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TEXAS TRAINMEN MAY STRIKE

SIX JURORS VOTED FOR DEATH IN UPTON CASE

EUGENE O'BRIEN HURT
WHEN HIT BY TRUCK

By Associated Press.

LOS ANGELES, Cal., Aug. 11.—Eugene O'Brien, motion picture actor, who suffered a possible fracture of the skull and internal injuries when he was run down by a motor truck last night, was reported resting easily at a Hollywood hospital today.

Surgeons treating O'Brien's scalp found it necessary to shave his hair.

MINERS REFUSE PROPOSAL MADE AT CONFERENCE

HARDING CRITICISES MEN FOR NOT ACCEPTING OF- FER OF OPERATORS

By Associated Press.

CLEVELAND, Ohio, Aug. 11.—The United Mine Workers are ready to resume negotiations to end the strike in the anthracite coal regions of Pennsylvania "on any date designated by the operators' representatives," said a message sent tonight by President John L. Lewis to the Scranton board of trade.

Upton laughed and expressed himself as satisfied with the sentence. The sentence will be appealed however announced.

Special to The News.

CLARENDON, Aug. 11.—Six jurors wanted the death penalty assessed in the case of the State vs. Houston Upton, while five voted for life sentence and one voted for 20 years, it became known this afternoon after the verdict was rendered. Upton will be tried on a charge of murdering Nell Umpherson at the next session of district court in Randall county, the case being transferred here on account of the strong feeling here.

Upton laughed and expressed himself as satisfied with the sentence. The sentence will be appealed however announced.

Attorneys for the defense immediately filed a motion for a new trial. Information here is to the effect though that a new trial will not be demanded and that the verdict of the jury will stand. Filing of the motion was just a formality to avoid the defendant of a new trial, should it be desired later, it was declared here.

If the defense attorneys do not demand a new trial, it is said that the prosecution has agreed to dismiss the Nell Umpherson murder charge against young Upton.

Few murder cases ever tried in Donley County have received so much attention as the Upton case. The case began Monday with the selection of the jury, the whole day being required for this work.

The state offered its witnesses Tuesday and rested the case in the middle of the afternoon. The defense offered three witnesses the second afternoon and Wednesday morning rested. All testimony was completed Wednesday afternoon. Thursday the charge was read to the jury and arguments were made by state and defense counsel.

The case went to the jury late Wednesday afternoon. No verdict could be reached Thursday night and the jury was locked up about 9 o'clock.

Houston Upton was indicted in Floyd County on charges of killing Gladys Solomon and Nell Umpherson, 13, February 27, 1922. The defendant was charged with shooting the two girls while they were asleep at the Umpherson home. Vera Wilson, 14, who was also sleeping with the two girls escaped uninjured.

A few hours later Upton was found with a bullet wound above his heart. He was found in the Sunset school house, 20 miles northeast of Floydada in which community the persons concerned in the murder went to school. Upton was taken to a Floydada sanatorium and recovered.

Inanity was used as the defense plea.

LIGHT WIRES TO SPEAKER'S STAND TAMPERED WITH

Special to The News.

PLAINVIEW, Aug. 11.—Dr. W. A. Hamill, D. of Austin, spoke to an audience of some 1,000 people on the Evans house lawn here Tuesday night. His subject was set out on circulars distributed before the speaking began "Americanism." While the name of the Ku Klux Klan or other designated name applied to that organization was not mentioned during his talk of over an hour, it was plain to all his audience that he was emanating the Klan principles attributed to that organization.

It was also apparent that the speaker had the full sympathy of his audience from the beginning, there being frequent applause throughout the address.

Before the speaking began it was found that the electric lights in the speaker's stand had been tampered with, so the speaker, to have to abandon the stand and get nearer the audience. While the speaker was somewhat embarrassed and at first having the appearance of a handout to the speaker sat it turned out that the incident brightened the speaker's closer sympathy with the audience. The midnight appeal through the large locust trees before the speech was long in progress calling the speaker surrounded by his and some masking an immense sympathy to him at a distance.

Major Ferguson Dies.

BOSTON, Aug. 11.—Major Thomas B. Ferguson, who served as United States minister to Norway and Sweden, for eight years after his appointment to Cleveland, died here today.

He was born near Charleston, S. C., 81 years ago, and fought in the confederate army.

ROAD HEADS TO ACCEPT PROPOSALS BY HARDING

By Associated Press.

NEW YORK, Aug. 11.—The executive heads of 14 American railroads tonight conditionally approved President Harding's second proposal for peace for the nation-wide rail strike.

This unqualified statement was made shortly after 8 o'clock following a prolonged conference at the Grand Central terminal surrounded by the greatest secrecy.

Officially, it was merely stated that a committee representing virtually all the railroads in the country would wait on President Harding at the White House tomorrow with a reply to his program drafted by a committee appointed by the association of railway executives and approved by the body as a whole.

The conditions which went into the acceptance, according to unofficial sources were:

First—that the president's request that the strikers be taken back would be interpreted that the roads would hire only as many of the strikers as would be necessary to make their force normal.

Second—that such strikes are taken back turn unconditionally their seniority rights later to be established by the railroad labor board.

A statement issued by T. Dwight Culver, chairman of the association of railway executives, simply stated that a committee headed by him would await on President Harding at 4:30 tomorrow, when the conclusion reached today would be submitted to him. Meanwhile, the statement said, the decision reached would not be made public.

Mr. Culver's statement said:

"At their meeting today the railway executives gave to the proposal of the President, dated August 5, 1922, the thorough and unanimous consideration upon which it was entitled."

They took into the consideration all the elements in the situation which affected the public welfare and arrived at a conclusion which they will present to the president of the United States.

"For the purpose of making this representation a committee has been appointed. The committee will call upon the president tomorrow at 4:30 p. m. The action of railway executives cannot be made public until it has been submitted to the president."

The position taken by the executives was one they understood was neither antagonistic to the president's proposal nor to the stand they took a week ago Tuesday in saying they would have to stand by their guarantees to their old employees who had remained loyal and to the new men employed in place of the strikers.

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By Associated Press.

CLEVELAND, Ohio, Aug. 11.—Any wage contract that may grow out of the conference here of soft coal operators and miners probably will continue in force only until next April 1, it was indicated today by discussion of the operators-miners joint sub-scale committee on the general terms of an agreement.

No final decision on any question was reached, but the date for expiration of the contract was brought forward in considering what head or commission might be created to arrange for future negotiations. Past contracts have run for two years, expiring on March 31.

Operators on the committee declined to make public their proposal for future settlements, but it was understood to have suggested arbitration and in this respect met with the flat refusal of the miners. The union leaders, however, were said to approve a fact finding commission of nine men powers.

Cases Dismissed.

MEMPHIS, Aug. 11.—Soft coal railroad shippers charged with contempt of court, in connection with alleged violations of a restraining order granted the Illinois Central railroad were dismissed by W. J. Bass, United States district judge.

A last minute attempt to put the case on trial was never made.

Judge Bass refused to grant injunctions against the operators as all aid in upholding the law with the Amendment.

By Associated Press.

LAKE GEORGE, N. Y., Aug. 11.—The motor boat Cruiser, with Governor Miller, Adolph S. Ochs, publisher of the New York Times; Charles J. Peabody of the firm of Kidder, Peabody & Co., and others aboard, caught fire on the lake tonight four miles north of Lake George Village. The boat was hurriedly decked and all passengers removed. They had strapped on life preservers.

The boat was under way when the fire started.

By Associated Press.

SAN FRANCISCO, Calif., Aug. 11.—The American Legion Association convention closed tonight with a dinner at which John W. Davis of West Virginia, former ambassador to Great Britain, who was elected president of the association today, was welcomed to his new office. Other guests were Chief Justice Taft, Lord Mayor Shaw, M. Henry Alderman and W. E. Baxter, representing the British and Canadian bars, and the California delegation who attended the California in the United States.

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By Associated Press.

PARIS, Aug. 11.—Harold F. McCormick, chairman of the executive committee of the International Harvester Company, and Mrs. Alexander Smith Cochran, known to the music world as Madame Ganna Walska, were married yesterday in the city hall of the select Paris district of Paris.

Including the bride and groom only two persons were in the office of the mayor when that dignitary said the couple man and wife.

Dudley Field Malone, of New York, who was attorney for Mrs. Cochran in her divorce proceeding against the wealthy American manufacturer, and Mrs. Malone were witnesses.

The entire ceremony lasted less than two minutes, from the time that Mr. McCormick, Madame Walska and the Malones left their automobile and entered the city hall. The formality of marriage bonds being posted in the city hall two weeks in advance of the ceremony has been waived by the French authorities as a special privilege.

The entire ceremony lasted less than two minutes, from the time that Mr. McCormick, Madame Walska and the Malones left their automobile and entered the city hall. The formality of marriage bonds being posted in the city hall two weeks in advance of the ceremony has been waived by the French authorities as a special privilege.

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