

CONVICTS SEEK NEW LOOP-HOLE TO SAVE NECKS

Attorney for Murray, Willos and Kelley Wants Ar- rest of Judgment

DENIES JURISDICTION Says Convicted Murderers Were Escaping from "Cruel Punishment"

SALEM, Ore., Dec. 26. (AP)—
Judge Will H. King, acting for Tom
Murray, Ellsworth Kelly and James
Willos, under sentence to hang on
January 8 for the murder of guards
in a prison break here in August, has
filed on County Clerk Boyer motions
for arrest of judgment in the three
cases, asking to have the judgment
of conviction and execution held null
and void on the ground that the three
men during the course of their trials
were not within the jurisdiction of
the court that tried them.

The motion is further based on the
ground that "the escape of each de-
fendant was due to a violation of that
section of the constitution of the
United States and constitution of
the state of Oregon wherein it was
provided that cruel and inhuman
punishment shall not be inflicted."

King declared in his motion "that
it appears from unquestioned evi-
dence that James Willos was in the
custody and charge of the San Quen-
tin penitentiary of the state of Cali-
fornia" and "that defendant Ellis-
worth Kelly had been sentenced to
serve 20 years in the Oregon state
penitentiary, the term of which had
not expired," and that in the case of
Tom Murray, "he has about 17 years
to serve in the Oregon state peni-
tentiary." It is stated that Murray
and Willos also are both on parole
from the San Quentin penitentiary
and consequently it will be advanced
that they still were and now are
technically in the custody of prison
officials of that state.

Always Handcuffed
In an affidavit accompanying the
motion for a stay of execution in the
cases of Willos and Kelly, the two
men aver that during the time of
their trials they were handcuffed in
charge of the deputy warden of the
Oregon penitentiary and his assist-
ants each time they were brought to
the court room for trial until they
reached an office adjacent to the
court room.

They further aver that during all
the time of their trial they had pris-
on numbers on their clothing and
that before entering the court room
they had been removed from the
shackles with which they were
bound while being brought from the
prison to the court room.

The affidavit goes on to say that
during the entire time of their trial
the deputy warden sat behind them
and they were in charge of J. W. Lil-
lie, the then deputy warden of the
penitentiary, who is now the warden.

TWO KILLED AS YULE AFTERMATH

PORTLAND, Ore., Dec. 26. (AP)—
One man killed in an automobile
accident and a woman found dead
three hours after partaking of a
hearty Christmas dinner as fatal
Yule aftermaths here today.

Clyde Baker, 40, was killed and
his wife seriously hurt early this
morning when their automobile
went off a road in an outlying dis-
trict and landed wheels up. Of-
ficers said they found a bottle of
liquor on Baker.

Mrs. Mildred Harber, 49, was
found dead by other members of a
Christmas party, three hours after
their holiday repast. An autopsy
will be performed to determine the
cause of death.

FROM EASTBROOK

Harry Howard, of Eastbrook, the
fish hatchery and resort near Chlo-
quin, spent Christmas in the city.
Mr. Howard is manager of the re-
sort.

Christmas In Klamath Best In Long Time

Yule Spirit Prevails Throughout the City

From city-wide reports received
by Community Chest officials and
others, Klamath's Christmas yester-
day was the best in all history.
Families on whom fortune has failed
to smile this winter were amply
supplied with food and clothing and
other necessities, while approxi-
mately 250 kiddies were made happy
with toys from the Herald's Kid-
dies' Christmas fund.

Late Thursday afternoon, Miss
Lydia Fricke, chairman of the inves-
tigating committee, reported nine
more families in need of aid, and in
these families were 26 children who
were wondering if Santa Claus would
forget them.

But the Santa editor got on the
job and filled huge sacks with toys
and candles and nuts and fruits and
through the courtesy of Joe Pospall
of the Pospall Motor company, these
packages were all distributed on
Christmas eve.

Business life was at a standstill
all day yesterday, but in homes
in every section of the city the
laughter of happy children predom-
inated.

Even the elements conspired to
make it a delightful Christmas, as
the heavy fog which had hung low
over the city throughout the week,
lifted in the afternoon and permit-
ted the sun to shine down.

Lad Burned To Death With Toys

SAN FRANCISCO, Dec. 26. (AP)—
The Christmas celebration at the
home of Harry Hall, a laborer, ended
in tragedy when the body of his
four year old son, Edgar was found
in the ashes of the Hall home here
today, surrounded by the charred
remains of his Christmas toys. Sev-
en persons are in the hospital as
the result of the fire, four other
children of the Hall family and their
grandfather William Mitchell, Fred
Allen a neighbor and James Gerhow,
a policeman.

The latter three were burned
when they attempted to rescue the
boy. An overheated stove caused the
fire.

MIDDLE WEST TO FEEL ICY BLAST

CHICAGO, Dec. 26. (AP)—Sub-
zero blasts as low as 19 degrees be-
low were predicted for Chicago and
the Lake Michigan region tonight as
five deaths in Chicago were attrib-
uted to the cold, three victims having
frozen to death.

The temperature dropped to 13
below in Minneapolis and Duluth,
Minn., today and other cities of the
central states suffered proportionately
with 12 below zero at Mason
City and Waterloo, Iowa; six below
at Milwaukee, Wis.; 10 below at
Rockford, Ill., and one above zero
at Chicago.

County Employes Enjoying Holiday

Today was another holiday for
county employes, and except for the
office of Justice of the Peace Em-
mitt, the county building was quiet
today.

The petition of county employ-
ees to add another holiday to
Christmas was granted by the county
commissioners late Thursday af-
ternoon.

Sheriff Burt Hawkins and deput-
ies were working hard in spite of
the holiday, as they had a large
number of prisoners to appear be-
fore Justice Emmitt during the day.

WOMAN DEAD IN AUTO COLLISION

LOGAN, Utah, Dec. 26. (AP)—Mrs.
Poter Sorenson, 53, is dead, and five
others are in a local hospital as a
result of a collision between an
automobile driven by Dr. L. M.
Bruce and an interurban electric.

TWO DEAD; MANY OTHERS ILL IN POISON TRAGEDY

Canned Vegetables Thought Cause of Tragic Christ- mas Eve Deaths

CHILD PLAYS RECORD Little Girl Found Amusing Self as Her Mother and Brother Lie Dead

WASHINGTON, Dec. 26. (AP)—
A broken music record to play with
was all that Christmas meant to
Mary Lorena Harris, 2 years old.
Her mother, Mrs. Ruth Caroline Har-
ris, 27, and her brother John, 5, were
dead; another brother James, 4, and
her grandmother, Mrs. Mary Bejyer,
were in a critical condition and her
father, Truman Leon Harris, 34, was
seriously ill. All police believed, were
the unwitting victims of poison eat-
en Christmas eve.

The mother and father stayed up
late, trimming the Christmas tree
and arranging toys for their chil-
dren. They had not been touched
when Harris dragged himself to a
neighbor's door late yesterday asking
for aid. Mrs. Harris and John were
found in one room, already dead,
and Mrs. Bejyer and James were in
another, unconscious.

Mary Lorena was playing with the
broken record.

A slight odor of gas was detected,
but little was attached to this and
an autopsy on the body of Mrs. Har-
ris was ordered, while several bot-
tles and empty vegetable cans were
sent to the district chemist for anal-
ysis.

Harris was treated at a hospital
and then was held by the police for
investigation.

SACRAMENTO, Dec. 26. (AP)—
Brotherly love and the Christmas
spirit combined in an unusual way
here yesterday in a holiday automo-
bile accident. Two machines colli-
ded. One turned over. The driver of
the overturned car scrambled out
and hurriedly began to remove an
opened case of gin. The driver of the
other machine fell to, assisting in the
operations. When all the bottles had
been collected from the wreckage
the pair, strangers to each other,
dashed up the street, caught the cy-
cloband and returned to survey the
wreck damage. There was not a po-
lice officer in the crowd of interest-
ed spectators, but there was a news-
paper man. He wrote the story, but
he forgot to state where the acci-
dent occurred, failed to get the
names of the drivers and couldn't
remember the numbers of the cars,
when he returned to the office.

ST. LOUIS, Dec. 26. (AP)—Nine
dead was the toll of Yuletide merry-
making in St. Louis. Seven were
killed in traffic accidents. A youth
was fatally burned while playing
Santa Claus at a Christmas tree in
his home and a man was shot and
killed in an altercation during a beer
party.

SAN FRANCISCO, Dec. 26. (AP)—
The Christmas holiday in Califor-
nia was marred by at least 12 deaths
in numerous accidents and the in-
jury of some two score others.

Automobile mishaps took the lives
of four men and one woman in
southern and central California
while at Eureka, in northern Cali-
fornia, two men and three boys
were drowned.

One man was killed and more
than a dozen injured near San
Francisco in a rear end collision of
two street cars. A man was struck
by a train at Oakland and instantly
killed when a severe were injured in
automobile accidents over the holi-
day in the San Francisco bay region
and at Sacramento.

WATTS, Calif., Dec. 26. (AP)—A
Christmas party here ended in the
death of one person and perhaps
fatal injury of another. Police found
Charles Thorpe, 38, dead of gun-
shot wounds, while Mrs. Catherine
Reed was taken to the general hos-
pital in a critical condition. The
woman's husband, Frank Reed, 49,
arrested for questioning, said that
Thorpe did the shooting.

R. T. Bradshaw and Frank Car-
roll are among the Chiloquin resi-
dents here over the week end.

Aged "Newsboy" Leaves Fortune For Education

"St. Francis" Gurks Is Found to be Wealthy Man

PORTLAND, Ore., Dec. 26. (AP)—
"St. Francis" Gurks, 94 year old
"newsboy" a picturesque character
on the streets of Portland for many
years, who died Thursday left an
estate of probably \$50,000 to the
United States Bureau of Education.
A petition for probate of his will
was filed today.

Clad in rags, with burlap wrapped
about his feet in place of shoes,
Gurks was a figure that would have
appeared more appropriate in a
theatrical setting than on the busy
streets of a modern city. Every night
he was on his corner in the down-
town district crying his papers. He
lived alone in a shack, and he died
without any known relatives.

Search of his effects has revealed
investments in liberty bonds, and
stocks and bonds of utility com-
panies.

Though known as Gurks, his real
name was believed to have been
O. E. Green.

Charley Dawes Asked To Give Up His Smokes

No Tobacco League Wants Him to Throw Away Pipe

INDIANAPOLIS, Ind., Dec. 26. (AP)—
Vice President Charles G.
Dawes was impounded today by the
No Tobacco league to make a New
Years resolution to refrain from the
use of tobacco.

Charles M. Filmore of Indianapolis,
general secretary of the league, sent
the vice president a telegram thank-
ing him for his message to the senate
pages urging them not to use tobacco.
"Realizing that example is more
potent than precept," said the mes-
sage, "will you not make one of your
New Years resolutions the decision
not to use tobacco yourself?"

Filmore said the message would
be followed shortly by a similar one
to President Coolidge.

Auto Thief Is Given 10 Years

Don Hall Draws Stiff Penalty in Medford

MEDFORD, Ore., Dec. 26. (AP)—
Don Hall, automobile thief and jail
breaker, entered a plea of guilty to
the theft of an automobile late
Thursday and was sentenced to ten
years in state prison.

W. H. Blakeley, a former resi-
dent in Coos county, plead guilty
to operating a still, and was sen-
tenced to five years, the maximum
sentence.

Joe Lutz, plead guilty to stealing
a saddle from a Siskiyou mountain
ranch and was given a two year
prison term.

C. E. Lloyd, Ashland automobile
salesman, entered a plea of guilty
to passing two checks totalling \$7
and will be sentenced Monday. Mrs.
Minnie Whelpley, 50, of Ashland,
charged with setting fire in a mo-
ment of spite to the home of her
neighbor, Miss Jane McCoy, 70, will
be arraigned for pleading Monday.

Another Dead from Radium Poisoning

EAST ORANGE, N. J., Dec. 26. (AP)—
The death of Miss Margarite
Carrough today increased to seven
the number of former employes of
the United States Radium corpora-
tion of Orange, who in three years
have died from poisoning attributed
to radio active substances.

County Physician Martland, after
an autopsy gave the cause of Miss
Carrough's death as "Chronic ane-
mia of the pernicious or regenera-
tive type, due to the injection of
radio active substances, mesothor-
ium, radium and their decayed pro-
ducts."

CONGRESS WILL ASSIST FARMERS BY LEGISLATION

Supervision Over Agricul- tural Exports Will be Added to Program

RELIEF HELD NEEDED Western Members win Fight to Provide Real Aid for This Section

WASHINGTON, Dec. 26. (AP)—
Impressed by the complaints of
western members of congress and
agricultural leaders, the adminis-
tration is considering amendment of
its farm relief program so as to
provide for government supervi-
sion over agricultural exports. With
members of the Iowa delegation in
congress preparing to leave tonight
for Des Moines to consider at a
state meeting what relief steps can
be taken outside the present admin-
istration program. President Cool-
idge and Secretary Jardine confer-
red about the situation today and
there were indications that an ex-
port supervision bill would have the
support of the white house.

Such a bill will be drafted for
introduction soon after the holiday
recess and farm leaders in congress
expect the administration to give it
their active support. The message
will provide for a federal commis-
sion of seven members to take over
any surplus of the major farm pro-
ducts which cannot be sold in this
country on a par with the cost of
production. A levy would be charged
against the producers of such a
crop as a step to prevent over pro-
duction.

The commission would be financ-
ed largely from the levies and only
a small federal appropriation will
be expected. Crops to be handled
by the commission would include,
wheat, corn, livestock, cotton, to-
bacco, dairy products, fruits and
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Convict Goes Home To Visit Christmas Day

Youth Gets Homesick and Walks Away From Prison

SALEM, Ore., Dec. 26. (AP)—A
Christmas longing to visit his home
and mother prompted Elmer Parth,
19, a trusty employed as a night
watchman in the guards' quarters at the
state penitentiary, to run away last
night.

A hastily organized search for
him during the night ended about
5:30 o'clock this morning, when
his father telephoned to Warden
Lillie from Portland that the boy
had returned to his home there
and was willing to give himself up.
He will be returned to the prison
this morning.

Parth was received at the prison
April 13, last, from Multnomah
county and was under sentence of
two years for assault with intent
to rob. He has been a model pris-
oner and would have been eligible
for a parole in two weeks.

Woman Held Prisoner By Mad Canine

Mrs. Joe Otey, wife of a well
known resident of Calore, near Dor-
ris, was held a prisoner in her home
by a mad dog until her brother-in-
law and Dick Hannon arrived at the
house and succeeded in shooting the
dog, according to word received here
today.

The canine had been bitten by a
coyote afflicted with rabies, and
had suddenly gone mad, attempting
an attack on Mrs. Otey as she was
at home alone. Mrs. Otey barricad-
ed the doors and windows and wait-
ed for help.

This was the second dog belong-
ing to the Oteys which had to be
killed because of rabies this winter.

Hollywood Couple Lose Cash, Jewels in Auto Robbery

PITTSBURGH, Dec. 26. (AP)—A.
N. Keith of Hollywood, California,
and his wife, were the victims of
two bandits on the Lincoln highway
near here today. The thieves escap-
ed with jewelry worth \$5,000 and
\$125 in cash. Keith said to be en-
gaged in the motion picture busi-
ness, was struck on the head and
rendered unconscious by one of the
holdup men.

They were driving in an automo-
bile, when the bandits overtook
them in another machine.
Keith was not seriously hurt.

WELL, NOW, THIS IS DANDY NEWS!

NEWARK, N. J., Dec. 26. (AP)—
Due probably to increased activities
in womens sports, the average size
of womens hostery has increased in
the past five years and the demand
for the small sizes is being elimin-
ated. A. W. Frazer, official of a hos-
tery concern here, said today.

In 1920 he said the demand rang-
ed from 8 1/2 to 10. In 1923 the
principal demand was for sizes from
9 1/2 and larger.

Today he said, the very large
sizes were in demand and the aver-
age was 9 1/2 to 10.

Two Men Freeze to Death in Chicago

CHICAGO, Dec. 26. (AP)—Two men
were frozen to death and another
partly frozen today as Chicago ex-
perienced its coldest weather of the
winter, a temperature of one de-
gree above zero.

Another man about 50 years old,
who is unidentified, found prostrate
of cold, died shortly after being re-
moved to a police station.

TO HOLD AUTO SHOW

EUGENE, Ore., Dec. 26. (AP)—
Eugene auto dealers are planning
another automobile show, to be
staged in the armory some time in
February, a style show will be held
in connection.

TWO ROADHOUSES "KNOCKED OVER" BY PROHIBITION

The Motor Inn and Pelican City Resorts Raided by McBride, et al.

ONE PLEADS GUILTY Eddie Mathew: Pays \$500 Fine—Other Arrests are Made Christmas Day

Christmas spirit and Christmas
"spirits" received a decided set-back
last night when state prohibition
officers raided a couple of notorious Klamath
roadhouses and arrested the osten-
sible proprietors on charges of pos-
sessing liquor.

The Motor Inn, which has been
operating out beyond Mills addition,
was visited by the sleuths just as
about 20 of the jovial patrons were
dancing and having the time of their
lives. The officers reported they con-
fiscated a gallon of wine and a gallon
of moonshine whiskey.

Guests Not Held
Harry Slater, reputed owner, and
Louis Stapp, said to be an employe,
were placed under arrest, although
the guests were allowed to depart
without molestation.

The arrests were made by State
Agents McBride, McMinn and Paul-
son and County Traffic Officer R. E.
Knowles. Paulson, an under-cover
man, was inside the roadhouse enjoy-
ing the hospitality when he suddenly
flashed a brace of guns and announ-
ced the place was "ginned." His
brother officers then filed in and com-
pleted the job of spoiling the party.

At Pelican City
A short time later the same quart-
et of officers visited the Pelican
City roadhouse, where Eddie Mathew
was holding forth as host. The
guests had all departed for the night,
but Eddie and one or two of his
sides were on hand to greet the of-
ficers. A quart bottle which had been
dropped down a drain pipe as the of-
ficers entered was recovered un-
broken, and was exhibit "A" when
Mathew appeared this morning be-
fore Justice of the Peace Emmitt.

He pleaded guilty to a charge of pos-
sessing liquor and paid a \$500 fine
with a smile.

Charles Inman, taxi operator, was
held in jail last night after he had
been arrested on a charge of operat-
ing an auto while intoxicated. His
arrest by the state agents followed a
collision on the Pelican City road
last night, in which his taxi was
badly damaged.

Woman Arrested
Deputy Sheriffs Kimsey and Tracey
entered the Stearns rooming house
on Lower Main street last night just
as Mrs. Stearns was opening a door
carrying a bottle. She attempted to
hide it under her apron, according
to the officers, but they detected her
attempted sleight-of-hand work and
held her on a liquor charge. They
claim the bottle contained moonshine.

Milk And Snow Used On Blaze

PORTAGESE, Wis., Dec. 26. (AP)—
Milk and snow were used to fight
a fire early yesterday on the farm
of Thomas Brown in the outskirts
of the city when the water supply
gave out and the flames threatened
to spread from a large dairy barn
to the eight other buildings on the
place.

Milk cans were emptied into a
tank and pumped through the hose
of the city's apparatus like water.
Loads of snow were hauled as near
as possible to the flames and thos-
ed by the shovel full with such suc-
cess that the damage was only
\$6,000.

Dairy Plant Is Saved by Ingenious Method

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Striking Miners May Start Work

NEW YORK, Dec. 26. (AP)—A
proposal that striking anthracite
coal miners resume work immedi-
ately under the wage scale of the last
contract, pending further negoti-
ations was made public today by the
anthracite operators conference.