

Mitchell Dismissal Is Sought

Army Chiefs Out After Scalp of Fiery Air Service Officer

WASHINGTON, Dec. 17. (AP)—The Mitchell court martial retired late this afternoon to consider a verdict

WASHINGTON, Dec. 17.—(A.P.)—Dismissal of Colonel William Mitchell from the army was asked today by prosecution counsel in opening arguments before the general court martial trying the air officer under the 96th article of war.

In asking the maximum sentence prescribed for offenses triable under that article of war, Major Allen Gullion, assistant trial judge advocate, declared Colonel Mitchell "had proven guilty of disorder to the prejudice of good order and military discipline and of conduct of a nature to bring discredit to the military services."

Referring to Colonel Mitchell, Major Gullion said:

"Is this man a Moses, fitted to lead the people out of a wilderness which is his own creation only? Is he of the George Washington type as counsel would have you believe? Is he not rather of the all-too-familiar charlatan and demagogue type? He is a good flyer, a fair rider, a good shot, flamboyant, self-advertising, wildly imaginative, destruction, never constructive, except in wild non-feasible schemes and never overly careful as to the ethics of his methods.

"Would an admonishment fit the offense of which the accused has been clearly proven guilty? For making statements which his counsel read into the records, statements similar, but not as bad as those of September 6th and 9th., the accused chief, General Patrick, recommended that he be admonished. Encouraged by such leniency he has now gone to the unforgivable extreme.

"Would a reduction in files be a suitable punishment? It would hardly be punishment at all. The accused is a colonel and promotion (Continued On Page Four)

Convicts Get More Time to Make Plea

SALEM, Ore., Dec. 17.—Circuit Judge Kelly today signed an order extending the time for filing transcript on appeal to January 2 in the cases of Tom Murray, James Willos and Ellsworth Kelly, sentenced to hang for the slaying of a prison guard in an escape from the penitentiary some months ago.

GIFTS EXEMPT
WASHINGTON, Dec. 17.—(AP)—The house refused today to place a gift tax in the revenue bill.

Len Small To Buck Court Decision Ordering Him To Account For \$1,000,000 Fund

SPRINGFIELD, Ill., Dec. 17, (AP)—Governor Len Small will fight the decision of the Illinois supreme court ordering him to make an accounting of approximately \$1,000,000 interest money alleged to have been withheld by him while state treasurer.

He will soon petition for a rehearing, asking the court to reconsider its finding which charges that he deposited state funds in a fictitious bank at two percent interest and later split profits accruing from re loans at from five to eight percent. He has until the February term of the court to file the plea.

What action Attorney General Oscar E. Charlstrom, will take, he would not indicate.

Volstead Act Held Cause Of Car Shortage

Too Many Wine Grapes Shipped, Pear Man States

MEDFORD, Ore., Dec. 17.—A statement that the Volstead act is responsible for the car shortage in Oregon was made at the Pear meeting here today by H. W. Johnson, a prominent pear grower of Monroe, Oregon, who delivered a response on behalf of the state horticultural society to the welcome delivered by Mayor O. O. Allenderfer.

"The Volstead act," said Mr. Johnson, "has so increased the shipments of wine grapes from California that the railroads cannot keep up with the demand for cars and therefore a car shortage in Oregon is almost inevitable.

"In 1923 California shipped 44,000 cars of grapes and this year they shipped 85,000 cars. The solution is for California to stop shipping grapes and ship grape juice only. This would cut down the car demand materially."

Following Mr. Johnson's remarks a local minister arose and suggested that speakers confine their remarks to the subject at hand. It was explained to the minister that Mr. Johnson made no statement either for or against prohibition or the Volstead act.

CHINA'S LATEST WAR HINDRANCE TO RAIL TRAVEL

Rival Armies Encamped Across Road Prevent Passage of Train

AMERICANS MAROONED

Fighting Occurs Daily; the Wounded Treated by Rockefeller Doctors

PEKING, Dec. 17. (AP)—With a lapse of eight days since the last train passed between Peking and Tientsin and with the armies of both Feng Yu-Hsiang and Li-ching-Ling entrenched across the railway, the situation is getting serious.

A group of Americans and Belgians, due to sail this month, are leaving for Kankow in hopes of finding an available steamer. Marooned residents of Tientsin are touring 1500 miles to get around the battle line and reach their homes.

Fighting occurs daily near Peking, north of Tientsin, where Li-ching-Ling's army is entrenched, but according to reports reaching here the actions have not been of a decisive character.

Number of wounded soldiers continued to arrive at the emergency hospital in Nanyuan. Feng's aid headquarters outside Peking and at the other nearby places. Assistance is being extended to the wounded by the Rockefeller hospital, the physicians of which also are visiting emergency hospitals.

Quantities of supplies and reinforcements for Feng's army are moving toward Langfang from Kalgan and Peking.

Drive on tax dodgers has started. Drive on tax dodging continues.

GRAND JURY IN; SIX INDICTMENTS GIVEN SECRETLY

Courthouse Speculation Rife Concerning Identity of Those Hit by Findings

RETURN ONE TRUE BILL

Charge Against Dick Nolan Dismissed Today by De- liberative Body

Speculation was at white heat today in the court house this afternoon over six secret indictments returned by the Klamath county grand jury at 1:30 p. m.

The discussion and surmise revolved around the proposition of whether or not William Cole, special state agent, was indicted by the grand jury for his alleged participation in the slugging of Frank Pecholt. That the case was probed by the investigative body is common report and during the last two days of the grand jury session there has been a persistent report that the grand jury might hold Cole on some one of the various assault charges.

If an indictment was returned against Cole, it would be a secret indictment, as the state agent is reported to have departed for Portland.

A true bill was returned against W. K. Davidson, charged with operating a still. Davidson was arrested once before, sentenced to serve ten days in jail and fined \$250.

A not true bill was returned in the case of State vs Dick Nolan, charged with driving sheep from the range.

The grand jury was dismissed until February 24, 1926. Personnel of the investigative body is as follows: Gene Hammond, foreman; Merle Kilgore, clerk; Hub Wakefield, E. L. Hopkins, Marshall Orr, Charles Donart.

Jury Convicts Moore, Purcell On Elk Charge

Case Will Be Appealed To State Supreme Court

Leonard Moore and Ed Purcell did hunt elk on February 1 and must pay the penalty for the violation of the state game law.

This is the verdict returned this afternoon at 1 o'clock by a circuit court jury. Moore and Purcell will be sentenced Monday morning, December 21, at 10 o'clock.

Moore and Purcell, who are Klamath Indians, were tried and convicted in justice court. They appealed and their case was tried in circuit court with the result that a second conviction was returned. Their attorney announced this afternoon the case would be appealed to the supreme court.

ARRESTED LAST NIGHT

Bob Eiders and Jack Asay were arrested late yesterday afternoon by County Traffic Officer R. E. Knowles on the charge of possession of intoxicating liquor. According to Knowles, the two men were in the act of making a delivery of liquor to the "Three Mile" house, west of Klamath Falls on the Ashland-Klamath Falls highway. Eiders and Asay were released from custody today on payment of \$500 bail apiece.

WHEAT PRICE JUMPS

CHICAGO, Dec. 17. (AP)—Wild fluctuations in wheat prices here today followed talk which was current among traders that a scandal was looming over the Argentine government crop report.

DEFEAT TAX CUT

WASHINGTON, Dec. 17. (AP)—Repeal of the ten percent admission tax, proposed in an amendment by Representative Griffin, democrat, New York was defeated 106 to 42.

OLYMPIA, Wash., Dec. 17. (AP)—Rushed to St. Peter's hospital in an unconscious condition, Representative Thomas W. Hemp, of Palouse, Whitman county, died this morning at 7:50 o'clock.

Kiddies Fund Big Enough To Fill Purpose

Sufficient Donated to Make 250 Children Happy

Due to the whole-hearted manner in which the Klamath Falls public has responded, there is now sufficient money in the Herald Christmas Kiddies' fund to answer all purposes.

On the day before Christmas there will be delivered to Klamath Falls needy homes 250 filled stockings and toys for about that number of children.

The list from which gift selections will be made is being compiled by Miss Lydia Fricke, county health nurse, to whom falls the task of investigating all needy cases in the city.

The Herald fund was raised simply with the purpose of removing any chance that any child in Klamath Falls would on Christmas morning awake to the bitter realization that Santa had overlooked him or her, as the case might be.

Those needing clothing, food and shelter will be taken care of by the Community Chest fund, now being raised.

In behalf of those for whom the fund was raised, the Herald wishes at this time to express thanks for the cheerful manner in which the community "came across."

Our only regret is that those who gave cannot be present Christmas morning to see the happiness which their gifts will bring.

Grass Blaze Is Threat To Local Plants

Smoke Gives Rise To Rumor Mills Are Burning

Fanned by a high wind, a grass and tule fire this afternoon swept across the territory between the Shasta View lumber company and the Ewanuna and Big Lakes plants and gave rise to a widespread report that one of the above mills was on fire. It burned over several hundred acres and this afternoon was believed to have burned itself out, although some danger was still said to exist. The Shasta View mill, most menaced, is protected by ditches and railroad grades and shut off from direct contact with the flames.

France Shivers As Cold Wave Hits Country

Weather Worst in 30 Years, Records Show

PARIS, Dec. 17. (AP)—France is suffering from the most intense cold spell in 30 years. The thermometer in Paris last night dropped to five degrees above zero Fahrenheit.

Even the favored Riviera is feeling the bite of winter. The best that its propagandists can say for it is that "it is warm in the sun here." In many parts of France the cold weather is accompanied by fog of varying density. This has been responsible for a half dozen railroad accidents of a minor character which have caused great delay in the system which had only partially recovered from the effects of Tuesday's blizzard.

6 MORE SHOPPING DAYS
BEFORE CHRISTMAS

CHAMBER FIGHTS MOTION TO MOVE HIGHWAY OFFICE

Local Body Sends Letter of Protest to Roy Klein, Department Head

ITS ACTION IS SCORED

Impossible to Supervise Lake and Klamath Roads From The Dalles

Vigorous protest against withdrawing the division offices of the state highway department from Klamath Falls and of placing Klamath and Lake counties under the jurisdiction of the division office at The Dalles, was contained in a letter from the Klamath county chamber of commerce mailed today to Roy Klein, head of the state highway department.

Announcement that the division offices would be discontinued came from the local highway office yesterday. No inkling of the move was known at the chamber, prior to the announcement.

The chamber in its letter to Klein asks why the people of Klamath were not advised of the proposed move, so that they, as tax payers, could express their opinion before the office was closed. It was pointed out that Klamath county and also Lake county are developing rapidly and that new highways were being continually built and more considered. With this development, the letter states, it is necessary to have a more direct supervision of state highway maintenance and construction, than could be given from The Dalles.

With the division highway offices, governing the Klamath and Lake county territories, several hundred miles away, proper supervision of a division engineer could not be maintained, particularly in view of the fact that until next spring, travel on The Dalles-California highway to Klamath Falls will be difficult, it was emphasized.

There is probably more automobile travel over macadamized state highways, as distinguished from paved highways, in Klamath, than in any other county in the state. This brings continual problems of maintenance and improvement, the letter brings out, which require a more direct supervision of state highways in Klamath than could be furnished from The Dalles headquarters.

The chamber hopes to bring sufficient pressure upon the state highway department, so that a more direct supervision of the Klamath and Lake county territory could be established. Naturally the civic body hopes to have the division offices reestablished in Klamath county, but it would be satisfied if the division offices governing this territory would be established closer to Klamath Falls.

Because of the move to discontinue the Klamath division offices, C. C. Kelley, for years connected with the state highway department, was released from the state service. Accompanied by his wife, Mr. Kelley left this morning for Illinois where he will visit relatives. He plans to return to Klamath Falls in several months.

Burglars Cut Wall; Loot Jewelry House

LOS ANGELES, Calif., Dec. 17. (AP)—Thieves last night dodged burglar alarms by cutting their way through the store wall and virtually cleaned out the stock of Swenson and Inda, jewelers. The loss, running to several thousand dollars has not been estimated yet.

City to Give up Little Red Engine

WARRENTON, Ore., Dec. 17. (AP)—Declaring that the city is unable to make the payments on its \$13,500 fire engine the council asked the firm from which it was bought to repossess the machine. The city recently defaulted on all bonds and other outstanding indebtedness.

No New Cases Are Reported By Physicians

Spinal Meningitis Situa- tion Presents Opti- mistic Outlook

Optimism prevailed at the county health office this afternoon, for up to 3 p. m., no new cases of spinal meningitis had been reported to Dr. G. S. Newsum, medical director of the Klamath County Health unit.

Nor were there any cases reported to the health office as suspicious. This is the third consecutive day with no new cases of meningitis.

Health authorities, despite their optimistic feeling, are not relaxing vigilance in the effort to check a possible widespread epidemic of serious consequence. It was remembered that between the first two cases of meningitis and the second two—which broke out the same day—several days had elapsed and the county health office was beginning to breathe easily again.

With schools closed and with the people fully advised of the possible serious consequences, an extensive epidemic of meningitis, there is little that the county health office can do, but watchful waiting, it was reported.

RECOGNITION OF RUSSIA ASKED BY WISCONSIN MAN

Representative Burger Calls Present Policy Unsuc- cessful and Stupid

SEEK SENATE HEARING

Points Out that U. S. Bank- ers Think Soviet Rule Will Endure Sometime

WASHINGTON, Dec. 17.—(AP)—Recognition of the Soviet government of Russia was asked in a resolution drawn up today by Representative Burger, socialist, Wisconsin, who said he would ask for public hearings by a house committee. In a statement Burger referred indirectly to the recent banquet of American bankers and Russian industrialists in New York, and said the government may as well recognize what the bankers and business men have long since recognized, namely, "that the soviet government is here to stay for a considerable time at least."

"Our policy with respect to Russia has been unsuccessful and stupid," he continued, "when it was clear to all the world the Russian government was as solid as any government can be, our government still entertained the hope induced by the extensive propaganda which pro-Carlist agents conducted in the United States that the Soviet government would be overthrown."

GOING, GOING, GONE!

DES MOINES, Iowa, Dec. 17.—(AP)—Mrs. Lottie Fitch, wife of Fred W. Fitch, millionaire hair tonic manufacturer, was granted a divorce in district court here today.

TO RECESS

BERLIN, Dec. 17.—(AP)—The Reichstag has decided to recess until January 12.

House Republicans Called "Petty And Small" For Act In Penalizing Insurgents

WASHINGTON, Dec. 17. (AP)—Relegation of the insurgent members to minor committees by house republicans was described today by Representative Frear of Wisconsin, chairman of the insurgent group as "Petty, small and humiliating."

Mr. Frear replied in a house address to remarks by Representative Garrett, Tennessee, the minority leader, who yesterday offered sympathy to the insurgents. He read an editorial which declared the democratic party in the house had done everything possible in one week to efface itself by its stand on the "gag rule" and surtaxes.

Mr. Garrett argued that the democrats had fought adoption of the "gag rule" and "admired the independence and courage" of the insurgents.

Army Heads Flayed By Mitchell

Closes Case; Says U. S. Has But One Good Standard Plane

WASHINGTON, Dec. 17.—(A.P.)—Colonel William Mitchell told the army court martial today that his trial was "the culmination of the efforts of the general staff of the army and the general board of the navy to depreciate the value of air power."

The air crusader said he had directed his counsel "to entirely close out part of the proceedings without arguments."

Colonel Mitchell's statement to the court follows:

"My trial before this court martial is the culmination of the efforts of the general staff of the army and the general board of the navy to depreciate the value of the air power and to keep it in an auxiliary position which absolutely imperils our whole system of national defense.

"The truth of every statement which I have made has been proved by good and sufficient evidence before the court, not by men who gain their knowledge of aviation by staying on the ground and having their statements prepared by a numerous staff to bolster up their predetermined ideas, but by actual fliers who have gained their knowledge first hand in war and in peace.

"I wish to invite particular attention to the letter of former Secretary Weeks to the president of the United States asking that I be not reappointed as assistant chief of the air service on account of the evidence given by me to a congressional committee. "I testified that the air service had only 19 modern airplanes, fit for war, and that all others were obsolete and many dangerous. The evidence before this court bears out these facts in their entirety. It has been shown that at present we have only one standard plane in the service.

"Secretary Weeks and indirectly the president were wrongly and untruthfully informed as to the condition of our aviation and our national defense by the persons furnished the data on which his letter was based. "This court has refrained from ruling whether the truth in this case constitutes an absolute defense or not.

"To proceed further with the case would serve no useful purpose. "I have therefore directed my counsel to entirely close our part of the proceedings without argument.

\$15,000 In Liquor Funds Is Stolen

WINNIPEG, Man., Dec. 17. (AP)—Two armed men beat Thomas Nuttal, cashier in a warehouse of the Manitoba Liquor Commission on the head today, as he was going to a bank here. The assailants fled in an auto with \$15,000 taken from Nuttal. The province seeks liquor through the commission.