

# MAN NEAR DEATH IN FIGHT

## SHEPHERD JURY WILL GET CASE THIS AFTERNOON

Closing Argument by Defense Attorney Stewart Being Made Today

DECLARED INNOCENT

Lawyer Argues That Unseen Power is Directing Attack Against Client

CHICAGO, June 21. (AP)—William D. Shepherd was the victim of a diabolic conspiracy and should not be hanged on the testimony of one man, who sought to prove him guilty of murder of Wm. McClinton, the jury was told today by William S. Stewart, chief of defense counsel.

"If you gentlemen think this defendant went out and talked with Charles Falman, hang him," shouted Stewart at the end of his argument. "He didn't have any business talking with Falman."

It was Charles C. Falman, proprietor of the National University of Science who said he gave Shepherd typhoid germs and taught him how to use them to murder William McClinton for the \$1,000,000 estate he had willed to Shepherd.

Hidden Motive  
Prosecution of Shepherd as a fraud was attacked by Stewart as being in power behind the scenes, and he charged Robert E. Crowe, the state's attorney, and Stewart's former chief with permitting himself to be made a cat's paw in a will fight.

Stewart talked for thirty minutes after George E. Gorman, first assistant state's attorney, had concluded the prosecution, opening jury plea, a demand for the death penalty.

Stewart worked himself into a frenzy as he pleaded for Shepherd. Facing from the jury box to Shepherd's side, gesturing furiously and shouting at the top of his voice, he was streaming perspiration long before the noon recess halted him.

"Don't you know that if the defendant is given even one day in prison he never will benefit by the will of Billy McClinton?" asked (Continued On Page Four)

## Will Begin Hearing on Lower Lake

Committee Due to Arrive Here This Evening

Hearing of arguments pro and con for the flooding of the Lower Klamath Lake lands is expected to begin here tomorrow with the arrival this evening of four men appointed by the department of the interior to make a thorough investigation of soil and crop conditions in that section.

The four men are Professors Shaw and Powers, the first from the University of California and the second from O. A. C., and Soil Expert Lapham of the U. S. department of agriculture, who will be accompanied by George C. Kreutzer, director of the division of farm economics of the U. S. Bureau of Reclamation.

The only body so far openly to oppose flooding of the lands of the Lower Klamath Lake basin is the Audubon society.

Opposing the move are members of the Klamath drainage district and a great number of Klamath county sheepmen and stockmen, whose flocks and herds last winter pastured on the lower lake lands.

The district last year is said to have produced feed sufficient to winter fully 50,000 head of sheep and is now under cultivation in some parts.

George C. Kreutzer of the U. S. Bureau of Reclamation has had wide experience in reclamation matters. He was identified with the move of the English government to open up new areas of land to settlers in Australia and was superintendent of the Durham land colonization project in California.

His headquarters are in Denver at the present time.

## Lumber Mill In Path Of Flames

SALEM, June 24.—Fire swept through Camp four of the Cobbs Mitchell Lumber company west of Falls City today and was burning directly toward the company's big mill at Vatsels and the town itself, according to reports received here at noon today. Another fire is burning near camp a twenty miles southwest of Dallas. Fire wardens and men were being rushed from Dallas and Falls City to fight the flames. A dry northwest wind was fanning the flames.

## Reclamation Expert Here to Untangle Situation in Local Irrigation Project

Declared to be a unique situation in reclamation projects, paralleled at no other place in the country, a problem of the Klamath Irrigation District will be taken up this week by directors of the Klamath Irrigation District with George C. Kreutzer, government reclamation expert, here to make a report on conditions in the Lower Klamath Lake basin.

The problem has to do with the rapid industrial development of Klamath Falls in such a manner as to bring city homes and industries onto lands of the irrigation district.

This has resulted in a peculiar condition, according to A. M. Thomas, secretary of the district.

City dwellers, who make their living in Klamath Falls are owners of small tracts of acre size or less on which they build their homes and on which are planted small gardens.

These small tracts are on lands of the Klamath Irrigation District and the owners of them are entitled to a voice in irrigation affairs of the district.

None of them are especially interested in irrigation problems and most of them have nothing in common with the farmers whose welfare is wrapped up in the conduct of the district.

Kreutzer is to be asked to aid in unraveling the tangle.

## SISKIYOU YOUTH LOSES LIFE IN KLAMATH RIVER

Lee Clyburn, Son of Deputy Sheriff, Drowns in Attempt to Save Man

BODY NOT RECOVERED

Is Seized With Cramps and Goes Under While Companions are Helpless

YREKA, Calif., June 23.—Caught in an eddy of the fast running Klamath river near Gottville bridge, 30 miles from here on the Klamath river highway, Lee Clyburn, aged 26, oldest son of Deputy Sheriff and Mrs. S. F. Clyburn of Tule Lake, Siskiyou county, was drowned late this afternoon in a desperate effort to save the life of a man named Pruett from Arizona.

Meager details received here say that Pruett who was swimming with Clyburn, Miss Frances Brockwell of Gottville, and another man, suddenly cried out for help and Clyburn struck out to his assistance, when he was seized with cramps and disappeared before the eyes of his companions and Mrs. Charles Nelson, who was watching the swimmers.

The body has not been recovered, although ranchers and tourists have taken up the search. The drowning is the second tragedy in the Clyburn family within a year. The second son being trapped and killed in a forest fire near the Klamath river last fall.

## ARRAIGNED MEN PLEAD NOT GUILTY

Men Charged With Shooting Make Court Plea

Pleas of not guilty were entered this morning by six defendants who appeared before Circuit Judge A. L. Leavitt, on charges ranging from passing bad checks to assault with a dangerous weapon.

Charles Fuller, Ed Fuller and Jim Burke, held in connection with shooting of Deputy Sheriff Ed Kendall, were perhaps the most picturesque. The two Fullers are typical out-of-door men, long, lean and rangy. Burke, more solid and muscular, appeared on a pair of crutches. He is a ruddier complexion and he sports a style of mustache of a type much favored in the days of '19.

All three were charged in separate indictments with assault with intent to kill and with being armed with a dangerous weapon. Charles Fuller and Jim Burke were separately charged with carrying concealed weapons.

G. E. Turner, charged with passing bad checks on local merchants, T. M. Owens, charged with a statutory offense, and Ira Ware, charged with assault, all pleaded not guilty and were remanded to custody. Judge Leavitt set Saturday, June 27, as the date on which Harry Hamilton will be heard on charges growing out of his management of an auto sales lot here last year.

## No Confession Yet Given by Whitey Fuller

Prison Warden Confirms Statement of Fred Morley

"Whitey" Fuller, alias Morton Hanson, who is thought to have been implicated in the murder of Dan McDonald, Ewauna camp blacksmith here two years ago, has not made a confession, according to word received here today from Warden Archer of McNeil's Island Federal penitentiary.

Fuller, or Hanson, is thought to have been here at about the time of the McDonald murder, and prison authorities are now cooperating with Fred Morley of Klamath Falls in an effort to connect the convict with the crime. However, the man has not confessed to Archer, Morley or any other person.

This information was verified here again today by Morley, who said he still believed Fuller was implicated in the crime, although he has never procured a confession, either written or oral.

Word from McNeil's Island today stated that Fuller had eluded the guards while working with a road gang on the island late yesterday afternoon. He is believed to still be in hiding on the island, although government boats are circling about to catch him should he attempt to evade the notorious Roy Gardner and swim the channel.

Fuller, alias Hanson, was sent to the federal prison from Portland on March 14 of this year for a violation of the federal auto theft act.

TACOMA, Wash., June 24. (AP)—Federal guards under Warden F. R. Archer of the McNeil Island penitentiary near here were searching the island this morning in the effort to capture Morton Hanson, who escaped yesterday while at work with a gang of men outside the prison walls. Notices have been sent broadcast and boats have been circling the island constantly since his escape. Prison officials believe he is still on the island, hidden in the brush. Hanson, who came to McNeil Island March 14, 1925 from Portland to serve two years for violation of the Dyer Act, is believed by prison officials to be "Whitey" Fuller and to have been implicated in a murder in Klamath Falls two years ago.

## John Moss Will Head Kiwanians

ST. PAUL, June 24. (AP)—John H. Moss, of Milwaukee, will be the next president of Kiwanis International. He was the unanimous choice of the nominating committee here today. The election will be held Thursday as part of the organization's annual convention.

## Jewel Robbers Get \$200,000

Daring Daylight Raid Is Staged on Broadway

NEW YORK, June 24. (AP)—Two robbers held up the diamond store of Marcus Feldman on Broadway in the theatrical district today and escaped with diamonds said to be worth between \$150,000 and \$200,000. The robbers with pistols drawn, entered the store and tied up two clerks on duty. They then ransacked the counters, piling diamonds and jewelry into a bag. The holdup occurred shortly after 10:30. The Feldman store is between 45th and 46th streets.

The robbers also emptied a safe. Marcus Feldman, the proprietor, entered a few minutes after the robbers had escaped and released the two clerks. Police were investigating descriptions of the robbers and a general alarm was sent out.

## KISSING PARTY HELD NO PROOF OF INFIDELITY

New York Jurist Says Women of Today Are as Pure as in Old Days

DIVORCE CASE HEARD

Negligence Breakfast Parties Not Sufficient to Win Divorce Decree

NEW YORK, June 24. (AP)—Notwithstanding kissing and cocktail parties young women are just as pure nowadays as they were years ago, in the opinion of John W. Ford, a justice of the state supreme court and a backer of the clean look league, which has been active in seeking legislation for suppression of salacious literature.

He expressed his views in court yesterday in ruling that testimony of a wife's breakfast in bed with another man and occasional kisses and cocktail parties were not sufficient evidence of infidelity. The dictum was given in the suit of Thomas H. Symington, wealthy railroad equipment manufacturer.

Things Misconstrued  
Justice Ford said that many of the things women did nowadays were misconstrued.

Talbot W. Chambers, coal dealer, and one of two co-respondents named by Symington, was arraigned yesterday on charges of adultery as the result of his testimony concerning Mrs. Symington. He pleaded not guilty.

Counsel for the wife gave notice that she intended to file perjury charges against Symington.

Dr. Edward S. Pope testified that Mrs. Symington had admitted to him confidentially that she had been unfaithful to her husband.

Six of the 19 charges against Mrs. Symington were withdrawn by the court.

## Legion Drive Over Top Is Believed Now

Think Over-Subscription May Amount to \$200

That the drive for the Legion Endowment fund will be slightly over-subscribed was the opinion today of officials in charge of the drive, basing their opinion on returns still incomplete. About \$2200 will be realized, was predicted today.

Final figures will not be available until tomorrow, was believed this afternoon.

Indicative of the interest taken in the drive was the action yesterday of Will T. Broach, cook in a local camp, who came in and signed over his government insurance to the fund, the policy totaling \$1543.

Having no relatives Mr. Broach concluded that when he died the money could go to no worthier cause and therefore came in and made it out to the fund. Mr. Broach came here from Murray, Kentucky.

## Portland Man Ends Own Life

PORTLAND, June 24.—Harry F. Woodhead, local manager of a correspondence school, ended his life by jumping into the Willamette river from the Broadway bridge last night. His body was recovered today. Relatives were unable to account for his act. He had appeared cheerful yesterday, and had just recovered from injuries suffered in an accident several months ago.

## Authorities Search For Auto Tourist in Camp Ground Battle

Henry Askins Reported To Have Knocked Aged Father-In-Law Into Insensibility This Afternoon—Physicians Say Victim In Bad Shape

An elderly man whose name was not known but who is said to be the father-in-law of Henry Askins, recently from Kelso, Wash., was reported in a critical condition at a local hospital this afternoon, while county authorities were prosecuting a search for Askins, his reputed assailant.

The injuries are said to have been sustained in a fight between the old man and his son-in-law, Askins at the Bunnell camp grounds shortly after noon today.

According to Dr. G. S. Newsom, county health officer, who attended the injured man, his condition was serious, and there was doubt as to whether he would recover. There were indications of a spinal injury which might prove fatal.

## EDITOR'S DEATH AT KELSO STIRS UP CITY STRIFE

Two Separate Municipal Governments Seek to Rule City Today

MORE TROUBLE BREWS

A. Ruric Todd, Deposed Mayor, Again Seeks to Obtain Full Control

KELSO, Wash., June 24.—Two municipal governments each asserted rule today over this city of 2000, where Thomas Dorey, editor, was assassinated Friday after a year's factionalism in which A. Ruric Todd was recalled June 3 from the office of mayor.

Todd today, following declarations at a meeting of his followers last night, when he addressed 1200 in the open air, appointed five men to be councilmen and named others (Continued on Page Four)

What precipitated the battle, or how long it lasted had not been learned by authorities late this afternoon. The older man was found unconscious and having convulsions when the sheriff's office was called in on the case.

Askins, with his wife and two sons, is reported to have fled the city immediately after the supposed fight, and a diligent search was being prosecuted for him at a late hour this afternoon.

The family, including the father-in-law, came here about 10 days ago from Kelso, registering at the camp ground where they had been employed in the city, but following the fight, he is said to have fled without giving his employers due notice.

## Heat Records At Salem Are Broken

SALEM, Ore., June 24.—All heat records here for the month of June as far back as government statistics have been compiled, were broken at 1 o'clock this afternoon when the mercury reached 99 degrees above zero. With the mercury still climbing rapidly, indications were that the heat record for all time at Salem, 102 degrees above zero, would be smashed. The 102 mark is a July record.

## Southern Pacific Opposes Oregon Trunk Extensions Into This Part of State

WASHINGTON, June 24. (AP)—Proposals of the Oregon Trunk Railway to make certain extensions to its line in Central and Southern Oregon were opposed before the I. C. C. by the Southern Pacific company, which asserted that the Central Pacific, one of its own subsidiaries, had under way, or was projecting a considerable mileage of new lines in the state.

The Oregon Trunk construction declared by the Southern Pacific to be unnecessary duplication of facilities for the territory. The Southern Pacific also asserted the Oregon Trunk had over-estimated the timber resources of the territory to be served, and that the area was not sufficient to support both new railroads.

PORTLAND, June 24.—Railroad officials in Portland construe the Washington report on the protest of the Southern Pacific against the Oregon Trunk extension to refer to an answer to a questionnaire sent by the Interstate Commerce Commission to the Southern Pacific and the Strahorn Railroad project after the petition of the Oregon Trunk had been received. Only last week the Southern Pacific applied for permission to make its projected southerly extension from Klamath Falls. Hearings on these issues will be held.