

WEATHER FORECAST

Tonight and Friday, fair; colder in east portion of the state tonight.

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KLAMATH FALLS, OREGON, THURSDAY, DECEMBER 15, 1921

PRICE FIVE CENTS

INDIAN KILLED BY BLOW WITH BILLIARD CUE

Argument Over Pool Game Results in Death of Oliver Jefferson

Oliver Jefferson, a Modoc Indian about 30 years old, is dead and Watkins Davis, a Klamath Indian about 19 years old, is in the county jail held by the authorities as the slayer of Jefferson yesterday evening in McDonald's pool room on Main street, where, it is alleged, Davis struck Jefferson over the head with a billiard cue.

The killing took place about 2:30 o'clock and from accounts given by eyewitnesses of the affair, Jefferson apparently was held responsible for his untimely end. Watkins Davis and another Indian boy were playing pool on the last table in the rear of McDonald's hall and seemed to be satisfied with the progress of their game. While so engaged, Oliver Jefferson and Jack Palmer, the latter also an Indian, came into the poolroom and found seats about 15 feet away from where Davis and his companion were playing.

Davis seemed to be in very poor form from the manner in which he made attempts to pocket the object ball and this fact was commented upon, witnesses said, in a very sarcastic way by both Jefferson and Palmer. Witnesses said that at one stage of the game, Jefferson in a boastful way remarked, "If that is the best you can shoot, you never will get any money—bet you a dollar that you can't make that shot." Without drawing any reply from either Davis or his companion.

Repeated failure to pocket the object ball in games drew sarcastic remarks, punctuated with profanity from Jefferson, witnesses said, and when a particularly unmentionable phrase was used, young Davis wheeled suddenly from the pool table, grasped the 15 ounce pool stick he was using with both hands and swung upon Jefferson, the blow catching him full upon the base of the brain. Davis did not utter a word, witnesses said.

Jefferson fell to the floor, apparently knocked out, spectators said but recovered consciousness within a minute and then was assisted to a seat. Dr. H. D. L. Stewart was called and a hurried examination convinced him that Jefferson was in a bad way and he ordered the man taken to his office. Despite the blow, Jefferson insisted upon walking the block and up the stairs to the doctor's office.

When Jefferson was placed upon the operating table, Dr. Stewart found that blood was showing in the ears and beginning to trickle from Jefferson's nose. From the investigation of the cranium, Dr. Stewart realized and announced that whether an operation was performed or none, Jefferson would die. Jefferson was rushed to the Blackburn hospital where he died at 6:15 o'clock this morning.

Coroner Earl Whitlock and Dr. H. D. L. Stewart performed an autopsy upon Jefferson at noon today but did not disclose their findings, owing to the summoning of a coroners jury for 2:30 o'clock when all the facts so far developed will be disclosed. Oliver Jefferson lived at Modoc Point and was a son-in-law of Frank Hoover of that place. Indians from the reservation say that Jefferson and his wife have been separated for some time. Watkins Davis is a resident of Beatty and had but recently married the daughter of Elmer Lynch.

Warm Words Used Elmer Lynch told a Herald representative that he and Davis came to this city yesterday and while they were on Main street, Davis said "There goes Oliver Jefferson, he owes me some money and I want it." With that, Lynch said, Davis halted Jefferson in front of the Western Union office and asked for the money. Some warm words were used between the two but Jefferson did not pay saying that he was broke but would pay his obligation sometime during the day. Davis came back and went into the McDonald pool hall. Lynch said that while he was getting a drink of water he heard a commotion near where Davis was and on investigating, found Davis with a broken cue in his hand and saw Jefferson lying on the floor. Davis said him to

SPECIAL COMMITTEE OF LEGISLATURE RECOMMENDS THREE HIGHWAY MEASURES.

SALEM, Dec. 15.—The special committee appointed by the governor to consider road legislation for the special session of the state legislature, today reported that the following bills will be submitted, as recommended by the highway commission: That the public service commission be empowered to regulate commercial vehicles using state highways; that the motor vehicle law be amended to revise the speed and weight schedules; and that additional fees be placed on certain commercial vehicles.

IMPROVEMENT IN LUMBER BUSINESS FOR NEXT SEASON

Railroad Representative Says Conditions Should Be Better Than Ever

That the lumber business will be better next year than ever before, is the opinion of E. J. Platt, traveling freight and passenger agent for the Santa Fe railroad, who has been here on business for several days, together with E. B. Duffy, who, in a like capacity represents the Denver & Rio Grande Western and Western Pacific lines.

Platt bases his opinion on the large amount of construction in sight in the western states, as well as reports from eastern states. He says that the opinion is general among business men everywhere, and that preparations are being made accordingly.

The Santa Fe recently announced a rate reduction to go into effect December 24, as follows: To Cincinnati, Detroit and common points, 55c; to Pittsburg, Buffalo and common points, 58 1/2c; to Philadelphia, New York and New England points, except those located on the New York, New Haven & Hartford railroad, the Bangor & Aroostook and the Maine Central railroad, 90c. Shingles to be 13 1/2c higher than lumber rates.

BORAH DERIDES PACT

Senator From Idaho Says Pacific Agreement Military Alliance

WASHINGTON, Dec. 15.—The four-power Pacific treaty will be nothing but a "straight out military alliance" unless "real disarmament" results from the Washington conference. Senator Borah of Idaho, Republican irreconcilable leader in the League of Nations fight, so declared today in discussing the new treaty in the Senate.

Borah declared his attitude toward the pact would be largely determined by what the Arms Conference does with respect to "real" disarmament and Chinese questions. He declared the work of the Conference would be "discouraging" if it adjourned without prohibiting the submarine, poisonous gas and other "barbarous weapons."

ESSAY AWARDS MADE

Ten Win Prizes in National Safety Week Essay Contest

In the National Safety week essay contest conducted in the fifth, sixth, seventh and eighth grades of the city schools, in which 10 prizes of \$1 each were given, \$5 of which was contributed by the Klamath County Auto association and \$5 by the Chamber of Commerce, the winners were as follows: Gladys Mitchell, Central; Virginia Peyton, Central; Harry Bean, Riverside; Ella Redkey, Riverside; Ethel Pearson, Riverside; Chas. Clark, Riverside; Ruth Hotishkin, Pelican Bay; Harry Sweeney, Mills; Dorothy Banta, Riverside; ladsy Dole, Central.

"was scared" and wanted to go home but Lynch urged him to surrender at once to the police. "Davis married my daughter Florallinda and has been a good boy, never in police or personal troubles—just good boy. I know he did not want to kill Jefferson, just scare him. Davis is a ward of the government and Supt. West never have any trouble with him," Lynch said. Jefferson's body was removed this morning to the Whitlock Undertaking parlors. H. M. Manning was engaged to represent Davis at the inquest this afternoon and the question of whether a federal or a state case should be made against Davis will be determined after the return of the coroner's verdict.

NEW BOX PLANT OF PELICAN CO. STARTS TODAY

60 Men Employed in Latest Industrial Venture of Klamath

That industrial progress is by no means at a standstill in Klamath Falls is fully indicated by the fact that the new box factory and by-products plant of the Pelican Bay lumber company started operating today with 60 men employed in the box department and a total of 60 men employed, including those in the yard. The volume cut of the factory will be approximately 80,000 feet daily, according to H. D. Mortenson, president of the company. Through the closing of the company's sawmill yesterday, the number of men employed will remain about the same, but will be substantially increased when the sawmill resumes. It is contemplated to operate the box factory all winter, but this will depend upon forthcoming business, Mr. Mortenson said.

REPARATION OVERDUE

Germany Fails to Meet 100,000,000 Gold Mark Payment

PARIS, Dec. 15.—Germany has failed to pay 100,000,000 gold marks due during the first two weeks of December under the schedule of payments, calling for 26 per cent of her exports and certain portions of her customs duties, it was learned today. Germany has informed the reparations commission that the tremendous decrease in the value of the mark makes impossible the conversion into gold marks of the fund of paper marks accumulated to meet these payments.

Nothing To Be Done

The reparations commission has not yet taken any position on Germany's failure to meet the bills. Observers here said there was nothing to be done in view of the exchange crisis in Germany. England and France have decided to take no independent steps in the reparations situation, as a result of the visit of Minister of Devisedated Regions Loucheur to London.

KING GEORGE HOPES FOR END OF STRIFE

LONDON, Dec. 15.—At the opening of the special session of Parliament today King George expressed the hope that by signing of the Irish agreement, submitted for ratification "the strife of centuries may be ended."

TERMS OF TREATY WITH JAPAN OVER YAP IN DETAIL

Main Points of Important Part Between Two Nations Are Outlined

WASHINGTON, Dec. 15.—The main points of the treaty between the United States and Japan relative to the island of Yap, announced yesterday, follow: 1.—Japan is prohibited from fortifying the island. 2.—United States will have free access to the island on the footing of entire equality with Japan or any other nation. 3.—United States and the nationals are to be accorded the same rights with respect to radio and cable facilities. 4.—As long as Japan maintains an adequate radio station the United States will not exercise its right to construct a radio plant. 5.—Each country is to be free to operate both ends of the cable. 6.—There will be no cable censorship or supervision of peration of messages. 7.—Japan agrees that vested American property rights will be maintained and respected. 8.—Americans will enjoy rights of residence without restriction.

PREDICT TREATY PASSAGE

DUBLIN, Dec. 15.—As Dan Eireann met here today to examine their secret session, signers of Irish pact said they felt certain of an ultimate majority in favor of the treaty.

C. OF C. SEC'Y ARRIVES

T. A. Stevenson Arrives and Will Assume Duties Shortly

T. A. Stevenson, newly appointed executive secretary of the Klamath County Chamber of Commerce, formerly of the Martinez Chamber of Commerce, arrived here last night and will assume his duties within a day or two. He is accompanied by Mrs. Stevenson and child. "I look forward to the work here with great interest," said Stevenson. "I shall endeavor to carry on the work in accordance with the desires of the board of directors, and trust that through complete cooperation successful results may be gained."

PACKED HOUSE GREET TWO STRAND ACTS.

A packed house is greeting the two vaudeville acts at the Strand theatre, which will be shown again tonight. Airlie, the noted European juggler, proved to be even better than advertised, while Runyan & Trent, two of vaudeville's greatest eccentric dancers, furnished a wealth of entertainment. All of which is in addition to the pictures and country store tonight.

MORE DEFINITE COMPLAINT IS ORDER IN SUIT

Attorney's Motion in \$100,000 Damage Suit Is Granted in Part

After hearing the motion of the attorneys for Marshall Hooper, First State & Savings bank and D. M. McLemore to strike out certain paragraphs in the \$100,000 damage suit filed by J. B. Mitchell, of Bly, Judge Kuykendall yesterday afternoon issued two court orders, one requiring the plaintiff to make the complaint more definite and certain in an allegation covering a contract between Mitchell and McLemore and to set out the contract in detail, and the other striking out one small paragraph which was held immaterial. The remainder of the complaint was allowed. Judge Kuykendall gave the attorneys for the plaintiff, Mitchell, 15 days in which to amend the complaint.

XMAS TREES SHIPPED

Forty Carloads of Evergreens Sent to California This Season

PORTLAND, Dec. 15.—Nearly forty carloads of Oregon evergreens have been shipped to California this season for Christmas tree purposes. These young fir trees, cut from hillsides and forests near the railroads are transported in gondola cars, each with capacity for 1500 to 1600 trees. Oregon grape, huckleberry sprays and mistletoe, the latter from oak trees in Willamette valley and in southern Oregon, form large shipments in crates to markets South and East. Holly and other cultivated shrubs and ferns from Western Oregon also are going forward in large quantities to outside cities for Christmas decorations. These products of Oregon bring in considerable money each year from distant markets.

NOTRE DAME TO PLAY CENTRE IN SAN DIEGO

SOUTH BEND, Ind., Dec. 15.—Notre Dame will play Centre college football team December 26 in San Diego, Cal. Definite announcement to this effect was made this afternoon. The game has been declared on and off several times.

IRISH DEBATE CONTINUED

LONDON, Dec. 15.—The House of Commons continued to debate the Irish treaty today. Former Premier Asquith heartily commended the treaty.

PORTLAND MAN ARRESTED ON CHARGE OF MURDERING BEND MAN TWO YEARS AGO

PORTLAND, Dec. 15.—Geo. Stilwell, who has been employed here for two years, was arrested today on a warrant issued at Bend charging him with conspiracy to murder Robert Krug, a recluse, whose charred body was found in a burned cabin March 24, 1919. Weston, who was recently given a life sentence in connection with the Krug case, recently was granted a new trial. Stilwell was a prosecution witness at Weston's trial.

JOHN IRWIN GETS JUDGMENT FROM COUNTY COURT

Sum of \$911.10 Allowed in Payment for Services During 1916 Liquor Clean-Up

Former District Attorney John Irwin yesterday received a judgment from the circuit court for \$911.10 and costs against the county court for services rendered Klamath county in a cleanup of the illegal sale of intoxicants during the year 1916 under the provisions of Chapter 141, general laws of Oregon 1915. Repeated attempts to collect this money during his administration were made, Mr. Irwin said, but each and every time the bill was presented to the county court for approval, the accounts were ignored and passed up. Explanation of the accounts to the court members seemed to avail nothing in having the county court honor the bill, Irwin said. The members of the county court seemed to take the position, Irwin said, that he was not authorized to employ outside talent to secure evidence necessary to successfully prosecute cases against the men who were flooding Klamath county with intoxicating beverages.

Resorting to the only known means to secure a clear conviction in court of offenders, the services of Charles D. Wynn, Charles A. Otis, James B. Moore and a woman named Evelyn C. Hardin were hired by Irwin to work up the cases and bring in conclusive evidence. The evidence officers did so, Irwin said, and in the order given above, performed service amounting to \$397, \$372, \$167 and \$75 each respectively. When the accounts were presented time after time for the evidence gatherers, the court refused to honor the district attorney's items and Irwin paid, for the services performed, out of his own private funds, securing assignments in each case from the recipients of the money. On October 21 this year, Irwin filed suit in the circuit court and the defendants failed to answer, appear or in any way file an answer to the suit. The legal time expiring, the court yesterday entered formal judgment in behalf of the plaintiff for the sum of \$911.10 and costs incurred in the undertaking. An additional order from the court empowered the plaintiff to execute judgment against the county court, Judge R. H. Bunnell, commissioners Burrell Short and Asa For-dyce.

Irwin will take a certified copy of the matter and the entry from judgment docket of the circuit court to the county clerk who is then empowered by law to issue a warrant for the sum ordered in the court judgment.

FIRST ORGAN RECITAL

Benefit Concert Will Be Given at Presbyterian Church

Everything is in readiness for the organ benefit recital tomorrow night at the First Presbyterian church, at 8 o'clock sharp. The pipe organ has just been installed and the coming recital will be a public dedicatory service for the beautiful new musical instrument. Tickets are being sold and it is the intention of those in charge of the affair to raise a sum sufficient to assist in paying for the organ. Ten numbers have been planned for the program, which will be given by such well known local musicians as Mrs. Charles Wood Eberlein, who will act as organ soloist; Mrs. Don J. Zumwalt, and Miss Margaret Worden, accompanists; and Mrs. Elbert S. Veatch, chorus director. Individual performers will be Mrs. Marjorie Gallagher, Dr. George E. Mallett, Harry Borel and Miss Dorothy Elliott. In addition there will be several choruses composed of Mrs. A. M. Melby, Dr. Mallett, Miss Augusta Parker, Mr. Veatch and Mrs. Rept C. Thomas.

\$110,000 SUIT AGAINST CITY UP FOR APPEAL

Case Resulting From Hotel Houston Fire Goes to Supreme Court

Appeal has been made to the Supreme court at Salem by the law firm of O'Neill & Irwin in the case of H. Bilderback, who instituted suit some months ago against the city of Klamath Falls for the sum of \$110,000 damages alleged to have been incurred by Bilderback from the alleged loss of his wife and daughter in the Houston hotel fire Labor day a year ago. Bilderback sued for \$75,000 for loss of his wife and \$35,000 for loss of his daughter.

Passed On Demurrer Judge Kuykendall yesterday passed upon the demurrer, filed by City Attorney William Duncan in the circuit court last month, in which it was stated that insufficient facts in the complaint did not constitute a cause for action on the part of the plaintiff. Judge Kuykendall sustained the defendants' demurrer as to the insufficiency of cause of action against the city, construing the ordinance, under which the Houston hotel proprietors secured their license to conduct the place as a rooming house, as pertaining only to the good morals of the place and a guarantee that there would be no illicit or unlawful actions committed upon the premises.

Contention Not Allowed

The construction that the council granted the Houston hotel proprietors a license with open knowledge that it was under the classification of a nuisance or fire hazard did not enter into the phase of this case at all, as alleged in the plaintiffs' petition, the council in no way being informed or aware of what might transpire in the future. Judge Kuykendall passed only on the good moral feature of the case and sustained the city attorneys' demurrer under such legal construction. O'Neill and Irwin immediately gave notice of appeal to the Supreme Court on the grounds that the court was insufficiently informed upon the construction of the city ordinance pertaining to the nuisance cause as specified in the plaintiffs' complaint.

May Set Precedent

The ruling of the Supreme Court upon this case may have a great bearing upon the future of other causes of action which a number of fire victims are ready to file should a favorable opinion be received upon the Bilderback appeal. It is commonly rumored that should Bilderback be successful in his suit for damages, over a million dollars in claims will be filed in the circuit court by fire victims and their relatives.

GUARDS USE GRENADE

Resort to Tear Gas Bombs in Effort to Dislodge Mountaineers

JACKSON, Ky., Dec. 15.—State guards planned to use tear gas grenades today in an effort to drive from a cave three alleged members of a mob of mountaineers who on Saturday stormed the Breathitt county jail, killing one man and wounding a woman. When discovered in the cave and ordered to come out, the men sent word that when they did it would be "feet first."

FREE POPCORN FOR CHURCHES

Popcorn all popped, and free for the asking, will be furnished to all schools and churches for decorative purposes this Christmas, by Mr. Pickle, who conducts the popcorn stand at 8th and Main streets, according to his announcement today.

MARKET REPORT

PORTLAND, Dec. 15.—Cattle, steady, hogs, 25c lower; prime light \$3 and \$3.25; sheep, eggs, butter, steady; Wheat \$1.02 and \$1.07.

WEATHER PROBABILITIES

The slight depression in barometric pressure, recorded by the Cyclo-Stormograph at Underwood's Pharmacy, mentioned in the report of yesterday, was succeeded by a sharp rise this morning that chased the clouds away and practically insured another fine day tomorrow. Forecast for next 24 hours: Generally fair weather, with variable winds. The Tyros recording thermometer registered the following maximum and minimum temperature today: High..... Low.....

LET'S GET AWAY FROM THIS CONDITION THIS YEAR

