

The Weather  
Forecast: Cloudy with rains tonight and Wednesday; moderate temperature.  
Highest yesterday 41  
Lowest this morning 34

# MEDFORD MAIL TRIBUNE

WINNER  
Pulitzer Award  
FOR 1934

Twenty-ninth Year

MEDFORD, OREGON, TUESDAY, JANUARY 29, 1935.

No. 264.

# FISH AND GAME SHAKE UP LOOMS



**News Behind The News**  
By PAUL MALLON.  
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WASHINGTON, Jan. 29.—Some of the most loyal New Deal lawyers, not republicans, but brain trusters, believe the relief bill is unconstitutional. They have not said so because their opinions have not been sought by the powers that be. But if asked now they will tell President Roosevelt in their own mild legal way that sections 4 and 5 of the measure, over which the senate is fussing, are "loosely drawn and of doubtful constitutionality."  
Section 4 is the one giving the president blanket power to create and prescribe the duties of all bureaus or corporations in his proposed relief organization. Section 5 enlarges his right to condemn and buy property. It is a 10-to-1 bet that Mr. Roosevelt already knows this and that these sections will be modified with his consent. The New Deal cannot afford to have some irate taxpayer tie up the whole relief program in the courts.

## Martin Incensed by Lack of Cooperation From Commissioners

SALEM, Ore., Jan. 29.—(AP)—On what was considered the very best authority, the Associated Press learned today that Governor Martin has selected an entirely new state game commission, and that the new group will succeed the present commission within a few days. The information emanated from the executive office.  
The following five men were listed for appointment:  
E. E. Wilson of Corvallis, George K. Aiken of Ontario, Edgar Rice of Roseburg, Lou Wallace of Portland, and Charles E. Riley of Klamath Falls.

SALEM, Jan. 29.—(AP)—Condemning the tactics of political sportsmen who have been feeding on the funds contributed by sportsmen of Oregon for feeding fish and game, Governor Charles H. Martin today appealed to the legislature in a special message to assist him in securing budgetary control over the funds of the fish and game department, and other boards, commissions and departments commonly classified as self-sustaining.  
The executive not only prepared his message to the legislature, but delivered it in person to a joint session of the two houses this afternoon. It was the governor's first personal appearance before the legislature since his inauguration.  
New Bill Looms.  
At the same time the information was wanted out into the lobby that house bill No. 1, designed to accomplish the governor's control proposal, will probably be withdrawn from the ways and means committee, to which it was shunted by the house this morning, and that a substitute measure will be offered in its place.  
Breaking simultaneously with these pieces of information was a well-authenticated report that the governor, incensed at what is described as the lack of cooperation he is receiving from the game commission, will within the next few hours "clean out" the entire personnel of the commission.  
Whether they will be immediately replaced with new commissioners, under the provisions of the existing law, or whether the executive will see immediate enactment of a measure setting up his recommended new commission, was not indicated today.

Mr. Ickes' irritation is supposed to have caused the insertion of the property seizure feature. The public works director has had much trouble with property owners who do not want to sell their land for slums clearance at the government price.  
A Louisville judge held against Mr. Ickes in a representative case and just about tied his hands. At the time of that decision he had a suit of his own pending in Cleveland but the Louisville result caused him to drop it.  
Mr. Ickes is right. Something will have to be done. But it will have to be constitutional. Smart lawyers will fix it up.  
Mr. Roosevelt has played fox with the houses in congress who are trying to free Mr. Ickes.  
The yelping pack was led off the scent slightly in the house. An assurance was passed down the line by the house leaders that Mr. Ickes would not control the new relief organization. Simultaneously the news men got inside word from one of the White House secretaries that the president himself would retain control over the relief program.  
These indefinite assurances looked like a couple of red herrings to Mr. Ickes' pursuers. They adopted an amendment which they thought would keep him from being an influence in the new set-up, but it won't.  
Authorities in a position to fashion Mr. Roosevelt's mind believe his intention is to let Mr. Ickes retain the part of the public works program which he now has; that is, principally control of the lending machinery. Direct government work will be handled elsewhere, the whole network being under casual presidential supervision.  
At least that is what Mr. Roosevelt will do unless the senate changes his mind by putting in some new restrictions against Mr. Ickes.  
The state department frets frequently about Japanese Ambassador Sato. The ambassador has been making far more speeches than is usual for an ambassador and he has proved to be an excellent sales-talker for the Japanese point of view. His latest speech, at the University of Georgia, pointed out to the students that Japan was not a menace to anyone and was "seeking peace with all."  
That sounds far enough, but the state departmenters have heard it so often and disagree with it so much that they get jumpy every time they hear it. Mr. Hull's appetite for lunch was said to have been disturbed when he read the Georgia speech.  
To do anything about it would cause a diplomatic incident. No one wants to do that, yet it would not be surprising if the state department seeks more frequent opportunities hereafter to express its far different interpretation of the situation.  
A new name for secret treaties has been found in Europe. Such arrangements are now disguised as "changes of military information."  
French and Russian authorities have been swearing up and down that they had no secret alliance against Germany. The best U. S. diplomatic sources now have found out how France and Russia work it. They merely agree to hold military talks with each other. Their asset talk is supposed to have resulted in a promise by Russia to mobilize its giant air force immediately if Germany starts war.  
No one knows how much aircraft the Russians have, but the best inside estimate is 3000 military machines and 2000 civilian machines. It is probably the world's greatest air fleet.

## HOUSE BILL ASKS CONGRESS TO PAY VETS CASH BONUS

SALEM, Jan. 29.—(AP)—Immediate payment of the cash bonus was requested of the national congress today in a memorial introduced in the house by Representative Frazer and Senator Bynon. The proposal will come up for vote later in the session.  
It was pointed out in the memorial that payment of the bonus would bring into Oregon a total of \$20,079,935, to be paid 35,376 veterans in the state.  
One-third of veterans in Oregon now are on relief rolls, the memorial pointed out. It stated further payment not only would give them relief, but would stimulate business and industry.  
Prohibition of fish traps and seines in the Columbia river would be put to a vote of the people in a measure to be introduced in the senate later today by Frank Franciscovich of Astoria, he announced at noon.  
The joint senate and house judiciary committees introduced a senate measure to provide for the organization of the state bar.  
It would provide for a board of governors, composed of three members of the bar from each of the three congressional districts. All persons admitted to the bar in the state would become members of the organization.  
With the approval of the supreme court the board of governors would have power to appoint a committee to examine applicants and make recommendations to the supreme court for admission to practice law those who fulfill all requirements prescribed by law, the bill further provided.  
Any inactive members of the state bar, or persons who have been barred or suspended from membership, who should practice law, would be adjudged guilty of a misdemeanor, and upon conviction would be subject to a fine of \$500 or imprisonment for six months, or both.  
A new measure introduced by Senator Peter Zimmerman would grant more freedom to dentists in regard to advertising and would prohibit the use of advertising and other display of large display signs and other devices which would prohibit only the advertising of "fixed and definite" prices.  
Three senate bills introduced by the committee on irrigation and drainage, and written by the state engineer, were unanimously passed when brought up for third reading.

## GUEST STATUTE HELD LEGAL BY SUPREME COURT

SALEM, Jan. 29.—(AP)—Constitutionality of the "guest statute" in Oregon was upheld by the state supreme court today in an opinion by Justice J. O. Bailey, in affirming Judge Louis P. Hewitt on an appeal from Multnomah county.  
The law provides that a guest in an automobile cannot recover from the host for injuries "unless such accident shall have been intentional on the part of said owner or operator or caused by his gross negligence or introduction or his reckless disregard of the rights of others."  
Louise A. Peruzzi brought suit against Myrtle Gainer for damages for alleged injuries in an accident, October 24, 1933, in Yamhill county, while the plaintiff was riding in the defendant's car.  
The plaintiff maintained that the guest statute contravenes that provision of the constitution which gives everyone a remedy "by due course of law" for injury done him.  
The state department frets frequently about Japanese Ambassador Sato. The ambassador has been making far more speeches than is usual for an ambassador and he has proved to be an excellent sales-talker for the Japanese point of view. His latest speech, at the University of Georgia, pointed out to the students that Japan was not a menace to anyone and was "seeking peace with all."  
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Senators suspect the New Deal  
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## FIRST WITNESSES FAIL BRUNO



The defense interrupted Bruno Richard Hauptmann's direct testimony to call Christian Frederickson (right) to the witness stand during the first few hours the Bronx carpenter, accused of the Lindbergh baby murder, was testifying. Frederickson, owner of a bakery in which Mrs. Hauptmann was employed, refused to "swear" on the stand, the alleged murderer's wife was called for by him on the night of the kidnaping. Mrs. Frederickson also refused to "swear" Hauptmann called for Mrs. Hauptmann that evening. (Associated Press Photo)

PHOENIX RESIDENT FINDS POINTING A PISTOL IS COSTLY  
George Hodges of Phoenix, charged with "pointing a firearm at another," was sentenced to serve 30 days in the county jail, fined \$10 and costs, had his gun permit revoked, and was paroled to the court for a period not to exceed two years, by Justice of the Peace William R. Coleman yesterday afternoon.  
Hodges allegedly pointed a Luger pistol at Frank Vincent, operator of a Phoenix service station, in a dispute over the ownership of a saw.  
As the result of an altercation last Saturday night at a dance held at Caton's hall in the Sama Valley section, H. W. Todd, Ralph Bender, Bert Conner and "John Doe," were charged yesterday in a complaint with "riotous and disorderly conduct" to-wit, "engaging in a fist fight with R. M. Conley and Earl Morgan." The complaint was sworn to by Conley, who with Morgan was badly beaten, the sheriff and district attorney said.  
Todd, Bender and Conner served with warrants yesterday by Sheriff Brown, were permitted to go upon their own recognizance. A preliminary hearing in the case is scheduled for tomorrow morning at 10:00 o'clock.  
Jack O'Connor of the Valleyview district, near Ashland, and John W. Joki of this city, were each fined \$5 and costs for non-possession of an auto driver's license.

TEANECK, N. J., Jan. 29.—(AP)—The obstetrical department of Holy Name hospital, where eight babies died in five days of a strange disease, was shut down completely today.  
No more maternity cases will be accepted, Dr. F. C. McCormack, medical director said, until pathologists can classify the mysterious infection which afflicted 20 little patients within three weeks.  
The twelve survivors are sure to recover, Dr. McCormack said. None of the mothers was infected. Two of those to die were twins.  
Visiting hours in maternity wards at hospitals in nearby communities meanwhile were greatly curtailed. Health officials, after abolishing the hospital and the milk supply of any blame in the deaths, expressed belief that the germ may have been brought in by outsiders.  
In its symptoms the disease resembled intestinal influenza.

## THOMAS REAFFIRMS PHONE RATE ORDER

SALEM, Jan. 29.—(AP)—Charles M. Thomas, public utilities commissioner, yesterday reaffirmed his order reducing the rates of the Pacific Telephone and Telegraph company. The commissioner estimated the order would save patrons of the company approximately \$60,000 annually.  
Following Thomas' original order the company appealed to the Multnomah county circuit court, where additional testimony was taken, which was certified back to the utilities commissioner.  
Harber Pole Mystery.  
PORTLAND, Jan. 29.—(AP)—The mystery of the poisoned barber pole held police attention today. It disappeared from C. A. Beckman's shop last night. Taking the easy course, police nodded general agreement to the theory of Patrolman Tully that "perhaps some drunk mistook it for an over-sized peppermint stick."

## ADOPT RESERVATIONS TO COURT ADHERENCE

WASHINGTON, Jan. 29.—(AP)—The senate today adopted without a record vote an administration reservation to the world court adherence resolution to prevent the United States taking a question to the court without first negotiating a general or special treaty with the nation in which it was in dispute.  
WASHINGTON, Jan. 29.—(AP)—The messages of ratification began to pour in today as Franklin D. Roosevelt, one of America's younger presidents, reached the eve of another birthday.  
Despite the fact that there'll be only 21 candles on the White House cake for the Roosevelts can't count beyond 21 when it comes to birthdays, the president will be 53 tomorrow.  
It is almost one quarter century since Mr. Roosevelt, a young man a few years out of Harvard, entered public life as a New York state senator in January 1910.  
But he is presiding over the White

House party tomorrow night and friends gathered at birthday balls throughout the country to do him honor and aid infantile paralysis victims, the president can reflect that few men his age have attained the country's highest post.  
He was 31 when he took office. Of the 21 men who have held the presidency, only eight were younger than that when inaugurated. Among the eight was the other Roosevelt—Theodore. For he was only 42 when he put his hand on the Bible. The oldest of all the 31 was William Henry Harrison, who was 68.  
Incidentally, the statistics show that modern Americans choose

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## WOMAN CRUSHED TO DEATH WHEN BUILDING FALLS

Room in Oregon City Structure Left Intact After Collapse—Mother Saves Infant by Acting As Shield

OREGON CITY, Ore., Jan. 28.—(AP)—A woman, who would have been unharmed had she remained in her room, was crushed to death when a two-story brick building collapsed here last night.  
While the end of the building in which her room was located remained intact, Mrs. Arthur Koehler, 51, was crushed beneath a pile of sticks, slats and mortar in the center of the structure.  
A baby three weeks of age who was saved from injury when his mother threw herself between him and a crumbling wall, sent up a tiny, healthy wail which directed rescuers to his mother, Mrs. Howard Bertsch, 25, who suffered a fractured shoulder, fractured pelvis on both sides, shock and bruises.  
Grandmother Injured.  
Beside the injured mother and infant was the grandmother, Mrs. C. P. Long of Palouse, Wash., who received a fractured right shoulder, shock and bruises.  
Mr. Bertsch and Mr. Koehler, who mistook the first cracking sound for fire, ran from the building to sound the alarm, and as they reached the sidewalk heard a terrific roar behind them.  
Chief of Police C. A. Blodgett said settling of the south side foundations of the building may have caused the collapse. On the lower floor of the 100 by 35-foot building was a clothing store and upstairs were four apartments. Damage to the store was estimated at \$25,000 by one of the proprietors.  
Warning Given.  
"We heard a cracking sound in the ceiling," said Bertsch who vividly described the debacle.  
"We decided the cracking must be caused by fire—it sounded just like the cracking of flames."  
He said he saw Mr. and Mrs. Koehler standing in the hallway. Still thinking it was fire, the two men ran down the stairs to give the alarm.  
"Just as we got out the door, the walls began caving in," Bertsch said. "The crash caused a horrible noise right behind us."

CRIME ERADICATION CONFERENCE CALLED FOR LATE IN MARCH  
PORTLAND, Ore., Jan. 29.—(AP)—Announcement for Oregon's crime-eradication conference, to be held here March 29-30, will be assembled this week when executive committee members appointed by Governor Martin meet here for a general council.  
Members of this committee are C. C. Spears, special agent of the federal division of investigation; I. H. Van Winkle, Oregon attorney general; Joe F. Carson, Portland mayor; James T. Brand of Marshfield, president of the Oregon Bar association; Paul S. Dick, Portland banker; Charles P. Pray, superintendent of state police, and Martin T. Pratt, Multnomah county sheriff.  
The committee will meet on the call of Carl T. Donough, United States attorney.  
The Oregon conference to be held in March will be modeled on the national conference on crime, held in Washington, D. C., last December. Improvements in the state's legal code and law enforcement program will be formulated.  
It is possible, Donough said, that J. Edgar Hoover, director of the federal division of investigation, will speak at the March meeting here.

## ASK MERCHANTS DISPLAY FLAGS

Mayor George Porter urged today that all merchants of Medford display flags before their places of business tomorrow in observance of the national conference on crime, held in Washington, D. C., last December. Improvements in the state's legal code and law enforcement program will be formulated.

## MAN OF AMOURS BACK FOR QUIZ

NEW YORK, Jan. 29.—(AP)—Stoogy, dark-haired Irvy Poderjaj, man of many amours, was returned to the United States today to face questioning about Agnes Tufterson, the 43-year-old woman attorney who disappeared after her marriage to him.  
Poderjaj, whose big falling, according to a sister, is "loving women 'soo much," was extradited from Vienna to face charges he married Miss Tufterson, December 4, 1933, bigamously.  
But officials are more interested in learning what he knows of the strange disappearance of Miss Tufterson, brilliant New York and Detroit lawyer.  
Miss Tufterson vanished shortly after she and Poderjaj were scheduled to sail from New York for a honeymoon in Europe. Poderjaj embarked alone. His bride has not been seen since.  
After the liner docked, the prisoner was allowed to see no one.  
Federal inspectors who questioned him at quarantine, quoted him as expressing a belief in polygamy.

ANCIENT INDICTMENTS DISMISSED IN MARION  
SALEM, Jan. 29.—(AP)—One indictment nearly 25 years old and 130 others dating from 1914 on down, were dismissed here yesterday when Circuit Judge L. H. McMahon and District Attorney William H. Trindle completed a "weeding out" of the criminal docket.  
The oldest case thrown out was against Rosey Brooks, who was indicted by the grand jury March 30, 1909, for "selling liquor in less quantities than one gallon without first obtaining a license."

## No Firecrackers For S. F. Chinese While Row Rages

SAN FRANCISCO, Jan. 29.—(AP)—Chinese in the famed Oriental quarter here today were forbidden to shoot off any fireworks in their ten-day New Year's celebration starting February 4 unless the Four Families association and the Hop Sing tong settle a row over the purchase of a wife.  
Sergeant John Manion of the Chinatown detail said firecrackers might be used to drown out pistol shots in the event of violence.  
He said the two groups had promised to settle the trouble before the celebration.

## COMMITTEE LISTS WORTHY PROJECTS FOR PWA HEARING

A hasty meeting was called by H. A. Thierolf, vice-president of the Jackson County Chamber of Commerce, this morning to discuss the formation of a brief, containing all the plans that have been formulated by individuals and groups for PWA projects. A meeting has been called by C. O. Hockley, state engineer for Oregon PWA, to be held at the city hall tomorrow from 2 to 5, at which meeting the brief will be presented.  
Those called to the meeting by Thierolf were representatives from the city and county schools, the Medford and Talent irrigation districts, city and county officials, the library board, the water commission, Jackson County Chamber of Commerce and the fish and game committee of the chamber.  
Chamber officials are busy this afternoon contacting the outlying districts, and a meeting was called for this afternoon, at which a brief of all their proposed projects will be drawn for submitting tomorrow.  
Notice of the PWA meeting was not announced until yesterday, so haste is imperative and those in charge of the movement have stated that work of completing the brief would continue all night, if necessary, so as to have the plans ready to submit to the PWA officials tomorrow.  
A. H. Danwell, secretary of the chamber, stated that several large projects will be presented, and many minor ones, and if accepted will be of great benefit to the community.  
Albert Burch has been selected to present the brief to the PWA officials.  
Vice-President Thierolf pointed out that quick action on the part of the chamber in getting the various committees organized on such brief notice may play a large part in gaining some of the huge PWA allotment for this county, and stressed the necessity for formation of a Jackson county development committee, plans covering a five-year development project being already under active consideration by that body.

## SEN. DUNN RECOVERS FROM AUTO ACCIDENT

SALEM, Ore., Jan. 29.—(AP)—Senator George Dunn, Jackson county member of the upper house of the 1935 Oregon legislature, was back at his desk this morning, after being confined to his hotel room for several days as the result of an automobile accident.  
Senator Dunn was struck by a car while crossing a street, during the first week of the present session, and received minor head injuries.

## WILL ROGERS SAYS: SANTA MONICA, CAL., JAN. 28.—Only a couple of days now till the president's birthday. This year someone has conceived an idea to keep the fine cause going and also allow every community to be able to do something for its very own in the home town. Seventy per cent. of all funds raised stays right among the ones that raised it.

There is so much gaiety, so much dancing and fun going on that it's a fine tribute to try and raise all they can to help this marvelous cause. Any illness is terrible, but there is something about this particular affliction that makes you just a little more sympathetic.

To do all in his power to help the victims of infantile paralysis is one Roosevelt policy where there can't possibly be a dissenting vote.  
Will Rogers  
©1934, Will Rogers Studio, Inc.

## BRUNO'S LETTERS TO FISCH FAMILY MADE EVIDENCE

Translation Is Made From Stand While Prisoner Given Respite From Grueling Cross-Examination

Zaces Hoarding Charge.  
WASHINGTON, Jan. 29.—(AP)—The treasury is prepared to institute proceedings against Bruno Richard Hauptmann for gold hoarding if he is acquitted of the kidnaping and murder charge in New Jersey.  
Officials said today that under the amended Federal Reserve act a hoarder of gold could be fined twice the amount of the gold so held, and the gold confiscated.  
In addition, it was said, Hauptmann would be liable for a criminal penalty of \$10,000 and 10 years imprisonment.

FLEMINGTON, N. J., Jan. 29.—(AP)—Bruno Richard Hauptmann was on the stand under redirect examination when court adjourned at 4:30 p. m. today.

Copyright, 1935, by the Associated Press.  
FLEMINGTON, N. J., Jan. 29.—(AP)—The state presented letters from Bruno Richard Hauptmann to the family of the dead Isador Fisch today in an attempt to blast away Hauptmann's claims that Fisch gave him incriminating money.  
One of the letters was immediately accepted in evidence after Hauptmann admitted it was his handwriting, though its contents were not at once brought out. The letter was in German.  
Defense attorneys objected strenuously on the ground the letter was merely a copy and that portions of it had been underscored with red pencil. A translator was called to substitute Hauptmann on the stand to read the letter.

Copyright, 1935, by the Associated Press.  
FLEMINGTON, N. J., Jan. 29.—Bruno Richard Hauptmann on the witness stand today uttered a phrase almost exactly similar to phrases used in two of the 14 Lindbergh ransom notes.  
His prosecutor immediately seized upon the incident to emphasize the method of speech.  
Hauptmann's phrase on the witness stand, in answer to a cross-examination, was:

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