

MAN WHO KILLED RIVAL IS FREED IN MURDER CASE

Common-law wife of George D. Howard Bares Bitter Story to Jurors

NO EMOTION SHOWN

Defendant Calm when Acquittal is Read—Love's Triangle Unfolded

(Special to The Herald)

YREKA, Calif., Sept. 25.—When a woman bared her heart on the witness stand to save a man from the noose and when friends of the man came to tell of his honorable conduct in years gone by, a jury yesterday acquitted George D. Howard of the murder of Walter F. Vaughn at Dunsuir in June.

The outstanding feature of the trial, which began in the court of Superior Judge Charles J. Luttrell, Monday, was the testimony of Mrs. May Austin, whose marriage to a Dunsuir man a month before the killing of Vaughn, came as a surprise in the trial as she was supposed to have been Mrs. Howard until she took the witness stand.

Howard was on trial for his life, following the death of Vaughn June 28 at Dunsuir, following an attack, June 21, when Vaughn sustained.

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Autoist Is Wounded By Own Pistol

EUGENE, Ore., Sept. 25.—A revolver dropped from the pocket of L. R. Booker of Cottage Grove last night on the Pacific highway, south of Cottage Grove. The hammer of the gun struck the running board of his car, and the bullet pierced his abdomen. His condition is critical.

Booker had stopped to repair a tire, and was leaning over the running board when the revolver slipped from his pocket.

Gunmen Invade "Love-Nest" Of Mary And Doug

Watchman Fires at Four Intruders During Night

LOS ANGELES, Sept. 25.—(AP)—What was described by the watchman at the home of Douglas Fairbanks and Mary Pickford as an attempt by four gunmen to break into the Pickford-Fairbanks home in Beverly Hills near here was reported to the police early today. Police are investigating.

The story told by the watchman, Anthony Aberia, known as "Black Tony" was that he heard unusual noises and when he started to investigate on the exterior of the house, he was fired upon. One bullet, he said, knocked the flashlight out of his hand.

Aberia declared that he returned the shots and believes that he wounded one of the intruders, of whom, he said, there were four.

WITNESSES TELL OF DIRIGIBLE'S FATAL COLLAPSE

Colonel Hall Corrects Testimony Given Before Naval Court Yesterday

ENGINES ARE RELIABLE

Stories of Survivors Indicate That Terrific Storm was to Blame

LAKE HURST, N. J., Sept. 25. (AP)—Re-examined today before the naval court of inquiry Colonel C. G. Hall, United States army observer aboard the Shenandoah on her fatal flight, said his statement of yesterday that the failure of two engines of the ship furnished a possible contributing factor to the disaster was more in the nature of an assumption than a statement of fact.

"Do you know at what time the engines failed?" asked Lieutenant Commander Rosendahl, senior surviving officer of the ship. "I do not know," was the reply. "Was it after the uncontrolled rise began showing that we were in the vortex of the storm?" pursued Commander Rosendahl.

Going Full Speed "I cannot say," the army officer returned. "I thought all engines were going full speed until the ship was wrecked."

"What is your opinion as to the reliability of the Shenandoah's engines?" "I believe there have been no more reliable aviation engines developed than those on the Shenandoah."

In his testimony yesterday Colonel Hall expressed the opinion that the failure of two of the ship's five engines made more probable the drawing of the big craft into the vortex of the storm which wrecked her after a spectacular flight of fifteen minutes. One engine went out because of a cracked cylinder and the other because of a radiator leakage.

The Rapid Ascent

Chief Gunner Raymond Cole estimated that it was approximately 4:30 a. m. Central time, when he passed the ship's gallery and saw thermos bottles and canned goods falling down in the keel of the ship. This was when the Shenandoah was on the first flight up just before she began the uncontrolled ascent with her bow striking almost straight up in the air.

Further testimony that no sound of gas cells giving way before the breakup of the ship was given by William Richardson, navy engineer on board. Richardson was in his bunk when the vessel began to rise to pieces.

Chief Aviation Rigger Louis A. Allety also declared he had observed no sound indicating rupture of the helium gas cells.

Allety said he actually saw the cars containing engines four and five break loose from the Shenandoah in the air. This was at 4:49 a. m. central time, by the clock in the crew's space, about the time the ship broke up, he said.

WOMAN FALLS ON STOVE AND DIES

YAKIMA, Wash., Sept. 25.—With face and arms badly burned, the body of Mrs. Phoebe Catherine Strouss, 65, was found lying against the hot kitchen stove in her home early yesterday morning by her husband, S. Strouss. Physicians said Mrs. Strouss had died of a heart attack.

The family came to Yakima seven months ago from Roseburg, Ore. A daughter, Mrs. O. W. Buchel, lives in Friend, Ore.

Alcoholists Proven To Be Very Frequent

Startling Number of Liquor Violations Revealed Today

Graphic testimony that scores of Klamath residents have come to regard existence as one grand succession of alcoholic days was revealed this morning from records at the sheriff's office.

It was disclosed that never before in the history of the county, and, it is believed, in southern Oregon, has the nine-month record of Klamath county—since January 1—been exceeded.

One hundred and fifty-five men and women have sojourned in the county jail since the first of the year charged with violating one of the disturbing array of prohibition "thou shalt nots."

Fifty-seven of this number were released from the county jail without paying fines or taking jail sentences for one of the following reasons:

1. They were not guilty.
2. Not sufficient evidence was secured to warrant prosecution.
3. They were tried and found not guilty by jury.

Total fines assessed by Justice of the Peace R. E. Hunsaker and Acting Justice of the Peace Ed Kendall aggregate \$12,805 since January 1. A large portion of this money was not paid and the prisoners were forced to serve out the fine at \$2 a day in jail.

All told, liquor violators were fined a total of 2363 days. The longest jail sentence was 250 days on a liquor possession charge.

By far the most common liquor charge in the imposing array of arrests and convictions since the first of the year, is possession of intoxicating liquor.

Compared with last year's record, the record of arrests and convictions is especially noteworthy.

The scores of mere drunks that pour into police court every Monday morning and in scattered bunches throughout the week, are not considered in the figures quoted above.

Week-Old Baby Left On Porch

Myrtle Point Couple Find Strange "Package"

MARSHFIELD, Ore., Sept. 25.—Arthur Rice and wife of Myrtle Point are today wondering whether or not to accept a "package" an unknown man left at their home last night. When unwrapped, the package was found to contain a lusty week-old boy.

The Rices, who are childless, took the baby to the Mast Hospital for temporary care. After leaving the package, the donor sped away in an automobile toward Roseburg.

Todd Held To Grand Jury On Four Charges

Deposed Mayor of Kelso Arrested in Town Strife

KELSO, Wash., Sept. 25.—(AP)—A. Ruric Todd, deposed mayor of Kelso, has been taken into custody and released again.

Todd, whose charges of embezzlement preferred against eight prominent Kelso citizens have brought his own arrest on four charges of malicious prosecution, was yesterday bound over to the superior court in a preliminary hearing on the charge of malicious prosecution brought by Judge Poland.

Todd was remanded to the custody of the sheriff, but within an hour had raised the \$2500 bond demanded by the court to assure his appearance.

Todd has also accused George Norris, former Kelso city engineer, with conspiracy in connection with the murder of Thomas Dovery, Kelso editor, several weeks ago.

ELLIOTT LOSES FIRST SKIRMISH IN COURT TODAY

District Attorney's Counsel Waives Motion to Quash Indictment

PLEADS NOT GUILTY

Date of Trial of Case to be Set This Afternoon by Judge Kelly

Klamath's district attorney, E. L. Elliott, this morning entered a plea of not guilty before Judge Percy B. Kelly on the charge of malfeasance and negligence in office.

This afternoon some decision will be arrived at concerning the date when Mr. Elliott will go on trial on the charge against him.

Motion Withdrawn

A motion to quash the indictment against Mr. Elliott on the ground that the names of the witnesses were not inscribed on the indictment and also on the ground that the indictment was not found according to statute, was first made by the defendant's counsel and then withdrawn.

Judge Kelly, when the motion was first called, stated that the court would ascertain at that time whether or not the allegations in the motion were correct.

At this point Caleb Jones, former acting district attorney and special prosecutor for the state in the Elliott trial, insisted that inasmuch as there were no affidavits supporting the contention of the motion, that the motion should be overruled. At this point counsel for Elliott withdrew the motion.

Case Reversed

The charge of malfeasance and negligence in office against the district attorney is based on certain alleged actions while Elliott was acting as special state prosecutor in liquor cases. It is charged in the indictment that Mr. Elliott confiscated 2000 pounds of sugar, stored the sugar in his garage and some time after "unlawfully and feloniously direct the unofficial sale and disposal thereof without legal process or interposition of any court."

Widow To Get Large Legacy

Mrs. Gloria Morgan Vanderbilt Willed \$7,000,000

NEW YORK, Sept. 25.—(AP)—The will of the late Reginald C. Vanderbilt, who died at his summer home at Portsmouth, R. I., Sept. 9, was filed there today. It created a trust fund of \$5,000,000 for his two children and bequeathed the residue, estimated at more than \$7,000,000 to the widow, Mrs. Gloria Morgan Vanderbilt.

The widow, and James R. Deering of New York were named executors. Mr. Vanderbilt's first wife was Miss Cathleen Gebhard Neilson, daughter of Mrs. Frederick Neilson, from whom he was divorced in 1919. By his first wife Mr. Vanderbilt had one daughter, Cathleen, born in 1904. She will share equally in the \$5,000,000 bequest with his second child, Gloria, born to Mrs. Gloria Morgan Vanderbilt in 1924. Mrs. Gloria Morgan Vanderbilt, who was 18 years old when she and Mr. Vanderbilt were married two years ago, is the daughter of Henry Hays Morgan, American consul general in Argentina.

Attendance Record At Eugene Broken

EUGENE, Ore., Sept. 25.—All attendance records for the Lane county fair were broken here yesterday, Eugene day, when 17,000 paid admissions were recorded. An address by Governor Pierce was a feature of the program. Today is Cottage Grove day, and marks the closing of the four-day fair.

TILTONS HAVE BABY GIRL

A baby girl, weighing 5 1/2 pounds, was born to Mr. and Mrs. A. D. Tilton at Algoma mill on Wednesday morning.

Hubby Gives Wife To Man As Present

MANSFIELD, Eng., Sept. 25.—Tired of his wife's cooking and dissatisfied with her conduct, Walter Knowles, a clerk of Kirby, beat her every night for a week and then gave her to their boarder as a present. He admitted as much to the judge when called into court on a charge of non-support. The wife presented a note written by her husband reading: "This certifies that, I Walter Knowles, have turned my wife over to Andy Bayliss, lodger."

Auto Plunges Into River; 3 Persons Drown

Driver Hurtles Off Ferry Landing At Harrisburg

EUGENE, Ore., Sept. 25.—(AP)—Three men were drowned at 3 o'clock this morning when the car in which they were riding plunged into the east side of the Willamette river at the Pacific highway ferry, at Harrisburg, Ore. The dead are W. R. Eastop, of Roseburg; Edward Boyer of Percy, Ill.; Archie Stevens, of Percy, Ill. A fourth occupant of the car, Trevor Spiller, swam out. The three bodies have not been recovered.

The men were on their way to Eugene, and it is thought that they did not know the ferry existed at that point. Their car plunged through the ferry chain at the approach and plunged into the water. Stevens was driving the car, which was owned by Spiller.

Today Is Final Opportunity To Cast An Evening Herald Ballot On Changing Name Of This City

If You Have Not Yet Registered Choice Do So Today—Importance of Rail Situation Necessitates Switch in Plans—Vote To Date Given

Results to Date For "Klamath" 96 For "Klamath Falls" 57

By 2 o'clock today those who favor changing the name of the city from Klamath Falls to Klamath had maintained a little better than a two-to-one lead. In spite of the inconvenience it might cause them, employees of the post office, from Postmaster McCall down appear to favor the shorter name. The postmaster today brought in a bunch of ballots to The Herald office and they all favored the change.

The Evening Herald is sending nobody on the streets today soliciting votes either for or against the proposal. Except for about 20 ballots which gathered on their rounds yesterday, all ballots are being either mailed or brought directly to The Herald office.

Because of the importance of the rail situation to Klamath and the decision to sponsor public balloting on that question, The Herald has decided to switch its plans on the "Klamath" vs. "Klamath Falls," voting, and is printing the coupons for the final time this afternoon. The movement to shorten the name of Klamath Falls is yet in its infancy, while the railroad question is reaching its final stages. For that reason The Herald believes that it is of more importance to the people generally to get a public and county-wide expression on what the people think of the coming of the Oregon Trunk to Klamath county.

If you have not yet voted on changing the name of the city, be sure to clip the coupon today, vote your choice, and get it to The Herald office. This is the last time it will appear in this newspaper. The final result of the Herald poll will be printed tomorrow.

VOLUNTEERS WANTED

Wanted:—Men who will volunteer their services in a search for Martin Owensby, Merrill rancher, who has been missing on Huckleberry mountain for the past nine days.
The county court today asked that all persons who would join a posse to be at the court house between 6 and 7 o'clock tonight. The county will furnish provisions and transportation for all. Jackson county is also sending a posse, Judge Bunnell said.

Which Do You Want—
"Klamath Falls" or "Klamath"?
()—I favor changing the city's name to Klamath.
()—I oppose any change in the name of Klamath Falls.
Signed
Address

Shall Klamath Falls Progress Or Submit To Southern Pacific Domination? Vote Your Choice

Evening Herald Offers Citizens of County Opportunity to Vote on Railroad Question—Result Will be Sent to I. C. C. Hearing in Portland

Do the people of Klamath Falls and Klamath county want the Oregon Trunk to build from Bend to Klamath?

Or would they rather see the Southern Pacific continue its railroad monopoly on this section of the state?

Shall Klamath Falls remain a "whistling post" on the main line, or shall it be a railroad center with two or more lines branching out from this point?

What do the people—the rank and file—think about this railroad question?

For several months the Southern Pacific has maintained a corps of high-salaried publicity men in Klamath Falls, employing every possible human ingenuity in a desperate effort to win support to its cause. Through promises, threats, cajolery and other means, it has succeeded in "inducing" a small group of lumbermen to come out publicly against the Oregon Trunk.

But what do the people—the vast body of men and women who are home-builders and home owners, and not money-grabbers—think? The interstate commerce commission will meet in Portland a week from next Monday and there determine whether or not the Oregon

Trunk shall be permitted to come to Klamath Falls. The attitude of this community will, in a large measure, be a factor in guiding the interstate commerce commission.

So The Evening Herald will undertake to obtain a cross-section of Klamath county public opinion. Starting today and continuing through next week, a ballot will be printed in which every resident of Klamath county will be given an opportunity to express his or her opinion on the railroad question.

The Evening Herald will further undertake to get the results of this balloting before the interstate commerce commission when it meets at Portland.

So every reader of The Evening Herald is urged to vote. If you favor the coming of the Oregon Trunk, say so and sign your name and address plainly. If you oppose the coming of another railroad to Klamath, make your choice known.

You are asked to vote but once, and then mail or bring your ballot to The Herald office. Use the accompanying coupon. We believe that a vast majority of the people of Klamath want the Oregon Trunk, so we urge those who favor progress and prosperity to urge their friends to sign one of the Herald ballots and get them to this office.

Railroad Ballot

Vote () I want the Oregon Trunk
Vote () Keep the Oregon Trunk out
To the Interstate Commerce Commission:
I herewith submit my opinion of the present Central Oregon rail controversy.

Signed

Address

SHIP'S STRIKE STORM

WASHINGTON, Sept. 25. (AP)—Savage gales are whipping the northern coasts where the MacMillan Arctic expedition ships Peary and Bowdoin are cruising, but both vessels are safe, the Peary reported today in a wireless dispatch to the national geographical society.
