

JURORS MAY GET MURDER CASE BY LATE AFTERNOON

Trial of Willos and Kelley
Nears End in Circuit
Court at Salem

FELLOW CONS APPEAR Prisoners Testify for De- fense. Warden Dalrymple is Contradicted

SALEM, Ore., Oct. 23.—There were indications this morning that the trial of Ellsworth Kelley and James Willos, charged with the murder of Guard John Sweeney in the prison break of August 12, might go to the jury late this afternoon. The defense had materially reduced the number of its previously announced witnesses and had but one more witness to put on the stand. Will R. King, chief counsel for the defense, announced. District Attorney John Carson said that he would call but two witnesses in rebuttal before commencing his final argument.

Most of the testimony given by the defense witnesses during the afternoon session yesterday was the same as was heard in the trial of Tom Murray, convicted and sentenced to hang for the same murder. Willos remained on the stand in his own behalf until well into the afternoon under a severe cross examination by the prosecution in which he was asked to explain discrepancies in his sworn testimony and a statement he made to the district attorney and others at the prison following his recapture.

Convicts Testify
Frank Fallen, Dale Arthur and C. N. Willis, convicts at the prison who said they witnessed the escape from a window of the cell house, were called by the defense. Their story of the break was practically the same as that told by other witnesses except they said that the first shots were fired by the guards and not by the escaping convicts.

Fallen and Arthur contradicted the testimony of Warden Dalrymple, who said that after running to his house for a gun he got behind some oil barrels near the garage and fired three shots at the fleeing convicts just after they came over the wall at tower one. Both said that they saw the warden come out of his house with the gun, but declared that at that time the three fugitives were half way across the field between the asylum and the prison, out of gun shot range and the warden did not fire.

HELP THE CARRIERS

A delegation of the carrier boys for the Evening Herald handed us the following, with the request that it be printed on the front page as a special plea to those who for one reason or another did not pay their subscription when the boys called this month. All subscriptions should have been paid before the fifteenth and because some of them have not been the boys will have to collect tomorrow. This is what the boys have to say about it:

"Supposing you were a boy and the weather was nice and you wanted to spend the day playing marbles or riding your bike and just because some people did not pay for their paper you had to tramp around most of the day trying to make them do it, what would you think? We think it is a doggone shame that's what we think and you would think it to if you had to do what we will have to do this week. Now, we want to get through by noon and it won't take you a minute to pay us if you will just get the money ready before we come. Then we can have some fun in the afternoon. If you don't well we hope you will want to play marbles some day yourself."

HERALD CARRIERS.
We can't add anything to that appeal, except that anyone who will make it more difficult for the boys to get their money has a poor sense of the eternal fitness of things.

Osborne Wood Claims He's Made \$100,000 Selling Real Estate In Florida; To Quit Gambling

Ex-Army Lieutenant Who Lost Fortune in Europe Comes Back Strong—Leaps From \$50 Per Week to Big Sum Within Short Time

NEW YORK, Oct. 23. (AP)—Broke six months ago, Osborne Cutler Wood, 38, of, and former aide to Major General Leonard Wood, says that he has made \$100,000 in Tampa real estate.

In New York to buy some clothes he insists that the \$100,000 is the first installment he is going to get back of nearly \$1,000,000 which he made in Wall Street speculation and lost at the gambling tables of Atlantic City and Deauville. He is going into Palm Beach really soon. On arrival in Florida from Cadiz

on a tramp steamer six months ago, he had a few hundred dollars of his Wall Street money left and spent most of that while looking around for a job. He got a job as real estate salesman at \$50 a week with D. P. Davis, who was selling Got dogs on a street corner a few years ago. Discussing his gambling losses he said: "This time my money is not going to be lost in that manner." He intimated he would not defend divorce proceedings started by his wife at Wilmington, Del.

Bradbury Seeks Information On Meade's Report

Reputed Interview With
Reclamation Commission is Puzzle

Elwood B. Mead, commissioner of irrigation, is reported to have issued a statement yesterday to the effect that there are some hundred or more users of water under the Klamath project who are in arrears in their payments to the government. The dispatch says further that Commissioner Mead declared that the president of the board of directors of the Klamath Irrigation district instructed the sheriff at Klamath Falls to remove from the tax rolls all unpaid district taxes for the years from 1920 to 1924 against the lands of the Enterprise Land and Investment company.

Publication of this story has brought from R. E. Bradbury, who is president of the board of directors of the Klamath Irrigation district, the following telegram: Elwood Mead, Commissioner Reclamation Washington, D. C.

Under date Washington October twenty-second you state that some one hundred water users under Klamath project are delinquent to the United States. You also state that President of this District instructed sheriff of Klamath County to remove from tax rolls all unpaid district taxes of Enterprise Land and Investment company for years 1920 to 1924.

If correctly quoted, please publish source of information in order that public may learn the facts of matters in question.

R. E. Bradbury, President, Klamath Irrigation District. Those familiar with the facts know that the statement attributed to Commissioner Mead does not agree with the facts and unless he hides behind the threadbare excuse that "the papers have not quoted me correctly," the answer to Mr. Bradbury's telegram will doubtless contain some illuminating information.

Bend To Pause In Memory Of Thos. McCann

Mill and Stores to be
Closed Tomorrow
Morning

BEND, Ore., Oct. 23.—The entire Shevlin-Hixon company operation will be shut down tomorrow morning and business houses will remain closed until 10 o'clock in tribute to Thomas A. McCann, vice president and first general manager of the Shevlin-Hixon company, whose funeral will be held Saturday morning at 10:30 in Minneapolis. Bend banks will remain closed all day.

McCann lived in Bend for more than 7 years and saved the first log which went through the Shevlin-Hixon company sawmill. Besides his official connection with the mill he was held in high esteem by Bend business men and mill employees and expressions of regret at his sudden death have been general by organizations and individuals.

Railroad Men Sought; Weed Affair Probed

S. P. Employees Wanted
Because of Hotel
Raid

Three Southern Pacific employees on the run between Klamath Falls and Weed were being sought by Siskiyou county authorities today on charges of malicious mischief, filed at Yreka late yesterday by E. Rosa, proprietor of the Savoy hotel at Weed, where a mob of men is alleged to have raided the hotel 10 days ago, causing damage of approximately \$7500.

The railroad men involved in the affair are Charles Miller, J. E. Cannon and M. E. Kerns. They live at Weed, although they are on the daily run to this city.

Others who are sought in the same connection are two unnamed federal agents of San Francisco and a Siskiyou county constable whose name has not yet been divulged. It is charged that these six men led a mob on an unauthorized raid against the hotel, during which the water pipes were cut, furniture and other equipment smashed to pieces and other serious damage done.

The raid has been under investigation in Siskiyou county for the past 10 days, but it was not known until today that the three Southern Pacific employees, well known here, were alleged to have been involved in the affair.

The informations were signed by Rosa yesterday and warrants for the arrest of the men were issued by Justice of the Peace C. E. Butler.

Copco Sells To Byllesby Says Report

All of the property and holdings of the California Oregon Power company were this week transferred to the H. M. Byllesby company of Chicago, according to a well-founded report received here today from San Francisco. It has been known for some time that the Chicago concern has been negotiating for the purchase of the power company and that a price of approximately \$20,000,000 had been set.

The Byllesby company, in a telegram to the Evening Herald, evaded giving a direct answer to the report, and would neither definitely deny nor confirm the reported sale.

In engineering circles it is considered certain that the Byllesby company will soon acquire the California Oregon Power company, even if the actual stock transfer has not been made, as was reliably reported today.

MYSTERY PLANE IS TOTAL WRECK

BAY SHORE PARK, BALTIMORE, Oct. 23.—(AP)—Great Britain's "Mystery plane," the supermarine Napier S-4, crashed this morning during the navigability trials and is a total wreck. Captain Henry C. Bland, the pilot, is suffering from immersion and shock, but escaped injury.

COURT MARTIAL OF MITCHELL IS STARTED TODAY

Conduct to Prejudice of
Good Order and Military
Discipline Charged

HELD DISRESPECTFUL
His Criticism of Higher-Ups
in Shenandoah Disaster
Bitterly Scored

WASHINGTON, Oct. 23.—(AP)—"Conduct to the prejudice of good order and military discipline," was charged against Colonel Wm. Mitchell today in court martial specifications served upon him as a result of his attack several weeks ago on the conduct of the army and navy air services.

The statement issued by Colonel Mitchell at San Antonio after the crash of the Shenandoah, said the formal accusation, constituted insubordination, and was "highly contemptuous and disrespectful" to the war department.

The charges are brought under the article of war which deals with general offenses against the discipline and good order of the army.

Not Under Arrest
Technical arrest probably will not take place until just before the officer goes on trial next week, although in the meantime he remains under orders not to leave Washington.

It was in this statement that the colonel declared the loss of the Shenandoah was due to criminal and almost treasonable conduct of the air services.

The specifications also relate to two later statements, which are described as equally objectionable.

Papers Seized
The charges are brought in the name of Lieutenant Colonel Kyle Rucker, chief of the military affairs section of the judge advocate general's office and were served upon Mitchell by Colonel Joseph R. McMullen, assistant judge advocate general. Representative Reid of Illinois, counsel for Mitchell, declared the service of the papers carried with it technical arrest of the colonel, but war department officials disagreed. They said the technical arrest probably would take place immediately before the officer is placed on trial before a general court martial here next week.

The specifications against Colonel Mitchell are eight in number, all brought under the ninety-sixth article of war.

These specifications are as follows: 1—That Colonel Mitchell in making the statement of September 5, (after the wreck of the Shenandoah), "did conduct himself to the prejudice of good order and military discipline."

2—That Colonel Mitchell on September 5, "made a statement insubordinate to the administration of the war department."

3—That Colonel Mitchell on September 5, "made a statement highly contemptuous and disrespectful of the administration of the war department to discredit the same, the prejudice of good order and military discipline."

4—Same as specification 3, except that it refers to the navy department instead of the war department.

5—Same as the first four, but referring to the statements made by Colonel Mitchell on September 9.

Federal Officer Still Mystified in Duck Malady

SACRAMENTO, Calif., Oct. 23.—(AP)—Although not ready to give up the investigation, George Tonkin, federal game warden of this district, upon his return here yesterday from the Tule lake district, admitted that he is still mystified regarding the cause behind the wholesale killing of wild ducks in the vicinity of the lake.

In describing the situation, Tonkin said thousands of ducks have died and in places surrounding the lake "it looks as though an army of hunters had passed through the country, shooting the limit of ducks without removing the carcasses."

Roseburg Cook Is Held Up And Robbed While Beating His Way On Train; Skull Is Fractured

Brutal Attack Revealed at Daybreak Today
When Donald Jayne is Found Lying Near
Rails in Unconscious Condition—
Condition Serious

ROSEBURG, Oct. 23.—Claiming that he was attacked, beaten, robbed and thrown off a moving train near Riddle, Donald Jayne, a former cook in a local restaurant, was brought to Mercy Hospital in this city, early this morning suffering from bad lacerations about the face and possibly a fractured skull.

Jayne started south yesterday, according to his story. He boarded a lumber car attached to a south-bound freight, several other transients also being aboard the car. The train reached Riddle about midnight, he says, and shortly after leaving that place he was held up at the point of a gun. Making

some resistance he was attacked and beaten into submission, his money, amounting to about \$8 being taken from him. He says he was then thrown off the car.

He was found there several hours later in an unconscious condition and was rushed to Roseburg and placed in the local hospital. An examination revealed that he was suffering from deep scalp wounds, and possibly a fractured skull. One ear was torn almost off.

Because of the darkness he had not obtained a good view of his assailants and was unable to give the officers a description of the men.

Coyote Menace To Be Fought By 4 Counties

Co-operation Greatest
Weapon Against An-
imal, Belief

Guns, traps, and poison from four different counties will be trained on the coyote bands of southern Oregon and northern California this winter and the ensuing spring.

One the 31st day of October, representatives from the county courts of Klamath, Modoc, Lake and Siskiyou counties representatives of wool growers associations from each county, a representative from the Modoc National forest and two representatives of the United States Biological survey, will convene in the office of the Klamath Irrigation district to discuss ways and means of exterminating the predatory animal which does more damage in the aggregate than any other carnivorous animal in Oregon.

The meeting originated with the Klamath Wool Growers association. It was felt by the local organization that coyote control work in this section should not be confined to either county or state lines.

Extensive trapping and poison operations in one county would merely drive the destructive animal into an adjoining county where control operations were not in progress at that particular time. Then when that county started a campaign against the coyote, the clever beast would crowd back in another adjoining county.

If all four counties, Lake, Modoc, Klamath and Siskiyou, cooperated, the association points out, more effective control work can be launched.

Among the outside officials who will be present at the meeting are: Charles H. Poole, head of the United States Biological Survey work in California; Stanley G. Jewett, who holds the same position as Poole, only in Oregon; and G. W. Lyons, supervisor of the Modoc National forest.

Gross Return Of Beets Is Near \$20,000

Approximately 2400
Tons Harvested in
Klamath

Twenty-four hundred tons at \$8 per ton equals \$19,200.

This figure represents the approximate gross return of farmers from the first Klamath harvest of sugar beets, according to M. H. Oldemeyer, field representative for the Sacramento Valley sugar company.

The total Klamath beet crop for the year will approximate 2400 tons, and the prevailing price is in the neighborhood of \$8 a ton.

About 60 car loads of sugar beets are being shipped south for manufacture at the Sacramento Valley Sugar company refineries in Sacramento valley. They are being loaded from the three different points,

COURT DIVIDED IN OPINION ON CITY PRINTING

Majority Opinion, However,
Gives Contract to the
Morning Newspaper

TWO JUDGES DISSENT
Justice Coshow Declares
Evening Herald is En-
titled to City Printing

SALEM, Ore., Oct. 23.—Litigation between the Herald Publishing company of Klamath Falls as appellant against the Klamath News Publishing company and city officials of Klamath Falls, appealed to the supreme court from Klamath county, was today decided by the supreme court in favor of the respondents. The opinion, written by Justice Burnett, affirms Judge A. L. Leavitt of the lower court for Klamath county.

Opinions ordinarily are handed down only on Tuesdays, but came down today to clear the way for the fall session of the court at Pendleton which will begin next Monday.

The appeal by the Herald Publishing company was from an order of the court dismissing the case by granting a demurrer of the defendants on grounds that the city of Klamath Falls was a necessary party to the suit.

Sought to Enjoin
The Herald company, as plaintiff in the case, sought to enjoin the city officers and the Klamath News Publishing company from entering into a contract for the city printing.

In the opinion today Chief Justice McBride and Justices Hand and Brown concur, and Justice Belt especially concurs in a separate written opinion, while Justice Coshow writes a dissenting opinion, in which Justice Bean concurs.

The dissenting opinion points out the allegation that after the commencement of the suit the city councilmen passed an ordinance attempting to award the contract to the News, but that the mayor vetoed the ordinance on grounds that the bid of the Herald was lower, also the allegation that the ordinance was not re-enacted or passed over the veto; further that the council later passed another ordinance of the same purport and passed it the same day it was introduced, and that after the mayor vetoed it on the same grounds as the previous ordinance, it was passed over his veto.

Clearly Violation
Relative to the introduction and passing of a second ordinance on the same day, the dissenting opinion says "This is clearly in violation of the mandatory provision of the charter prohibiting passing an ordinance on the day of its introduction or within five days thereafter, or at any

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Winthrop Gets Parole; To Wed Pasadena Girl

Young Engineer Gets
Out of Scrape and
Leaves

BEND, Ore., Oct. 23.—Robert A. Winthrop, sentenced to three years in the state penitentiary and then paroled to the district attorney on his promise to repay those whom he had defrauded and Deschutes county for the expense of bringing him here from Pasadena, Calif., left yesterday for the southern California city.

It is understood from a telegram made by Winthrop in the court room before being sentenced that Miss Edna Grundy, Pasadena heiress, still awaits their postponed wedding day. District Attorney Moore revealed at the time of sentence that six of the seven grand jurors had voted to recommend leniency to the convict and Moore himself suggested a parole following a sentence which would run one year beyond the time given Winthrop to repay the money. F. M. Cleaves, one of the parties defrauded, testified that previous to this occurrence he had always found Winthrop most trustworthy and was more surprised than hurt by the transaction.

Winthrop is given 18 months in each case to make restitution, the amounts being \$805.15 to the Lund Garage company, \$522.35 to Cleaves and \$130 in each case to Deschutes county. During the term of the parole Winthrop must remain a law abiding citizen, refrain from the use of intoxicants and drugs and make monthly reports to the district attorney.

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P. O. Moved To New Home; Will Open Tomorrow

General Delivery and
Box Service Imped-
ed Today

Klamath Falls' postoffice will be in a new home tomorrow morning. When the windows are thrown open at 8 a. m. for business, it will be in the Central Hotel building, on the corner of Ninth and Klamath.

General delivery and box service discontinued today while employees of the postoffice joined hands in effecting the moving from the former quarters in the Sunset Apartment building to the new location in the Central Hotel building.

Despite the inconvenience of moving, carriers made their usual morning routes with today's mail.

The postoffice will open tomorrow morning in its new location, with 50 per cent more floor space than in the old building. It is planned by postoffice officials to work all night in order to give unrestricted service tomorrow.

More Payrolls Mean Greater Opportunities

For every working man and farmer in Klamath county. That being so, do you think it is fair to spend your money with firms that are opposing the coming of another railroad, instead of with the concerns that are doing all they can to bring one? When you have a dollar to spend, spend with the merchant who is helping to make Klamath Falls a bigger and more prosperous city.

DETECTIVE INDICTED
NEW YORK, Oct. 23.—(AP)—Nest C. Scalfa, private detective who negotiated the return of the Donahue Jewels, was indicted by the grand jury today, charged with compounding a crime.