prohibit the sale within their limits, if such so wishes.

DAY APPOINTMENT AS COUNTY JUDGE OFFICIALLY FILED

The certificate of appointment of Earl B. Day of Sams Valley, to the county judgeship, and signed by Governor Julius Meier, was received and filed this morning.

The appointment of Judge Day was due to the conviction and sentencing of Earl H. Fehl, former holder of the office.

The new head of county affairs assumed office this morning, and presided at the regular session of the county court.

Routine business largely occupied the county court, including payment of election boards at the late special election.

A number of applications for county clerk were received. The Long Tom mountain district requested "something be done about grading the road to his place."

ASTORIA, LA GRANDE WANT LEGION MEET

ASTORIA, Ore., Aug. 9.—(AP)—An invitation to come to Astoria for their next year meeting was taken last night to the state convention of the American Legion at Klamath Falls by the delegation from the Astoria Legion post.

LA GRANDE, Ore., Aug. 9.—(AP)—LaGrande legionnaires also will enter a bid for the 1934 state American Legion convention.

SCHERMERHORN FREED ON BOND

Gordon L. Schermerhorn, former sheriff, sentenced to "not to exceed three years in state prison," upon conviction of ballot theft, complexity, was at liberty on bonds today, in the sum of \$7500, signed by Jens Jensen, merchant, and Thomas L. Taylor, farmer. They were on Schermerhorn's original bonds.

Notice of appeal to the state supreme court was formally filed by Schermerhorn, through his attorney, Frank J. Newman.

An appeal to the state supreme court requires from 90 days to a year, depending on the importance of the case and the supreme court docket.

RIDDLE ROAD WORKER SUCCUMBS TO BURNS

ROSEBURG, Ore., Aug. 9.—(AP)—Burns received last Wednesday when a can of gasoline exploded in his arms, proved fatal at noon today to Richard Ulam, 34, of Riddle. Employed by Douglas county on road work at Canyonville, Ulam was lifting a can of gasoline into a truck when it exploded, enveloping him in flames. His 17-year-old nephew, Jack Ulam of Milo, was slightly burned in a desperate attempt to save the older man's life by rolling him on the ground.

CARAVAN TO CAMPS POSTPONED BY C. OF C.

The caravan to Government and Winesburg C. C. camps, scheduled for tomorrow has been postponed, it was announced today by chamber of commerce officials.

Too many merchants are readjusting their businesses under the N. R. A. and were unable to attend.

The caravan will be announced again at a later date.

BLOND GIRL SHOT BY ROAD WORKER

SACRAMENTO, Cal., Aug. 9.—(AP)—Sheriff's efforts early today reported Roy Mann, 24-year-old state highway department employe, admitted shooting an attractive young woman to death on a deserted ranch in South Roseville.

The body of the 19-year-old blonde, who Mann said he knew only as Patricia, was found hidden over a 60-foot well shaft in the ranch pump house late last night. The body was clad only in a light house dress and a pair of ankle-length socks.

Shortly after the body was found, sheriff's deputies arrested Mann, guided by neighbors who supplied the license number of an automobile they had noted parked at the ranch for several hours Sunday.

BAILEY TO MANAGE HOME LOAN BRANCH

PORTLAND, Ore., Aug. 9.—(AP)—Edward F. Bailey, a Democrat, was today appointed manager of the Eugene branch of the Oregon Home Owners Loan bank. The announcement was made by J. T. Lipscomb, Oregon manager. Bailey is one of Oregon's best known Democrats and was candidate for governor in 1930.

REVOLTA LEADING IN PROFESSIONAL GOLF

BLUE MOUND COUNTRY CLUB, Milwaukee, Aug. 9.—(AP)—Johnny Revolta, Menominee, Mich., star, led the victory march in the first 36-hole round match play battle in the National Professional Golf championship today by crushing Alex Gerlach, Catalina, N. Y., 12 and 11, with a brilliant exhibition of sub-par shooting.

ONE AIRMAN KILLED AS BALBO TAKES OFF

HORTA, Azores, Aug. 9.—(AP)—One Italian aviator died and three others were hurt today when their plane overturned during the takeoff of General Italo Balbo's squadron for Lisbon, Portugal.

Lieutenant Squaglia died as a result of congestion of the lungs. Three others, Captain Ranieri, the pilot in command, Sergeant Cameschelli, mechanic, and Sergeant Bovati, radio operator, were immediately taken to a hospital, where it was said their injuries were not serious.

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WILL ROGERS SAYS: BEVERLY HILLS, Cal., Aug. 8.—Cordell Hull, a mighty able man, arrived and told Roosevelt what would have been done if the nations had really wanted to do something. That took hours.

Mr. Roosevelt and Mr. Moley are trying to discourage the kidnappers. When Missouri hangs that one that they sentenced it's going to be terrible discouragement to one of 'em.

This Oklahoma boy Johnson that's running this NRA, you better not monkey with him. He is hard boiled and is liable to make you do what you are supposed to do.

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