

Director's Corner

News briefs for June.

Our summer season, which ends on Labor Day, began Memorial Day, and this means our summer hours are in effect. The Jacksonville Museum and the Children's Museum are open 9:00 am-5:00 pm Monday through Saturday; noon to 5:00 pm Sunday. The Beekman House, the Armstrong House, and the Rectory are open every day from noon to 4:30 pm. This year these three house museums will have a "suggested" donation of \$1.00 for adults and 50 cents for children under 12. One donation will provide admission to all three buildings; donation tickets are available at the three houses.

The Society's sales shop is being moved from the Children's Museum to the main building. This change provides the sales shop with much needed additional space, and will make possible larger and more attractive displays of our growing inventory of special books and related materials. SOHS members will continue to receive a 15% discount on most items in the sales shop.

One of the additions to the sales shop is the Society's newest publication "Pinto." This booklet is a brief biography of Vance DeBar "Pinto" Colvig, a Jacksonville native who was the voice for many Disney characters, including Goofy and Pluto, and later became known as Bozo the Capitol Clown. This volume includes many photographs and publication was coordinated by Marjorie Edens, SOHS historian. The sales price is \$1.50.

Many museum visitors have noticed that the rock and mineral exhibit has 'disappeared' from its traditional location. The exhibit is undergoing major changes and, later this year, it will be reassembled in a new location on the second floor of the main building.

The Eugene Bennett Retrospective will take place in August in the U.S. Hotel Ballroom in Jacksonville. A native of Central Point, who now lives in Jacksonville, Mr. Bennett has gained national recognition for his distinguished art. Over onehundred-thirty pieces of his work will be on exhibit. Society members will be invited to a special showing and reception. Many hours are being spent on this project by the staff and it will be one of the major events in the history of our organization, and we are pleased to announce the Golddiggers Guild will underwrite the publishing of the catalog for this exhibit.

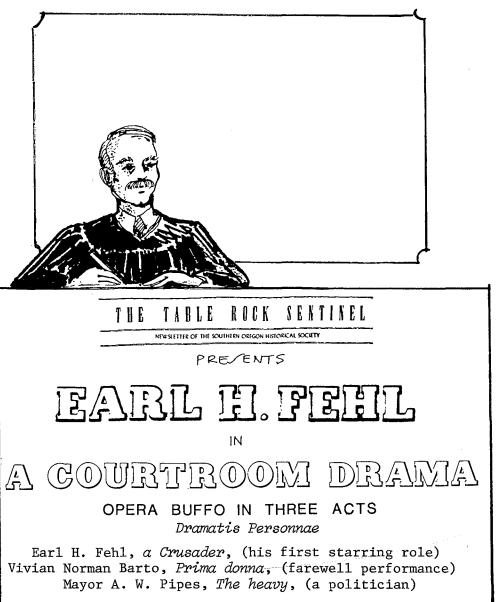
Bill Burk

Notice to members: In July the zip code of people living on the east side of Medford will change from 97501 to 97504. Maureen Smith, who is in charge of our membership lists, would greatly appreciate it if members who are making that change would notify her:

> Maureen Smith Membership, SOHS Box 480, Jacksonville 97530

Features in the Table Rock Sentinel are written by Raymond Lewis.

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FEATURING

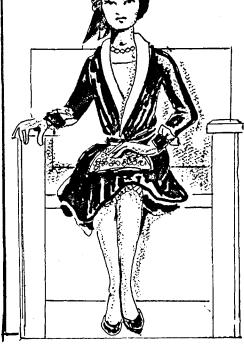
Frank C. Dillard, N.M. Hogan, E.C. Gaddis, Porter J.Neff, E.E. Kelly, W.E. Phipps, Fred Scheffel, Herbert Hanna, George A. Codding, C.E. Gates, E.B. Pickel and an allstar cast of prominent citizens as supernumeraries.

> Scena: Courtroom, Medford, Oregon Time: Early in 1930.

The overture is based on the haunting theme which recurs again and again in the first act, We Don't Want No Dance Matron in the Temple. It is sung by the chorus of petulant Lady Elks.

LIBRETTO

s in many operas, a number of significant events has taken place before the curtain rises for the first act. During the overture, the opera patron should review



the background notes--if he can't remember back to 1930. After all, that was well over fifty years ago, and a lot of memorable stuff has slipped into the distance.

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n 1930 Medford, Oregon, was a thriving little city of 11,007 souls. The inhabitants were hard working, thrifty folk who placed little emphasis on frivolities and were not greatly concerned with the pursuit of fun and games in their idle time. Many of them had the new-fangled radios, and these wireless nuts could spend hours, painstakingly twisting their dials to see if, in spite of the sputtering static, they could tune in faraway places like Salt Lake City and Seattle. But a person did like to get out and mingle with his friends at least once a week, particularly on Saturday nights even though there were no neighborhood taverns and noisy cabarets on the street corner. Prohibition was in full flower.

The opportunity to socialize in pleasant surroundings was provided by the public dance halls. Dreamland and The Oriental Gardens were glamorous big-time operations, with subdued lighting, shining floors and artistically twisted crepe paper streamers. The orchestras, for the most part, maintained the rhythm, played in harmony and offered popular hits: Yes, Sir, That's My Baby, Dream Train, Who's Sorry Now? Has Anybody Seen My Gal? and almost any other ballad a romantic dancer might request.

When a couple bought a ticket and was admitted to the charmed circle, the doorman stamped a small design in purple dye onto the back of the gentleman's hand. This was proof that he had paid his dollar, and if he left the hall he could be readmitted without buying another ticket. The system appears to be fair enough, but, in actuality, it was the cause of the whole controversy in the first act.

Some of those who went out for refreshments didn't stop at the soda fountain for an innocuous lemon phosphate, they went directly to their cars where they had stashed a bottle of Siskiyou Mountain Dew or Juniper Berry gin, and when they returned to the ballroom, they were often overly fortified with domestic spirits. Frequently the imbibers made amorous nuisances of themselves, twirled their dancing partners into precarious dips, and even waxed belligerent with the dude who had paid too much attention to the little woman. Brawls were not uncommon, ladies were sometimes insulted, and battling contestants repeatedly cluttered up the dance floor. It soon became apparent that if the dances were to continue without the constant attendance of a riot squad, some preventative action had to be taken.

The perspicacious city council* met the problem head on. They would revive an old ordinance which provided for a chaperone who would attend the dances and keep things on the up and The new version of this worthy up. idea was devised by Charles A. Wing and Mayor A.W. Pipes, and, ably presented by City Attorney Frank Farrell, it met with the unanimous approval of the other members. To tie up any loose ends and make the new Dance Law a nice little legal package, the city fathers presented the following definitions and regulations:

1. A public dance is an affair where the public is admitted by payment of a direct or indirect fee. 2. Dance hall promoters must consent to the presence of a police official, and obtain from the city recorder a license at a cost of \$3.50. (The city council didn't intend to provide all this good stuff for nothing.)

3. Any proprietor who permits patrons to conduct themselves improperly or who doesn't bounce snockered customers shall have his license suspended.

4. There will be a fine and imprisonment penalty for violators (the fine, not less than \$10 or more than \$100; the soujourn in the pokey, not fewer than five days).

5. Any dance given by a lodge or social club to which the public is invited is a public dance and must be supervised by the chaperone. This is necessary for the public

^{*} Councilmen were E.M. Wilson, J.O. Gray, C.A.Wing, J.C.Collins, R.E. McElhose, P.M. Kershaw and R.B. Hammond.



Former Mayor C.E. Gates, Mayor A.W. Pipes, Mrs. A.W. Pipes. These pictures are from the yellowing files of the <u>Medford Mail Tribune</u>. They were carefully reproduced by SOHS photographers, but they are not improving with age. We wish, however, that we had found newspaper photographs of the other people in the story as well.

safety and welfare.

6. The chaperone's salary of \$2.50 per dance will be paid by the proprietor at the close of the evening. (Managers couldn't very well call the cost excessive, and if they objected to supervision, they'd be denied a license. They accepted the ordinance with no apparent quibbling.

Chaperones have traditionally been females, and the council members wouldn't go against custom; they would secure a dignified lady, a dance matron, who would command respect, tidy up the ball rooms and keep the activities circumspect enough for even the most demure young miss. To give the matron added support, police officers were ordered to arrest the offenders and back the official supervisor to the hilt.

The members of the council spread the word that they were ready to interview applicants, and several ladies dropped by to display their qualifications and file their references. Vivian Norman Barto was a friend of the mayor, and he rather pushed for her acceptance. The other members goodhumoredly went along with the deal, and Mrs. Barto became the Official Dance Matron of the City of Medford, with duties to start on the next Saturday night.

The new plan began auspiciously enough with customers keeping their noses clean, and the dance matron finding not much more to do than make a gracious appearance and smile charmingly. She danced several times and ably followed her partner's intricate steps with dignity and grace. Most customers agreed that she added a little class to the ballroom, and if she kept those young rowdies from getting too fresh with the ladies, she'd by worth her salary.

hings went well for the month of December. Mrs. Barto put the finger on only a few inebriates who had to be removed from the premises. Her first misstep came when people began to resent her modus operendum although, on the surface, it seemed reasonable enough. When she spotted a suspect she went up to him, smiled sweetly and asked him to dance with her. Once around the floor and she could tell if he were bombed or just demonstrating good spirits. She sometimes danced the gentleman up to the bouncer and demanded that he throw the bum out. It was somewhat like mama giving daddy a nice big kiss to

find out if he'd had a little snort on the way home. It just wasn't entirely cricket. Her duties also included keeping the more romantic couples from dancing too closely. As they steamed by, oblivious to everyone else, Mrs. Barto would quietly sidle up and suggest with just a subtle hint of menace, "Shall we knock off that hanky-panky, mister?"

The gentleman might mutter, "If Jennybelle doesn't object to my squeezing her, who should you?" But the poor affectionate swain had to clean up his act because Mrs. Barto could get him ejected if he didn't mind his manners. In 1930 Equal Rights was nowhere, and the males soon began grousing at having to take orders from a bossy woman, whose place was in the kitchen or the laundry instead of out in public ordering the stronger sex around on their own turf.

A little whining is natural and healthy. The city council ignored the complaints--which weren't very loud anyway--and the dance matron continued The to do her duty as she saw it. first major flare-up of any consequence came after Mrs. Barto, in her official capacity, marched forth to attend a dance at the Elks lodge. Word that she was underway reached the temple before she did, and, upon her arrival, she found the door shut in her face as she stood at the top of the steps demanding entrance. After a few frustrating and futile attempts to force her way into the sanctum, she gave up the struggle and retreated--but only temporarily. When the Elks held another dance, she availed herself of the company of Police Chief Clint McCredy, and made a second call at the temple. Again the door was abruptly shut and locked, and both Barto and McCredie were left out in the cold with egg on their faces.

Inside the temple, safely concealed behind the heavy locked door, could be found among the other celebrants two former mayors, Gates and Alexanderfer, the county sheriff, the deputy prosecutor, and several other officials. They might have had some second thoughts about their disloyalty to Barto and McCredy, but, for Pete's sake, they certainly couldn't oppose the will of their Exalted Ruler, Ben Moller, in his own duchy.

The situation reached a stalemate. It was pretty obvious that Police Matron Barto was not going to be received with a welcome embrace into the Elks' empire. With over 1,000 members, they figured they could take care of their own drunks, and they weren't going to allow some uppity female outsider to pass sentence on a brother Elk even if he got plastered out of his skull.

Mayor Pipes said a few uncomplimentary things about the insubordinate behavior of the Elks, and Mrs. Barto, feeling aggrieved and insulted, didn't hesitate to expound at length to anyone who would give her the opportunity. The mayor advised her to continue with her appointed assignments, and the city council would mark time on this sticky problem of the rebel lodge.

Unfortunately for the sake of law and order and chivalry, the action and the publicity had irrevocably undermined the authority of the dance matron. During Mrs. Barto's next appearance at Dreamland, she ran up against her first overt resistance. Two young men, who had imbibed freely and fancied themselves a devilish pair of irresistible rogues, began dropping a few suggestive statements to the single ladies in attendance. When Mrs. Barto intervened and issued a warning to the pair, one of them shoved her rudely aside and declared he'd give her \$2.50 if she'd mind her own business and go home where she belonged. A third young man, witnessing the scene, jumped to his feet and shouted, "Go ahead, boys. The Elks can get away with it, and I guess we can too!" Mrs. Barto summoned a policeman who efficiently ousted the trouble makers with dispatch, but the damage had been done.

Soon sides were drawn up and battle stations were established. It appeared that Mayor Pipes and the city council were greatly outnumbered, and they found themselves on the losing side of a city-wide brouhaha. Even citizens who frowned on frivolity and wouldn't be caught dead at a public dance held unshak-



Electa and Earl Fehl. The dress and hat worn by Electa would indicate that this picture was taken considerably before the events in this story took place.

able opinions on one side or the other. Since any adult would far rather be the discipliner than the disciplinee, and as most of the citizens have less respect for law enforcement than they profess to have, nearly everyone chose to make Mrs. Barto and Mayor Pipes, as authority figures, the heavies in the controversy. This wasn't fair, but it seems that in those days the admonition that "you can't fight city hall" didn't apply.

The councilmen finally issued the statement that they were now forced to ignore the squabble. At a congenial meeting, they had decided that they would not back down; they would continue to enforce the Dance Law and that was that. (P.M.Kershaw and R.B. Hammond voted against it, but they were in the minority.) The members indicated that they had no time for petty problems brought on by a scattering of malcontents. "We are a group of busy men," they declared, "devoting our time and talents to building a city. We must have the cooperation of the people." This statement was about as effective as the poignant plea, "Aw, come on, fellows,

be a sport."

A touch of common sense was introduced by the members of the Masonic lodge who issued the statement that, although they had not requested police supervision of their lodge dances, they wouldn't object to it, and that they certainly did not "take issue with either side and never will." Robert W. Ruhl, editor of the *Medford* Mail Tribune, poured a little oil on the turbulent waters, by editorializing calmly that anger and spite were unnecessary, and that if the Dance Act didn't please the citizenry, it should be revised or withdrawn. It seemed that the affair could be resolved peacefully after all, if everyone would simmer down and be patient.

b ut at this point the firebrandhero, Earl H. Fehl, made his delayed appearance on the scene and avidly stirred the turmoil to boiling point again. Fehl was president, editor and manager of a neat weekly newspaper, *The Pacific Record Herald*, a tabloid-sized publication. It was little but it was big enough to present the editor's strong-minded bias and bigotry and it had a wide circulation. He hurled himself into the fracas with fresh vitality and venom, and began his campaign with an emotional defense of the Elks, "THE BEST PEOPLE ON EARTH."

In a lead story of the January 9, 1930, issue, he announced:

The Elks lodge does more good in Medford than any other lodge, large or small. They are not alone a fraternity--they are seemingly a public institution functioning for the upbuilding of the community and the alleviation of the suffering therein. But to view the attempts of would-be authority to usurp the sacred rights and GOD GIVEN LIBERTIES of our people you would think that the local ELKS TEMPLE was a bawdy house and that law violators were the order . . . Chief McCredy knows the law governing his office, and well he knew that he had no business at the ELKS TEMPLE unless the ELKS were disturbing the peace--which they never do.

Mr. Fehl reported that he did not belong to the Elks as so far he had not felt himself worthy enough, but had he acquired those sterling virtues demonstrated by every Elk, and had he been fortunate enough to be a member, he would certainly have been standing proudly behind that locked door, backing the Exalted Ruler to the finish. He concluded his lengthy article with the statement that "THE BEST PEOPLE ON EARTH are those who tend to their own business."

A succeeding article advised the readers that a certain official, high in authority in Medford, apparently wanted to be a DICTATOR in every faction of city government. He clearly aspired to be a Pooh Bah, the Lord High Everything Else, who could make municipal decisions to further HIS OWN ENDS. In order to get his greedy finger into every pot, he had hired "Pooh Bah's wet nurse" to do his snooping "Her mammyship" was given for him. official authority to enter private institutions, where she had not been invited and was not welcome, in order to pry and meddle and act as Pooh Bah's informer.

Carried away by his own sparkling wit and wisdom in his crusade for the beleaguered Elks, he took his diatribe a step or two further and hinted that Mrs. Barto's morals might not be beyond reproach; several unnamed dance patrons had reported that they suspected her of indulging in a social sip or two on the sly and witnesses stated that on some occasions she had casually overlooked peccadillos for reasons of her own. Besides, the Dance Ordinance was long defunct. It had served during the war when young men and their beloveds, who were soon to be torn apart by the cruel call to arms, might become emotionally carried away on the public dance floor. A dance matron was needed then; she was little more than a sore thumb in peace time.

The crusader met an enthusiastic response from his followers. No doubt he was hand-shaken, clasped on the back, touted, embraced and bussed by many who approved of any journalistic tactic as long as it endorsed their side of an issue. The gratifying warmth of appreciation encouraged him to broaden his offensive.

In addition to his continuing barbs at Mr. Pipes and Mrs. Barto, he took on Frank C. Dillard and N.M. Hogan who were doing the preliminary engineering and bond work for the construction of the new Medford city airport. The first charge accused "these two 'designing parties'" of estimating the leveling of the ground at double the actual cost, grossly padding their salaries and, in short, of being "robbers". Before the end of January, Mr. Fehl had made thirty charges of dishonest acts against the To his devoted followers it was men. additional proof that their livewire editor was defending the little man, and, with good old Earl Fehl in the driver's seat, there'd be a lot less graft and double-dealing.

As far as Fehl was concerned, if one barrage of unsubstantiated attacks upon a victim would double the subscription lists, and a second volley of unproved charges would turn a muckraker into Sir Galahad, a third assault should bring him a Pulitzer award. It was worth a try.

In his next issue he zealously pounced on the water engineer and E.C. Gaddis of the water commission, and began a campaign against the producers of the city garbage ordinances. You can't get much more of a common touch than that. "You know, folks," wrote Mr. Fehl, "that garbage contract smells even unto Heaven, and it is to be expected that a certain number of buzzards will hover around the stench...to recover their share."

The water commission, Fehl charged, was trying to extract \$27,000 from the TAX Payers to tail up deficits in the department. Water and garbage were the worst managed departments in the city government. "The rate of \$2.50 per month is the highest water rate in the United States and that is undiluted GRAFT."

Other accusations were so vituperative and written with such bad taste, that they will not be repeated here. Oddly, there is no record of any resistance to Mr Fehl's yellow journalism. The citizens seem to have seen him only as a highly charged boy scout on a good-deed campaign.

y the end of January, Vivian Barto felt she had taken more than enough persecution and malice. For a month she had been beaten over the head with unproved charges of immorality, dishonesty, illegal acts and impropriety. She had been slandered and vilified in the public press, and if that was not defamation of character, what was? Doubtlessly encouraged by Mayor Pipes, her mentor, she filed suit against Earl H. Fehl for libel.

The other recipients of his attacks seem to have been waiting in the wings for Mrs. Barto to act. After she started proceedings they immediately filed charges of their own, and Earl Fehl, firebrand and reformer, faced four counts of libel.

He was at his zenith in his role as the defender of the downtrodden, an invincible knight who was attacked by an enemy of gnats. Circuit Judge H.D. Norton set the trial for March 14, and fixed bond at \$500 on each of the four counts. John Niedermeyer and George Porter loyally supplied his bail and Fehl bounced out of jail, right back into the spotlight. He informed the *Tribune* reporter he was going to fight the indictments to a finish, and would easily prove his innocence to the good people of southern Oregon. He roguishly hinted that folks should hang onto their hats because there were going to be some bumpy spots ahead for his attackers. And with that we're ready for the first act curtain. (Some opera. The introduction is twice as long as the performance.)

ACT I

) efore the opening of the act D a general hubbub of conversa-D tion is heard, and the curtain rises to reveal a crowded courtroom. At least ten spectators are standing behind the back row of seats and more are spilling out into the anteroom. The mood is jovial and there are occasional bursts of laughter heard above the drone of talking. Seated in the jury box are twelve good folks and true, well aware of their importance and responsibility and they are sitting up straight and alert and registering great dignity. Selecting the panel was not an easy task. Many citizens, when questioned, said they were affectionate friends of the plaintiff or the defendant, and could not, in all honesty, be neutral. The twelve dedicated citizens, democratically representing most of the towns in southern Oregon, are:

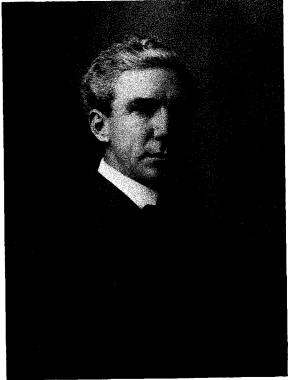
J.E. Stowell, Eagle Point, laborer Robert C.Cook, Gold Hill, rancher Virgil Strang, Medford, druggist Wade Wallis, Ashland, farmer E.C.Faber, Central Point, merchant Arnold Bohnert, Central Point, farmer W.H. Gardner, Gold Hill, laborer C.S. Finley, Medford, farmer T.J. Parsons, Phoenix, farmer N.E. Bond, Medford, mgr. apartment Mrs. Clara M. Fichtner, Medford, housewife

Jessie Hight, Medford, Service Station operator

Vivian Barto, smartly dressed in a new outfit from Ethelyn B. Hoffman's exclusive shop on Sixth Street, is seated at a table in front of the room. With her are her representatives, George A. Codding, the District Attorney, and Porter J. Neff. At the other table is Earl Fehl. He is not wearing shining armor, but has chosen a business suit as more representative of the comman man.

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Top: Herbert Hanna. He volunteered his services in behalf of Earl H. Fehl. Bottom: Dr. E.B. Pickel. He testified that the defamatory nicknames in Fehl's newspaper stories were meant to be Mrs. Barto.

He is represented by Attorney E.E. Kelly. T.J. Enright, Frank J. Newman, W.E. Phipps and Herbert Hanna, prompted by their desire to assist a citizen under unwarranted attack, have volunteered their services in behalf of the defense. Aware that libel is a misdemeanor, the penalty of which, upon conviction, is a county jail term or a fine, or both, the principles in the case are considerably more intent than the spectators. At the request of the bailiff, George N. Lewis, the audience rises as Judge Norton enters and takes his place on the bench. The court is declared in session and everyone settles down with an air of expectancy and interest.

The action at the trial is taken from the files of the *Medford Mail Tribune* and the *Pacific Reaord Herald*. We give only a brief summary.

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No he opening statement was made by District Attorney Codding. He began by calling the attention of the jury to the alleged libelous articles with the words: "These are most scandalous statements to say about anybody-and, most of all, a woman." He held that many opprobrious phrases in the Pacific *Record Herald* exceeded propriety. Warming to his subject, he shouted, "What would you say if the articles were printed about your wife, or your daughter?" After reading excerpts from several attacks upon Mrs. Barto, he continued, "Some of us are thick skinned, but what might be the harvest of such scandalous things? We might be trying something far more serious here today than a libel suit, if conditions were slightly changed." He concluded by stating, "Editor Fehl, in the publication of these articles, stepped over that line that marks the lines of good order and public peace."

That was pretty serious stuff. Mr. Codding's statements certainly weren't very humorous, and the spirits of the spectators were considerably subdued, but things lightened up when Attorney E.E. Kelly outlined the plea for the defense. He calmly said that "the publication of articles attacking city and public officials is privileged, if it is done with good intent and justified." His presentation made the charges sound less threatening, and the air of good humor returned to the auditorium.

Mose Alford, the city recorder, was called to the stand, and he stated that there was indeed a dance ordinance. Mayor Pipes, the second witness, testified that he had appointed Mrs. Vivian Norman Barto as dance supervisor. He was followed on the stand by John C. Mann, Dr. E.B.Pickel, C.E. Gates, and B.E. Harder, who alleged that Mrs. Barto was the one referred to in the libelous articles. They agreed that Mr. Fehl had Mayor Pipes in mind when he referred to the "God of the Community" and that Mrs. Barto was obviously "the police mammy" and "Pooh Bah's wetnurse." This brought a gale of laughter and the judge had to admonish the packed courtroom. He announced that the bailiff had already thrown out one noisy fellow, and if there were any more disruptive laughter, he'd clear the court-"There has been continuous room. commotion," he said, "and you must understand this is not a vaudville show." The aged bailiff looked very severe and strode up and down the aisle to show he intended to maintain decorum. The audience toned down because no one wanted to be ejected, but the judge and the district attorney were certainly determined to take the fun out of it, and it really had been laughable when Earl Fehl, the little dickens, had called that nosy Barto woman those comical names.

The defense witnesses were more exciting. Mrs. Barto's lawyers had presented facts with no levity; Earl Fehl's supporters were more spicy and occasionally struck a foul. Apparently the lawyers had dug up some pretty interesting facts about the dance matron's past, but the judge ruled they couldn't be offered in evidence as they had no bearing in the case. He would accept as evidence only the official acts of Mrs. Barto just before the libel charge. That was a disappointment to both the defense lawyers and the audience. But the show livened up anyway when witnesses testified in behalf of Mr.Fehl.

Charles W. Davis from Central Point, a floor manager at Dreamland, was a star performer. Under oath he said that he had seen Mrs. Barto dancing with several drunk men. She always danced while supervising, and took charge of things in general. Under cross examination he admitted that he entertained harsh feelings against Mrs. Barto. Once he had refused to assist her in the arrest of a couple of dance patrons, and she charged him with insubordination. Later he was deprived of his star as a deputy officer. "When Mrs. Barto had collected her \$2.50," he continued, "she dropped everything and hit out for home." The defense lawyers attempted to get him to say that she did more dancing than supervising, but he would not go that far. The lawyers also intimated that she was being paid by both the city and the dance hall management, but Davis declared he knew nothing about that. When asked the name of a person whom Mrs. Barto had danced with while he was under the influence, Davis named Bill Cook.

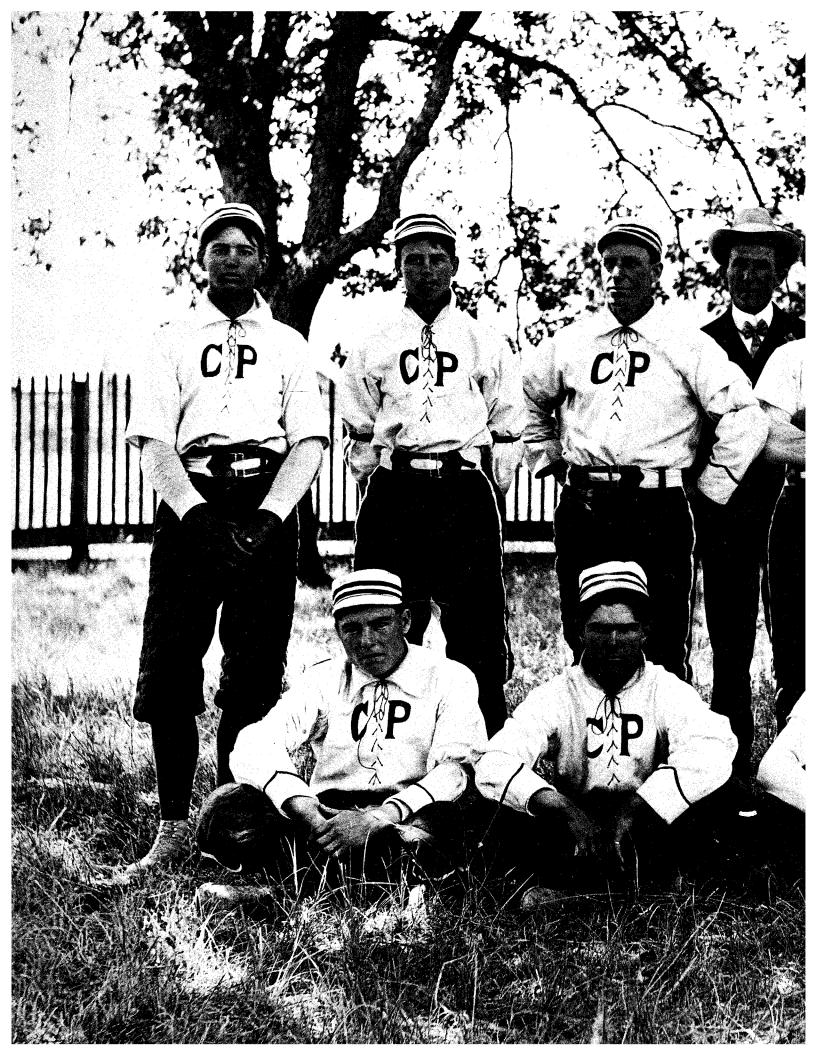
Cook, who had been awaiting his turn to take the stand, admitted that he had danced with Mrs. Barto, but denied that he was stewed at the time. When cross examined, he also denied that he had once been arrested for bootlegging and had jumped bonds, but he confessed to taking an occasional drink. When asked upon what occasions he took the "occasional drink," he replied, "Whenever I can get it."

A. Rose, called to the stand, said he had "smelled intoxicating liquor upon her breath," but under cross examination he retracted his story and the court instructed the jury to ignore his testimony.

Dock Ayres and H.K. Dynge, both employees at Dreamland, were witnesses, and they offered testimony in the same vein. Dynge had refused to dance with the dance matron when she had asked him, but it was not because he was afraid of her, it was only because he couldn't dance the one-step.

When Earl Fehl stepped to the stand, he was asked to express his opinion of Mrs. Barto's character and reputation. He would have been delighted to oblige, but the court ruled against it. That judge was just a little too protective of the dance matron. Just who was on trial here? Fehl testified he was the president and editor of the

Story continued on page 14.



Central Point Baseball Team

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Back row: 1-Ralph Beal, 2-Tom Carson, 3-Tom Pankey, 4-Tyson Beall, 5-Jay Purkeypile, 6-Bill Parson, and 7-Jim Grieve. Front row: 1-Jim Messner, 2-Jim Peart, 3-Joe Boswell, and 4-Clark Rippey.

Space limitations prevented the inclusion of this photograph in the last issue. We thus give it a belated centerfold treatment.

1899

Pacific Record Herald and stepped down. He could have said a lot more if that judge hadn't put a gag on him.

The defense introduced several other witnesses, all of whom revealed their animosity towards Mrs. Barto, but none of whom offered a logical reason for it. None of them presented any effective charges, but the testimony was entertaining and folksy, and the spectators enjoyed it. The incoming Exalted Ruler of the Elks, Mr. 0. 0. Alexanderfer, maintained the lodge would retain their right to refuse admission to anyone who was not a member, including city employees. After this the lawyers withdrew. They had run out of ammunition. By 5:40 o'clock in the afternoon the members of the jury had received their instructions and had retired for deliberation.*

They had been bombarded with facts, some serious, some foolish, during the entire day. They were tired, but all were in agreement that it would be nice to reach a decision before very long; it was already late in the afternoon, and everyone wanted to get home before dark. Judge Norton left the courthouse and went home for dinner, but most of the spectators remained in their seats awaiting the verdict.

The jury elected a foreman and he called at once for the first ballot. Everyone wrote his opinion on a little square of paper and sat back for the count. It was ten to two to acquit Mr. Fehl. Well, that was pretty close, but there could be a little more discussion. Who could deny that

(a) Earl H. Fehl was only defending the taxpayer;

(b) the city police had taken on more responsibility than they were entitled to; and

(c) Mrs. Barto was a bossy woman who couldn't take a little joke?

After a brief discussion of those points, the efficient foreman called

*Confession: The discussion in the jury room is imaginary. Aside from the three ballots, there is no actual record of what took place there. But considering the verdict and the time required to reach it, this 'suggested' procedure is within reason, and the story line calls for some suspense. for a second ballot. The result was eleven to one for acquittal. Well, so far, so good. A little more talk was in order.

(a) Yes, Earl Fehl had come on a little strong, but you have to get attention before you can reform anything;

(b) Didn't the witnesses hint that the dance matron might be up to some shady activities? and

(c) Do you wanna stay here all night? After a bit of comment on those pointers, the foreman called for a third ballot. The decision was unanimous. The jury was in complete agreement: ACQUITTAL.

Judge Norton returned from his early dinner just as the jury reached its unanimous decision. Back in the courtroom once more, the foreman stood at the judge's request--Have you reached a verdict?--and asserted, "We have, your honor. We find the defendant not guilty."

When "not guilty" was heard the throng of spectators began cheering and clapping in great delight. As court was adjourned, the elated and jubilant Earl Fehl jumped up and ran to the jurors, shaking their hands as they filed from the box. He was the center of congratulations from his friends, and his counsel stood around registering all the enchantment that the runners-up in a Miss America contest fake for the camera. He graciously refused to make a statement--he didn't want to gloat--and, surrounded by his admirers, he left the courtroom.

Mrs. Barto picked up her gloves and purse, and, escorted by Mayor Pipes, started to the door. The reporter, leaving the man of the hour, approached her, asking for her statement. She had nothing to say. No wonder. She had learned her bitter lesson. She had been disparaged, abused, condemned, falsely accused, reviled, railed at and called nasty, unfair names. When she attempted to defend herself from such infamy, she was not only put in her place for her audacity, but she was handed out more censure and innuedo by the very people to whom she had made her appeal. It

similar to a victim of rape being accused of instigating the assault, and condemned while the rapist receives a medal for bravery. In over fifty years Vivian Norman Barto has not been publicly defended. Her vindication is long overdue.

March 19, 1930

ACT II

Scene: the same courtroom. Time: the next day.

In the first act the courtroom was filled with uninhibited spectators who lent a carnival-like atmosphere to the action. At the second trial the auditorium is less that half full. Not many citizens are interested in listening to testimony about cost estimates and engineering statistic6 with no spicy bits of evidence. Earl Fehl's admirers are pretty certain that his lawyers will take care of the pesky charges against him and win him an acquittal as they had done the day before.

Selecting a jury was not so difficult and required far less time. Fewer people had preconceived conclusions and nearly everyone called upon felt that he could render a fair verdict. Seated in the jurors' box are

R.A.McAllister, Ashland, farmer R.A.Settlemeier, Medford, retired H.T. Pankey, Central Point, inspector J.L. Brower, Ashland, farmer Mrs. Agnes Kearney, Central Point, housewife Bert Smith, Ashland, lineman C.H. Hanscom, Eagle Point, farmer Dan Collier, Medford, telegrapher J.Verne Shangle, Medford, photographer Albert Moore, Medford, laborer

(Two members were overlooked by the reporter.)

The instigators of the suit, Dillard and Hogan, are represented by George A. Codding and Porter J. Neff; Earl H. Fehl is again defended by Attorney E.E. Kelly, assisted by the four volunteers, Newman, Phipps, Enright and Hanna.

The action is again taken from the files of the Medford Mail Tribune and the Pacific Record Herald.

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The second trial got underway with some dull business which was included principally for the court record. William J. Warner, postmaster, asserted the *Pacific Record Herald* was sent through the mail, Mose L. Alford testified to estimates passed in connection with the airport construction, and C.E. Gates, E.B. Pickel and John C. Mann said that the alleged libel referred to Frank C. Dillard and N.M. Hogan. Some of the questionable statements were read to the court.

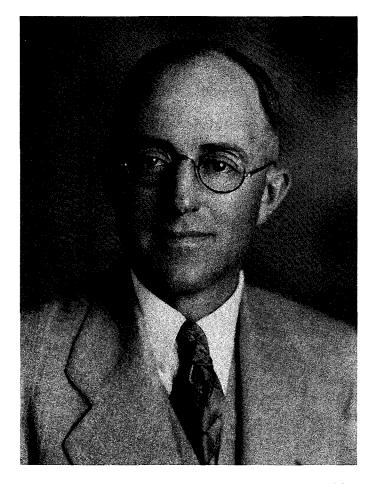
Fehl had written: "Dear Friends, We are for the airport, but not for being robbed." He had then continued his article with thirty veiled charges of fraud. Among his accusations was the statement that ground for the new airport could be leveled for \$45 an acre. The charge of \$125 per acre, made by the contractors, therefore, was graft.

Attorneys for the state attempted to prove that the contractors' estimate was reasonable and substantially correct. Dillard took the stand and made an excellent witness in his own behalf. As an authority on airport construction he stated that his charges of \$125 per acre included \$25 per acre for grass seeding. He said his total estimate was \$23,500. The actual cost to him would be \$10,069 with gravelling costs of \$10,260 added to it. He did not think that the difference was an unreasonable profit. He had done a great deal of preliminary work for which he had received no pay, and he was not getting rich on the money he received.

William Von Der Hellen, a contractor, corroborated Dillard's estimates. Fred Scheffel, the city engineer who supervised the airport work, testified that the charges were not excessive. The use of county road machinery had cut costs by \$500, and the city had been very conservative in all their construction projects.

On the stand, Hogan said that he had had an altercation with Fehl in the *Pacific Record Herald* office. He felt this might have triggered the libelous statements. During the quarrel, Fehl had said, "I can put you in jail, and I guess I will

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Fred Scheffel, city engineer. He said construction charges for the airport were not excessive, and the city was conservative in all municipal projects.

do it."

Fehl, in his turn, assured the court that of course he had never said anything like that. He had merely refused to allow Mr. Hogan to go through his files. Hogan was probably somewhat vindictive because Fehl had opposed the election of Mayor Pipes when Hogan had been Pipes' campaign manager.

In his closing arguments Special Prosecutor Porter J. Neff stressed that the state did not desire a jail term for Mr. Fehl, but asked that he be punished with a fine--a very light one. The state contended that items published in the *Pacific Record Herald* were too drastic in their criticism and often over-stepped journalistic propriety. It was hoped that in the future Mr. Fehl would use more judgment and taste.

The court had been in session about two hours and a half at the summation. before the jury retired for its decision. The *Medford Mail Tribune* headlines announcing the verdict came as a surprise to no one. Mr Good Guy was on a winning streak.

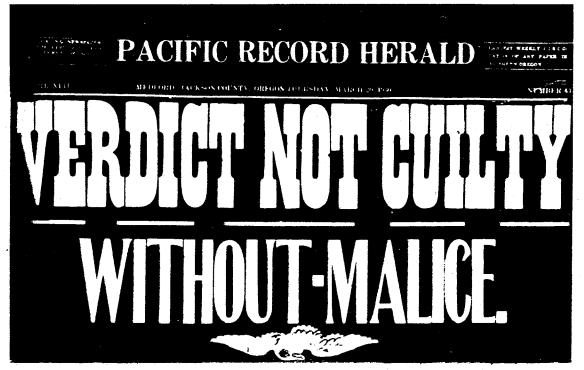
FEHL WINS IN SECOND LIBEL CASE

JURORS ACQUIT EDITOR ON THIRD BALLOT FAVORED LIGHT FINE NO JAIL--DISMISS REMAINING TWO INDICTMENTS

Ballots: (1) 9-3 for acquittal (2) 10-2 for acquittal (3) Unanimous for acquittal Roy A. Settlemeier was Foreman

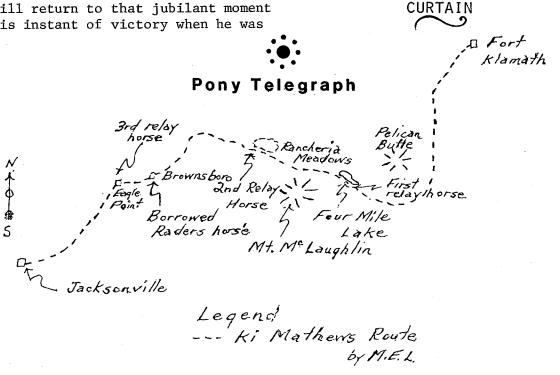
fell, that shoots down the third act. No one would be foolish enough to try another futile confrontation with the demigod of southern Oregon. Earl Fehl was on the crest of a wave of approval and adiration, and he'd be exonerated if he had bludgeoned widows and orphans. The water and the garbage commissioners withdrew their charges, and the victor, having received a congratulatory slap on the back instead of a disciplinary whack on the wrist, returned to his newspaper office and added more vitriol in his ink pot. It might be well to remember, though, that at this same time many people all over the world thought that the amusing little German fellow in the baggy pants, Adolf Hitler, had all the characteristics of an adorable comedian.

The trials, however, were Earl Fehl's first and last public appearance as the protagonist. In future productions his character would change to that of the antagonist. Mrs. Barto, who soon resigned her position as dance matron, and the others who went down to ignominious defeat, may have taken some satisfaction in the fact that Earl Fehl held his lofty position only a few months. In the fall of the year many people began to realize that not everybody who promises to get your taxes reduced is working for your benefit and that honest and dedicated law enforcement deserves some respect. Βv November the Tribune and other responsible publications were begging Fehl to stop his campaign of lies and hatred. But it was too late. He was hooked. His program of slander and



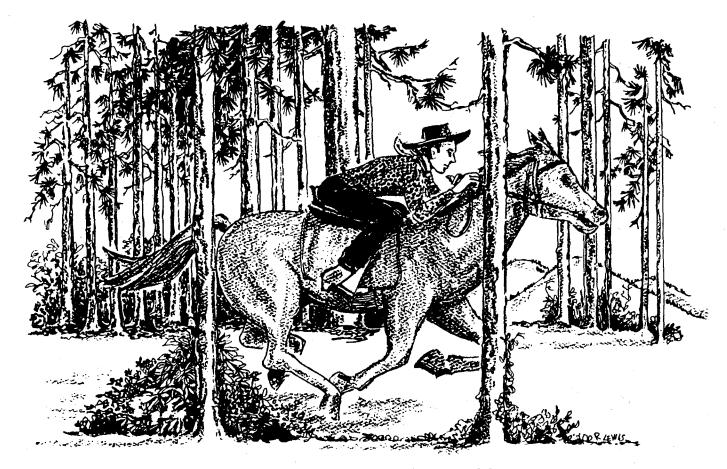
invective continued until it had almost destroyed the city government, and had fostered murder, imprisonment, anarchy and madness.

b two cannot dwell on that. This is an Opera Buffo and must have a happy upbeat ending so we will return to that jubilant moment at his instant of victory when he was all but carried on the shoulders of his devotees. We will leave him with the statement made by Attorney E. E. Kelly in his notable address of summation: "Honest Earl Fehl is the champion of the poor people. He may be crude in his writing but *he is all* gold in his heart."



The map above, drawn by Mark Lawrence, shows the route from Fort Klamath to Jacksonville which was taken by the winning messenger in the following story.

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PONY TELEGRAPH MARK E. LAWRENCE

This story was contributed by Mark E. Lawrence, a member of SOHS. It is based on a personal interview with Mr. Vern Mathews, who lived in Eagle Point and was a relative of Ki Mathews who made the record breaking ride. Mr. Lawrence has long been interested in southern Oregon history. He is a member of the Trail Committee and works with Dr. Jack Welch on trail markers. Miss Mary Hanley assisted Mr. Lawrence in his search for reference material.



The hangman's nooses with their thirteen wraps looked as deadly as coiled rattlesnakes in the morning sun.

The day was October 3, 1873, and the gallows were at Fort Klamath, Oregon. These were the golden days of autumn and the yellow aspens were brilliant against the green of the pine forest. It was also the bleak autumn of a man's life. An Indian who with a small band of warriors had stood off the U.S. Army in the lava beds--an Indian who helped kill the peace commissioners--was to die on the gallows. He had fought, retreated and starved by the Modoc code. Now it was decreed that he and his sub-chiefs must hang by the white man's code. The leader was Captain Jack of the Modocs, hero to many of his people but a renegade to the whites.

On the fringe of the gathering of troops, excited ranchers and stoical Indians was a group of lithe, lean, hard-muscled young riders. Saddled and waiting were the nervous, powerfully built horses that looked as if they could run. They switched their tails. tossed their manes and rattled their bits to shake off the pesky flies.



Among the riders was Ki Mathews with a horse called Black Beauty. Mathews was only twenty-two years old. At 160 pounds

he was a wiry, lean, tough young bronc rider. He feared no man or horse.

Miles away over the Cascade Divide lay the gold mining town of Jacksonville, awaiting the news. There was no telegraph connection to Fort Klamath. These riders were to carry the dispatches as the *Chicago Interocean*, San Francisco Examiner and San Francisco Chronicle were offering \$100 to each rider, and \$100 additional dollars awaited the winner at Jacksonville. Each rider had chosen his route and arranged for relay horses.

Mathews had chosen the Rancheria Trail. This was the shortest but most dangerous. It led through an area where Indians off the reservation were in a mean mood and could way-lay a lone rider. Ki Mathews was to make the ride of a lifetime over the Rancheria Trail.

At 10:20 a.m. the trap was sprung at Fort Klamath and Captain Jack passed to the great beyond. There was no flash of a blade, a war whoop and a warrior's duel to the death as he would have preferred on his day of reckoning.

Quickly the dispatch riders swung into their saddles, touched spurs to their mounts and were away through the glades and golden aspens on their chosen routes. One was riding by Union Creek and two by way of present day Ashland. Mathews was taking the Rancheria Trail.

Ahead of Mathews lay Pelican Butte and towering Mt. McLoughlin, his landmarks. Nestled beneath McLoughlin's 9400 foot crest lay sparkling, blue Four Mile Lake and his first relay horse.

A party of roving Indians fired at Mathews on the long climb through the forest and glades. Turning in the saddle, he fired three shots back. Then leaning very low in the saddle, with the flash of a spur he and Black Beauty galloped on toward the Cascade Divide. The braves were quickly left behind.

As Black Beauty neared Four Mile Lake, Ki fired a shot. Hearing it, Pope Mathews answered with his six-shooter. The relay horse was readied as horse and rider headed out over the divide Topping the pass north of Mt. McLoughlin, they plunged down the trail through the lava rock toward Rancheria Meadows. It was impossible to avoid all the brush along the narrow trail. Horse and rider took a raking as they plunged and slid downward. The horse's hoofs took a pounding that required rest and recuperation in the pasture.

As the beautiful green meadow of Rancheria came into view, Ki fired another shot. Green Mathews pulled his six-shooter and answered. Quickly he tied a mean black for the saddling. Ki rode up, the saddle change was made and the black was cut loose. The horse showed his oats and bad disposition by jumping out furiously. Time and the miles passed swiftly as they headed out over a low divide for Brownsboro.

As Ki rode down into Brownsboro, he fired a shot but no answer came. He found that John Mathews had not come up with the last relay horse. The black was done and he quickly borrowed a horse from Jim Rader and galloped on toward Eagle Point.

Soon he met John coming with a fast racing mare. Switching his saddle to the mare, he was away across the gentle hills and valleys for Jacksonville. He had no idea where the other riders were and rode steadily on toward his goal.

At last the sweating mare and man arrived in Jacksonville. No other rider was in sight. He shouted, "Captain Jack was hung" and delivered the dispatch. Battered and scratched as he was, no one recognized him for several moments. Fort Klamath was six hours and forty-five minutes and many miles behind. Ki Mathews had won the race to Jacksonville. The pony telegraph had delivered the message to Jacksonville and the waiting outside world: "Captain Jack was hung."



References: The Modocs and Their War by Murray Fort Klamath by Buena Cobb Stone.



SOHS TO SPONSOR JANE VAN BOSKIRK

HISTORIC PROGRAM



OUTHERN OREGON audiences will have a chance to rediscover an important part of Oregon's history when the touring documentary drama, *The Northwest Woman IV*, visits Jacksonville on Thursday, July 7, 1983, 8:00 p.m., U.S. Hotel Ballroom, under the sponsorship of the Southern Oregon Historical Society.

Created by a team of Oregon-based artists, *The Northwest Woman IV* is a unique blending of historical fact, dramatic interpretation and music. Audiences will learn a great deal about the tremendous contributions which have largely been forgotten by the history writers. But audiences will also see history brought to life as they meet some of the Northwest's remarkable women recreated in dramatic monologues.

Performing these monologues will be actress Jan Van Boskirk, a veteran member of the Oregon Repertory Theatre company, who has already toured Oregon with several previous productions. Using their actual words, as assembled in dramatic form by Eugene playwright Dorothy Velasco, Van Boskirk will take on the roles of some fascinating figures from early day Oregon: Ada Isaac Menken, Elizabeth Smith Geer, Flora Pearson Engle and Bethenia Owens-Adair. Historical commentary was written by Dr. Edwin Bingham; the costumes are by Lucy Lamkin and Frances Kenny; musical accompaniment is by Chico Schwall.

Members of the historical society are invited to come and learn of the unique contributions of these women: *The Northwest Woman IV* is sponsored by the Southern Oregon Historical Society; admission is free, donations are encouraged; seating is limited to 150; doors will open at 7:15. This presentation is a revised version of *The Northwest Woman* which toured Oregon during 1980-1981 under a grant from the Oregon Committee for the Humanities.

WHAT HAPPENED TO THIS BUILDING?

On the front page of the *Medford Mail Tribune*, September 7, 1930 appeared the exciting headline:

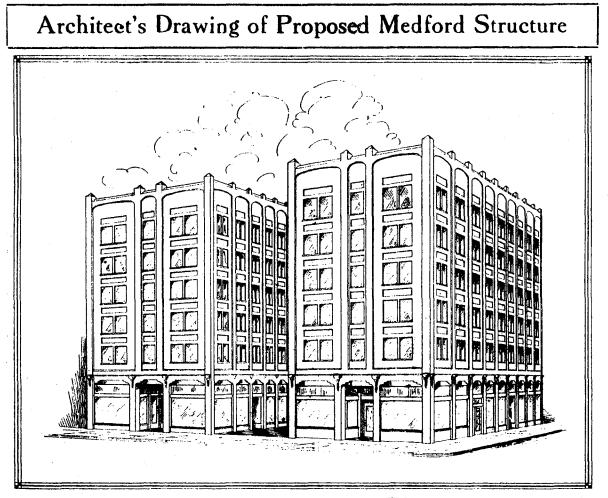
SIX STORY STRUCTURE WILL RISE START IN 60 DAYS

The story announced that plans have been drawn and completed for a six story office and store building, equaling in beauty and appointments any similar structure on the Pacific coast. It is to be constructed by the Hermite Metals corporation, which came to southern Oregon two months before and is contemplating the establishment of an electric smelter in Gold Hill.

To add a bit of suspense to the story, the site for the building was only hinted at, but the location was described as ideal, being on one of Medford's finest corners, near the [old] post office, the new Holly theater, the city library and the proposed new courthouse. The new structure is going to enhance the value of all the properties nearby. Work will start in only 60 days,

The plan is unique, providing for entrance through a court. There will be walks, lawns and a fountain in the center square, and stores on either side

MEDFORD, ORECON, SUNDAY, SEPTEMBER 14, 1930.



Above is drawing of proposed modern office building. D. Williams, general manager of the Kermite Metals Corporation, declares will be erected upon the corner of Main and Holly streets, Gwned by the Vawter estate, and occupied by the University club. The plans are for a seven-story structure, modern in every detail. Announcement of the plan to erect the structure was made a week ago. It is said that Williams has an option on the property which expires early in October.

will have both street and courtyard entrances. The lobby is going to be commodious.

On the five upper floors there will be 200 offices, some single and some *en suite*. Some interests have already taken large floor space, and one entire floor will be devoted to physicians and dentists. All electric light wires will be run through conduits so the unsightly wires won't be visible and detract from the interior decoration.

The exterior will be modeled on simple and beautiful lines, and it will be brilliantly flood-lighted at night.

Builders are reluctant to give estimates of the costs and the date of completion. It is their desire to keep publicity at a minimum until all arrangements have been made. In any case, work will start in a couple of months.

What happened to the court yard, the walks, the lawns and the fountains? For that matter, what happened to the whole project? Could a development which is so ambitious and has progressed this far in its planning and financing hit the skids. What nonsense.

Perhaps it's just as well that the dream never materialized. If it had, the impressive complex would be standing there today, shabby and half empty, and the owners would be looking for a way to tear it down and make a dandy parking lot for the west side.

EVA DEMMER, MUSEUM AIDE Photograph by Jane Cory-Van Dyke





VA JEAN BONAVENTURE was born in Portland, Oregon, and attended Sunnyside elementary and Jane Addams High School. In the two thrilling days after her graduation, she and her twin sister, Iva, took grooms in a double wedding ceremony at the Staub Memorial Congregational Church. Both of the new husbands were in the airforce, and soon after the nuptials, Eva moved to Baltimore where her spouse, a

mechanic specialist, had been transferred to work on the big bombers.

This was the first of many moves, and her first daughter, Georgia, was born in Astoria. Her sister, Iva, not to be outdone, had her first offspring three days later in the same hospital. The girls seem to have synchronized their watches for special events.

At Dodge City Eva began working on banquet arranging for the Booth Hotel, and gained her first experience in this career. When George was discharged from the service, the family returned to home base in the west and settled on the Oregon coast. Eva's second daughter, LaBeth, was born in Astoria.

In 1947 they moved to Elk Creek, California, fourteen miles upstream from Happy Camp, where George worked in the KeWitt and Knudsen gold dredging operation, which, incidentally, was so successful that armored cars were used to ship gold to San Francisco. Eva did a little recreational panning and washed out a \$3.50 nugget in Elk Creek. This was pretty thrilling, but she resisted gold fever and didn't become a sourdough.

In 1948 they moved to Eugene. George worked as a journeyman electrician; Eva returned to banquet work. In 1951 they divorced and went separate ways. Eva returned to school. She attended Eugene Business College and began a new career in the mail order department at Wards in Portland. In 1963 she moved to southern Oregon to be closer to her daughters who were both married by that time. She married Cecil Demmer in 1964.

In Medford she worked in banquets at the Rogue Valley Country Club, and in 1968 she became secretary and receptionist at the Rogue Valley Council on Aging. In 1978 she signed up with Ceta. After a stint in the contracting and purchasing departments, she came to SOHS. She has assisted Dottie DoGood, the Administrative Assistant, Maureen Smith the Pleasant, and Jimi Matouch, Exhibit Curator. Currently, having become a Jill-of-all-trades, she is serving as receptionist and working in collections. She recently completed an inventory of ladies' collars. The collection consists of about 700 and includes delicate and intricate laces from Brussels, France and Ireland. Many are from the mid 1800s. She's now into hats.

Eva, who became a widow in 1981, feels her experiences at SOHS have been most rewarding and she has gained a good deal of satisfaction in helping preserve and record history. She has five grandchildren, 2 boys and 3 girls.



Collectibles exhibit

AT U.S. HOTEL BALLROOM JACKSONVILLE, OREGON

Open Daily 10 a.m.-4 p.m. Admission \$1.00 / Senior Citizens Free

INCIDENTAL HISTORY

An item in the *Jacksonville Post*, December 1926, is headed PLANT TREES ON HIGHWAY and informs the readers that

The Jacksonville Chamber of Commerce has instituted a movement for the planting of trees on both sides of the Jacksonville-Medford highway. The committee, composed of Frank Saulsbury, Fred Fick, Oscar Lewis and Wilbur Cameron, accompanied by Charles Austin of Medford, called on the owners of the property along the highway Friday and Saturday, and report that they saw most of them and all favored the movement. English walnut trees are to be planted, and they will not only beautify the highway and increase the value of adjacent property, but will be a source of profit to future generations.

Note: Hundreds of young trees were planted in the middle of an extraordinarily hot and dry spell. The trees on the Niedermeyer property were irrigated from barrels of water carefully carted to the roadside. The others died. A short row of walnut trees which endured still graces the highway about $2\frac{1}{2}$ miles from Jacksonville.

THE NEWSLETTER OF THE SOUTHERN OREGON HISTORICAL SOCIETY

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JACKSONVILLE MUSEUM CHILDREN'S MUSEUM BEEKMAN HOUSE BEEKMAN BANK ARMSTRONG HOUSE CATHOLIC RECTORY ROGUE RIVER VALLEY RAILWAY STATION U.S. HOTEL RESEARCH LIBRARY MUSEUM SHOP

EUGENE BENNETT FORTY YEAR RETROSPECTIVE EXHIBIT

Over 130 works dating from 1939 to 1982 by Eugene Bennett, a southern Oregon artist, will be exhibited at the U.S. Hotel ballroom for a month, from August 9 to September 9, hours 11:00 to 4:00. The show is sponsored by SOHS and is a staff project, directed by Jimi Matoush, Exhibits Curator. The Golddiggers Guild will underwrite a catalog which will be for sale at the exhibit. Members of the Guild will serve as hostesses. Opening receptions will be held: Sunday, August 7, from 5:00-8:00, for members of the Rogue Valley Art Association; Monday, August 8, from 5:00-8:00, for members of the Southern Oregon Historical Society. (The closing hours will allow for attendance at the Britt Music Festival

A more detailed story will appear in our July issue.