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NOVEMBER, 1962/VOLUME 355 NUMBER 5

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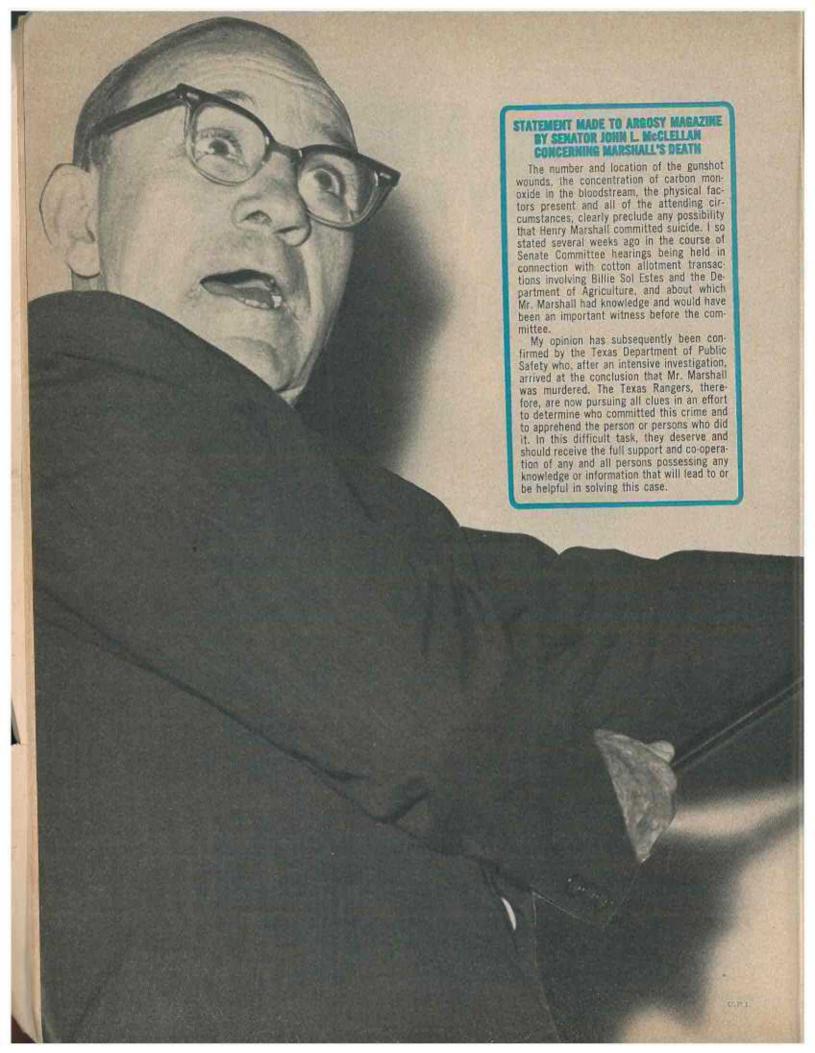
AN ARGOSY CRIME REPORT BY DONALD HAMILTON

WHO MURDERED **HENRY MARSHALL?**

The Estes prober's skull was smashed, his lungs were loaded with carbon monoxide. There were five bullet holes through his chest —and they called it suicide!

Probe of Marshall "suicide" was ordered by Judge Barron when Estes scandal broke.





WHO MURDERED HENRY MARSHALL?

CONTINUED

Murder?" said Sheriff Howard Stegall, of Robertson County, Texas, "Who says it was murder? Henry Marshall killed himself! If it hadn't been for the way he went about it, no-body'd have given it a second thought." ■ We were talking late at night in the air-conditioned little sheriff's office in Franklin, the county seat. Few people outside Texas had heard of Franklin—population, 1065—or of Henry Harvey Marshall, before Billie Sol Estes' cotton deals hit the front pages and a Department of Agri-

culture spokesman in Washington, never identified, suggested to the press that the "suicide" of Marshall, former head of the cotton-allotment transfer program in Texas, might be something other than it seemed. At this, people be-

licity hounds. They couldn't track a bull elephant across a snowbank! And all they really
had in the way of evidence was the way he shot
himself. That doesn't mean anything. Look
here." He pulled out a newspaper. "Here's a
story of a woman who committed suicide by
shooting herself five times with a forty-five automatic—and she lived for ten minutes afterwards! I still say it was suicide. That was our
coroner's verdict when it happened, and the
grand jury backed him up... No, sir, I won't
let you take my picture. I'm not going to have
any more writers and reporters making a mon-

Senator McClellan, one of those convinced that

Marshall was murdered, demonstrates how

difficult it would have been for

Marshall to have shot himself.

key of me if I can help it. It wouldn't have been so bad if they'd stuck to the facts."

■ Facts in the case of Henry Marshall are easy to come by. The

only trouble is, they don't always agree with each other, and they don't always make sense. There is,

vestigators. And the Texas Rangers, those pub-

for instance, the fact that five shots were fired but only four empty shells were found. Well, as any handloader knows, finding ejected empties in a grassy meadow isn't always an easy job, and a .22 rimfire case isn't very big. But then there is the fact that while five bullets went into the body, only four came out-and the fifth bullet was not found inside the body. To date, no bullets have been found. ■ There is the fact that Marshall had received a blow over the left eye heavy enough to cause the eye to protrude noticeably. There is the fact that, lying in an open field, he had in his lungs at the time of death a concentration of carbon monoxide that may have been as high as thirty per cent, which is getting very close to the lethal dose. If Henry Marshall committed suicide, he apparently did it six times, once with gas and five times with the gun. I On (Continued on page 91

gan looking into the tenmonths-old case, and the feeling got around that there might, indeed, be something just a little fishy about the death of a man who committed suicide by shooting himself five times in the stomach with a .22 bolt-action rifle. If Sheriff Stegall is a heavy, powerful man of fifty-three, with a craggy, weathered face. His eyes, with little creases around them, are the wary eyes of a man accustomed to grinning, who hasn't had much to grin about lately. If They gave us a rough time," he says wryly, "Reporters, FBI men, in-

WHO MURDERED HENRY MARSHALL?

Continued from page 25

Saturday morning, June 3, 1961, Henry Marshall was, according to most witnesses, a rather overworked man who, however, was not exhibiting any spectacular signs of suicidal abnormality. He weighed around 200 pounds, was almost six feet tall, and wore glasses. Fifty-one years old, he had had a heart attack in 1958, but had

made a very good recovery.

He lived in Bryan, Texas, the home of the Agricultural and Mechanical College of Texas, commonly known as Texas A and M, which is also the Department of Agriculture's headquarters in the state. Officially, Marshall's job had the jaw-breaking title of Head of Production Adjustment and Marketing Quotas of the Agricultural Stabilization and Conservation Service. He had been with this branch of the department and its predecessors for twentyfive years; only a few years previously, he had earned an award for superior service.

Mrs. Marshall, an attractive, dark-haired woman, seems to have had no qualms or premonitions on Saturday morning.

"He always went up to the ranch in Franklin on Saturday," she says. "I made a lunch for him to take along, like I always did. He was acting just as usual. . . . The gun? Why, he often carried that in the pickup. He said he was taking it along to shoot armadillos."

The armadillo, a scaly beast that looks rather like an opossum in full armor, is prevalent enough in that part of Texas to qualify as a pest.

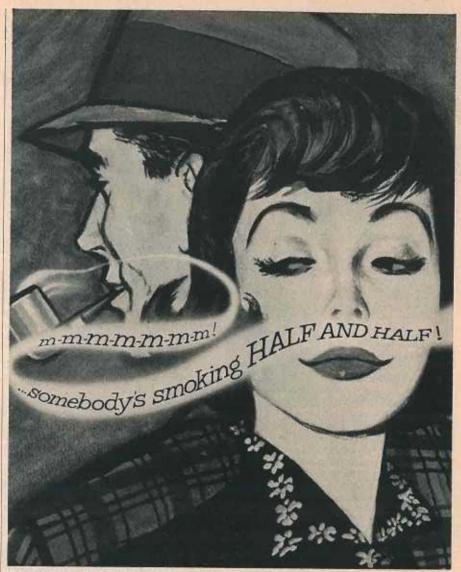
On this particular morning, Marshall started for Franklin, thirty miles away, a little earlier than usual because he was to leave his young son, Donald, with his brother-in-law, L.M. Owens, who drove a soft-drink truck for a local bottling company. L.M., as Mrs. Marshall's brother is known, was going to take the boy along to a homecoming in another town.

After dropping off Donald, Marshall paid two bills in town. His behavior seems to have caused no concern to anyone. He drove away in his Chevrolet pickup truck, heading for his 1,500-acre ranch, upon which he had some forty-odd head of cattle. Not a big spread, by Texas standards, but then, Marshall was not primarily a cattleman. However, according to a colleague in the Department of Agriculture, I.H. Lloyd, the man who was later to take his place, Marshall took his

cattle raising seriously.

The easiest way to reach the ranch is to drive about three and a half miles northeast out of Franklin on U.S. Highway 79, which is paved, and turn left on a small dirt road, four bumpy miles of which brings you to the edge of the property. This is not the wide-open, flat-plains area of Texas; the country is rolling, with small creeks, and patches of dense woods surrounding open meadows or pastures. There are doves and quail in the pastures. and deer in the woods, and Marshall, like the other local ranchers, customarily leased the place to bunters in the fall.

Marshall, having known the country since childhood, did not bother to take the



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easy way. He drove in by a back road, opened a final gate, closed it behind him, and proceeded to drive past some deserted shacks, across a meadow-and into a fog of mystery that may never be dispelled. The time, according to the best estimates, was about ten-thirty a.m.

He was not expected home until late in the afternoon. In the meantime, Mrs. Marshall, in Bryan, was making preparations for a coffee party she was to hold at a friend's house, while Donald Marshall was having an enjoyable outing with his uncle. These two got back to Franklin shortly before five o'clock. At five, Mrs. Marshall called from Bryan to learn how soon her husband and son would be home. L.M. Owens said the boy was right there; Henry had not been by to pick him up Some fifteen minutes later, Mrs. Marshall, worried now, called her brother again and asked him to drive out to the ranch and look around.

'We all kind of looked after Henry since his attack," says Owens, a spare, wiry man with brown bair. "I always used to tell him, if he had a flat tire or got stuck out there, just to sit down and wait; I'd

be along looking for him."

Owens made a quick trip out to the ranch, searched the most likely spots, and returned to see if Marshall had showed up. He hadn't. Owens picked up a neighbor named Bennett and headed back out. Presently, cruising along a narrow lane, they spotted tire tracks at the gate where Marshall had turned in, and trailed them. This was about six-thirty in the evening.

"The first thing we saw was the pickup, says Owens. "Then we saw him lying there. I thought it was his heart.

But Henry Marshall had not died of a heart attack. He lay in the grass at the left side of his pickup truck with bruises on face and hands, five contact wounds in front, four in back, and no holes whatever in the front of his shirt, which was unbuttoned and disarranged. There was blood on both sides and on the rear of the pickup truck, which had acquired a dent since last seen. There were spent 22 cartridge shells on the ground, L.M. Owens recognized the box from which the cartridges came; it was a box that had been found at a deserted house not far away when he and Henry Marshall and their respective sons had been walking around the place about a month earlier.
"Henry offered them to me," Owens

said, "but I didn't have a gun to fit them. All this did not appear at once, of course. Owens left his companion to stand

by the body, and hurried back to town, He notified Sheriff Stegall, who got hold of Lee Farmer, the local justice of the peace, who also serves as coroner, and an undertaker named McCauley. They also picked up Robert Marshall, the dead

man's brother.

At this point, there are discrepancies. Sheriff Stegall claims that L.M. Owens, Robert Marshall and Mrs. Marshall reacted to Henry Marshall's death as if they expected him to kill himself. The family denies this, pointing out that his heart condition was reason enough for them to worry when he did not show up.

"When L.M. told me he was gone, I asked if it was his heart," Mrs. Marshall

Toxas Depaytment of Public Safety

Sketch prepared by police from local description of pocked stranger who asked for Marshall shortly before his death.

says. "L.M. said no, it was the gun. It was only late that night I learned it wasn't an accident.'

This came later, after the sheriff, coroner and undertaker had viewed the body out on the ranch.

"It was getting kind of dark by this time, of course," says L.M. Owens. had to shine the light."

Perhaps for this reason, no pictures were taken, nor were the gun or pickup truck tested for fingerprints. The sheriff and coroner seem to have come to the immediate conclusion that Marshall had killed himself, despite the awkward method used. They justify their decision by pointing to the nature of the wounds, obviously contact wounds, with powder burns, and to the fact that things had been taken out of Marshall's pockets and placed on the seat of the truck-by Marshall himself, they feel, in preparation for suicide. A razor blade found on the seat, they consider, represents a final instrument of death to be used if everything else should fail.

The body was sent to Bryan where, says Robert Marshall, the Bryan undertaker refused to accept it as a suicide.

Robert Marshall is a cowman of fifty with a rugged, tanned face. He believes his brother was murdered and, together with the widow, has posted a reward of \$2,000 for proof leading to conviction of the murderer. He also thinks the investigation was bungled by Sheriff Stegall.

"If it hadn't been for Manley Jones, in Bryan," he says, "we wouldn't have any pictures at all.

Mr. Jones, the Bryan undertaker, sent for the authorities, who not only made photographs of the body, but took X-rays, as well, trying to locate the bullet for which there was no exit wound.

The body was embalmed. The funeral was held on Monday. On Wednesday, thirty miles away in Franklin, the death was officially pronounced suicide by Justice of the Peace Lee Farmer, acting in his capacity as coroner. The gun, having been checked ballistically to make sure it matched the cartridge cases found-which it most definitely did-was returned.

In the meantime, at Texas A and M, Mr. I.H. Lloyd, who had often discussed cattle breeding with Marshall in the past, had taken his place in the Agricultural Stabilization and Conservation Service. known familiarly as the ASCS or just ASC. Lloyd, a plump, round-faced, bald man of forty-eight who wears bifocal glasses, has nothing but praise for Henry Marshall, who, at one time, was his superior.

I never worked with a more genial, dedicated man with less foolishness about him," says Lloyd. "I found things in very good shape here when I took over."

Nevertheless, good shape or not, on July 5, 1961, only a month and two days after Henry Marshall's death, Lloyd requested an official investigation of the Texas cotton allotment transfer program that had been under the supervision of his dead predecessor and was now his own baby.

The program has come in for a lot of newspaper discussion. As explained by Lewis David, Marshall's former superior, the program started because the amount of acreage a farmer can plant in cotton is strictly limited by the ASCS. Each cotton farm has an allotment which is not transferable-unless that farm should be taken over by the state under its power of eminent domain, say, for the building of a dam. Then, to prevent hardship, if the dispossessed farmer buys a new farm within three years, he can apply to have his old cotton allotment transferred to his new place. At least, this was the situation at the time of Henry Marshall's death.

All was well until certain speculators in West Texas-Billie Sol Estes' part of the state-found themselves with newly irrigated land on their hands, suitable for raising cotton very profitably. Unfortunately, since cotton had never been raised there in the past, there were no allotments. Without allotments, there could be no cotton. Some bright character remembered the legal loophole made for the poor cotton farmer who'd been put off his land to make way for progress, and the hunt was on for dispossessed farmers with allotments that could be transferred but had not been.

The mechanics of the deal were simple enough. The farmer was sold a piece of the speculator's land, no money down, so much a month. He had his orphaned cotton allotment transferred to this land. He then leased the land back to the speculator, pocketed the lease money as payment for his allotment and trouble, and forgot the whole thing. When he failed to make the first payment on the place, according to his contract, the land reverted to the speculator, who could now raise cotton on it-or sell it to someone who could, at a whacking profit.

Yaturally, there had to be a few side agreements to make this operation safe for both parties. The farmer had to be sure he wouldn't be stuck with any penalties if he neglected to make his payments. The speculator had to be sure the allotment would actually be transferred. If it wasn't -if the ASCS refused to approve the transfer, for instance-the whole deal was off.

While the basic arrangements might not be strictly illegal, these secret side agreements were. The program had been instituted to prevent hardship to farmers, not to make money for speculators. According to Lloyd, Henry Marshall had been heard to comment that he thought these deals were subterfuges. There have been suggestions that he was doing more than comment at the time of his death. However, technically at least, it was Lloyd, his successor, who really blew the whistle on Billie Sol Estes.

The report of the investigation asked for by Lloyd came out around the first of October, and that, as they say in Texas, was when the egg really hit the fan. That winter saw a great deal of trouble coming Mr. Estes' way, and in the spring of 1962, the name of Henry Marshall hit the news again. On April eighteenth, Bryan Russ, county attorney of Robertson County, read the news release mentioned earlier, in which an unnamed Agriculture Department spokesman in Washington suggested that Marshall had been murdered. (The evidence on which this suggestion was based has never been made public.)

Bryan Russ is a good-looking, well brushed young man with a law degree from the University of Texas, who has been prosecutor of his county since 1953. He had never met Henry Marshall. During the winter, however, the name had come to his attention when Mrs. Marshall had made a futile effort, through her lawyer, to have the suicide verdict changed. Now it seemed to Russ that the time had come for him to take action.

"If anybody has really been murdered in my county," he says, "I want to know about it"

Russ consulted with District Judge John M. Barron, whose Eighty-fifth Judicial District comprises both Brazos and Robertson Counties, Judge Barron agreed that a grand jury investigation was indicated. A grand jury commission had routinely selected sixteen potential jurors in January; now, on Judge Barron's orders, a jury of twelve was impaneled from these to hear testimony and weigh evidence in the Robertson County Courthouse—or rather, in the low, shedlike annex that, in addition to the grand jury room, houses the offices of sheriff, justice of the peace and county agent.

The Robertson County Courthouse proper is a massively ornate, boxy, oldfashioned structure of yellow stone, built in the 1880s. The third story, however, wasn't added until around 1925.

Upon this old building, and the quiet, shady, shabby square around it, in May of 1962, descended all the personnel and paraphernalia of modern law-enforcement and communication. Texas Rangers and FBI men mingled with newspapermen and TV cameramen, all sweating in the Texas heat, even so early in the spring. The grand jury sat for nearly five weeks, it was actually in session eleven days, or about a hundred hours. It heard testimony from more than seventy-five witnesses, including Billie Sol Estes himself.

The first sensation was, of course, the exhumation of Henry Marshall's embelmed body, and the autopsy performed by Houston Medical Examiner Joseph A. Jachimczyk, a well-known forensic pathologist, assisted by Dr. Ray Cruse, of Hearne, Texas. Dr. Jachimczyk's report contains the first mention of carbon monoxide in the case: a concentration of fifteen

per cent was found in the lungs. Making allowances for the losses due to embalming, this indicates that as much as thirty per cent could have been present at the time of death. Medical authorities checked by Ancosy, however, felt that, considering the length of time before Marshall's body was exhumed, an estimate of thirty per cent carbon monoxide was conservative—that it could have been much more.

(An interesting sidelight is the fact that subsequent to Marshall's death, three other people who were in some way connected with the Estes case died from carbon-monoxide poisoning. All three were judged suicides. In late March, a man named George Krutelik, officially an accountant for Billie Sol, was found dead in his car. Local people feel convinced that he actually did commit suicide. Mr. and Mrs. Ellis Mattox were also judged carbon-monoxide suicides after the start of the Estes hearings at which Mattox's brother appeared as a witness.)

The autopsy report is twelve pages long and goes into minute detail. It states, for instance, that peas, beans and raisins were found in Marshall's stomach. Mrs. Marshall says the raisins were part of the lunch she had packed for her husband—the only part that had been eaten when the lunch was found. The peas and beans, she thinks, must have been from his dinner of the evening before.

Dr. Jachimczyk takes up the matter of the missing bullet. He suggests that it could have dropped out through one of the incisions made in the course of embalming. However, the evidence seems to indicate that the body was X-rayed before being embalmed. Less likely, he thinks, is the possibility that two bullets found their way through the same exit holes.

He discusses the bullet wounds at length. Three of them, he says, were incapacitating. His conclusion, taking into account gas, bruises and wounds, was: possible suicide, probable homicide. It strengthened the suspicions of those who had felt there was something very fishy about Henry Marshall's death.

Testimony before the grand jury is not made public. It is not known, therefore, what contribution Billie Sol Estes made to the case. Rumor indicates, however, that he took the Fifth Amendment, or its Texas equivalent, several times.

A filling station attendant named Griffin, in the nearby town of Hearne, created another faror by calling up County Attorney Russ and saying that the sight of Marshall's name in the paper had reminded him of a man who'd been asking directions to Franklin, and particularly to the Marshall place, around the time Marshall was found dead.

According to him, the man had been dark, with scars on his face—pockmarks or acne scars. He had been driving a white station wagon. Griffin had sold him gas and answered his questions. The following day, the man had returned and said, as nearly as Griffin could remember, "You sent me to the wrong Marshall, but I got my deer lease anyway."

He drove away. Griffin never saw him again. Nobody else had seen him, either, and no deer leases had been issued to pockmarked strangers at that time. A picture Stop wasting time in a dead-end job! Enjoy the big rewards offered the Law-trained man in business

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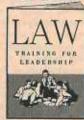
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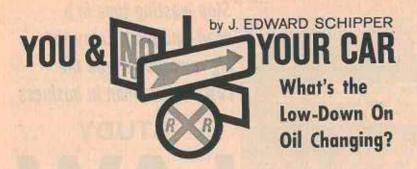
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The fog is lifting on oil changing frequency! The American Petroleum Institute, the authority on fuels and lubricants, has been quite conservative. On the other hand, the automobile manufacturers have gone the other way. Actually, the answer is exactly the same as to the question, "How many miles to a gallon should I expect?" It all depends on how, when and where you drive.

A 1963 car buyer is likely to note in his owner manual a considerable change. This has resulted from much closer agreement between the Petroleum Institute and the car makers based on a recent A.P.I. study panel. To illustrate, we will quote from the maintenance and lubrication recommendations for all Chrysler 1963 models:

"Lubrication and maintenance services for 1963 Chrysler Corporation cars (Chrysler, Imperial, Dodge, Dart, Plymouth, and Valiant) have been revised to provide better protection to car components against the effects of all types of driving conditions. These new recommendations are based on a time-interval maintenance schedule, with mileage limitations imposed, where necessary, to take into account the fact that driving conditions and driver habits vary widely."

The automotive and petroleum industries have agreed that the oil producers and refiners are responsible for developing and marketing lubricants capable of satisfying the engine requirements. The automobile manufacturers have the responsibility of recommending the type of oil to be used for different temperature conditions. But the

car owner has the responsibility of maintaining his car.

All authorities agree that the best results, as far as lubrication is concerned, are achieved with long trips (over twenty miles) at expressway speeds. If all, or most, of the driving is done under these conditions, then the maximum interval between oil changes is all that is required. On the other hand, operation of the car for short runs, say up to ten miles in stop-and-go city traffic, at low speeds, provide the worst frequently encountered conditions. Recognizing this, the Chrysler 1963 manuals recommend an oil change at least every two months or 4,000 miles, whichever occurs first.

Even with this fairly comprehensive recommendation, an exception is made for cars that are operated under very adverse conditions where the owner should seek the

advice of the local dealer's service manager.

These questions are often asked: "What would constitute the most adverse conditions for engine lubrication?" "What conditions apply to make oil changes necessary more frequently?" Three conditions call for added precaution: Extremely cold weather when the car is operated short distances without a chance to warm up the engine; traffic conditions in which the car is continually driven at speeds under twenty mph.; frequent operation of the car in areas thickly covered with gritty dust.

There are many locations in the country that are predominantly sandy, or extremely dusty, without any road improvements to ease the situation. This will not only require frequent oil changes but also careful servicing of the air cleaners and oil filters. Here is where the advice of the service manager of your good local dealer comes in.

Where trips are longer and the speeds are faster, the higher engine operating temperatures actually dissipate the impurities in the oil. Under this condition, the 4,000-

mile oil change should completely satisfy the situation.

Not long ago, the American Petroleum Institute presented to the car manufacturers a report of a study panel covering the effects of different frequencies of oil change. The tests equaled 30,000 miles of travel. The subjects covered were gummy deposits which form on piston rings, valve actions, ring clogging, over-all engine deposits, contamination of the crank-case oil, build-up of crank-case sludge, piston-ring wear, etc.

Probably the thoroughness of this examination has had much to do with the formation of oil-change policy by car manufacturers. The 30,000-mile tests showed the follow-

ing results comparing a 2,500-mile change: interval with 1,000 miles:

1. More than twice as much "varnish" forms at 2,500 miles.

2. Three times as much of oil-ring clogging at 2,500 miles.

3. Over-all engine deposits increase.

- Oil contamination is mild at 1,000 miles but at 2,500-mile intervals, the piston wall is covered.
- 5. Sludge build-up increases. The longer the oil is used, the more sludge appears.
 6. Piston-ring wear more than doubles when oil-change intervals are extended from

1,000 to 2,500 miles. This test was made with laboratory radio-active tracers. It must be remembered that these are laboratory tests with extremely fine measurements and do not in all cases indicate any particularly dangerous situations.

Summing up the entire situation, if the owner is perpetually driving slowly for short-distance trips, including bumper-to-bumper driving, 1,000 miles should be the proper oil-change interval; long trips at rapid speeds, 4,000 miles, or every two months. In extremely sandy or dusty conditions, watch your filters and consult your local service authority on frequency and other precautions. Finally, check your oil level each time you buy gas between changes, keeping the level up to "full."

of the man was drawn by the Texas Rangers from Griffin's description and widely circulated, without result.

The final sensation of the trial was the statement of the grand jury foreman on Monday evening, June eighteenth:

"The Robertson County grand jury, after considering all the known evidence, has determined the evidence is inconclusive to substantiate a definite decision at this time or to override any decision heretofore made."

The death of Henry Marshall, in other words, was still suicide. How the jurors reached their conclusion is not known, since grand jury transactions are shrouded in legal secrecy. Some time later, however, a juror named Pryse Metcalfe, a local grain dealer, wrote a letter defending the decision. The letter throws some light on the reasoning behind it.

The jury felt, Metcalfe said, that the testimony showed Marshall to have been in a depressed state. They felt he could have committed suicide in a way that explained the evidence. Specifically, it was suggested (a) that he had first tried to kill himself by breathing the fumes of the truck exhaust, using his unbuttoned shirt as a kind of tent; (b) that, failing in this attempt, he had got up and shot himself the required number of times, and (c) that he then either fell hard enough, or thrashed around violently enough in dying to cause the bruises on his face and hands. It is interesting to note that Pryse Metcalfe also happens to be Sheriff Stegall's son-in-law.

A good many people, in Texas and elsewhere, found the grand jury's decision, to say the least, disconcerting. A month after the jury's dismissal, Colonel Homer Garrison, Jr., Director of the Texas Department of Public Safety, made public a letter to Judge Barrou in which he stated that a preliminary investigation conducted by Captain Clint Peoples of the Texas Rangers showed that Mr. Marshall's death could not have been the result of suicide; the Department would therefore continue its investigation on the assumption that

Marshall had been murdered.

Colonel Garrison's letter points out that it would have been necessary for Marshall to have had sufficient control of his equilibrium to have fired five bullets into the front of his left abdomen with a .22caliber, bolt-action rifle, taking it down each time and ejecting the fired shell. The five bullets passing through his body traveled at substantially the same angle, giving further indication that he would have had to have good control of his faculties. This grim feat of stoicism and endurance, Colonel Carrison points out, would have had to be performed by a man who had previously inhaled a nearlethal dose of carbon monoxide, a man who, it had been determined, could not completely straighten his right arm due to a serious childhood injury.

The term "incapacitating" used by the medical examiner in describing three of the shots that penetrated Marshall's body is generally considered to mean that one such shot would be enough to put the victim totally out of commission.

A medical analysis of the type of head wound Marshall suffered indicates that the blow was serious enough to have been the

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cause of death, and certainly enough to have rendered him unconscious.

Other evidence which led the Texas Safety Department to conclude that Marshall was murdered was summarized in the three-page release. Colonel Garrison points to the fact that there was blood on the outside of the truck but none on the inside, although the engine was turned off. No equipment was found with which the carbon monoxide could have been administered, says the Colonel, apparently discounting the dead man's shirt. There was nitrite only on the tail of the shirt. There was blood on the ground only where the body lay. The dent in the truck was caused by some instrument other than a human head or hand. It was on the side opposite that on which the body was found, indicating a possible struggle here.

The man to whom the letter was addressed, Judge Barron, at whose orders the grand jury had been convened and dismissed, agrees with Colonel Garrison's conclusion. The judge is a distinguished-looking man of forty-eight, whose family has lived in that part of Texas since 1869.

"I did not preside at the investigation; that is the function of the county attorney," Judge Barron says. "I guess that leaves me free to say, unofficially, that I believe Henry was murdered. No, I won't speculate about the motive. He was a brilliant, methodical man, probably the best man the Department of Agriculture had in this state, but very quiet. He never talked much about what he was doing."

Marshall's reluctance to talk about his work becomes important in a consideration of his exact position with respect to the shady cotton-allotment transfers. This question has been the subject of much heated discussion. There have even been suggestions that Marshall was playing ball with Billie Sol Estes. Will Wilson, Attorney General of Texas, has been quoted in the press to this effect. On the other hand, it has been suggested that Marshall was preparing a trap for the speculators.

According to Pryse Metcalfe, the letterwriting juror, the grand jury was convinced by the testimony that "an extreme amount of pressure was applied to Mr. Marshall concerning the legality of these transfers."

Metcalfe presents this as a motive for suicide. Whether or not his reasoning is valid, it certainly indicates that Marshall was deeply concerned with these matters at the time of his death. And it cannot be overlooked that immediately after taking over Marshall's position, I.H. Lloyd called for an investigation.

Lloyd does not say, publicly, what prompted his action. There seem to be no more than two logical possibilities. Either he found signs of guilty complicity on his predecessor's part, and moved quickly to protect himself, or he found some hot evidence Marshall had been collecting against the speculators—evidence that was almost ready for use when Marshall died.

Actually, it does not matter greatly, except to Marshall's family and his memory, which supposition is true. If Marshall was getting ready to spring a trap, there was good reason for killing him. But if he was guiltily involved, there was also a motive. People have been killed because they got



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nosy and learned too much about profitable illegal operations; but they have also been killed because, involved, they were about to crack and spill the beans. (In fairness, it must be pointed out that no evidence has yet been produced to indicate that Henry Marshall profited in any way from his position as head of the cottonallotment transfer program.)

Well, was it, in fact, murder, or did Henry Marshall kill himself, as Sheriff Stegall and Justice of the Peace Lee Farmer still stubbornly insist. Farmer, a big, strong-looking, elderly man with white hair says: "When I come to the Pearly Gates, if St. Peter asks me about Henry Marshall, I'll still say it was suicide. Death from gunshot wounds, self-inflicted. is the way my report reads. Nobody told me to write it that way, and nobody bribed me to, either."

The possibility that he is right in his stubborn judgment can't be completely dismissed. As Dr. Jachimczyk, the pathologist who examined the body after exhumation, writes in his report: "... one cannot say, however, on a purely scientific basis, that a verdict of suicide is absolutely impossible in this case; most improbable, but not impossible."

It's a bizarre way of committing suicide, however, and it conflicts with the known character of Henry Marshall, a quiet, careful, systematic, methodical man. No preparations were made for suicide. The gun was one he often had with him; the cartridges were old ones that had been found by a deserted shack. And according to the grand jury, his first idea was not to shoot himself, anyway; it was to poison himself with exhaust fumes. But he had apparently made no provision for this whatever. No equipment has been found that could have been used to pipe the gas into the truck cab, which would have been the logical way of going about it.

No. if the grand jury's theory is correct, Marshall simply lay down at the rear of his truck with his shirt up over his head and tried clumsily to trap enough monoxide to kill himself. The assumption must be that either he cracked up very suddenly after leaving town that morning apparently normal, and went into a crazy, inefficient frenzy of self-destruction . . . or he didn't do it.

Of course, it's also a bizarre way of committing murder. It has a kind of wild, haphazard, inexpert look that hints at a spur-of-the-moment crime performed by a panic-stricken amateur. Along these lines, it has been suggested that Marshall might have run into a poacher or trespasser. However, that possibility has been explored by the authorities and dismissed.

This leaves the probability that Henry Marshall did meet his death at the hands of an outsider who simply loused up the job in a crazy way. Or was the job bungled? After all, it was officially called suicide, and still is. If it was actually murder, that method can hardly be called bungling. The murderer almost got away unsuspected; he certainly gained almost a year's start on the police, a start that may prove decisive in the end.

If the grand jury had hoped to bury the case by upholding Lee Farmer's old verdict of suicide; it was disappointed. Henry Marshall's name is still in the papers, linked with that of Billie Sol Estes. Only recently a high Department of Agriculture official swore before a Senate subcommittee that Estes had mentioned the death of Marshall while voicing threats designed to halt the Federal investigation of Estes' cotton dealings-this in October of 1961, long before Marshall's suicide had been publicly questioned.

Perhaps it's best to leave the last word on the case, at this time, to the Texas Rangers, who have been accustomed to the last word in Texas criminal matters for more than a hundred years. Company F of the Rangers is stationed in Waco, sixtyfive miles north of Franklin, and has its headquarters, unromantically enough, in a kind of one-story shopping center at the edge of town,

Captain Clint Peoples, in charge of the Waco company of Rangers, is a compact man of fifty-one, not tall for Texas, who has been in law enforcement since 1930.

"I've been on this case since May eleventh, nineteen sixty-two," he says, "It puts us under a real handicap, coming in eleven months late like that,

There is no doubt in Captain Peoples' mind that Henry Marshall was murdered. Peoples is the investigating officer who supplied the information upon which his superior, Colonel Garrison, based his announcement that the Department of Public Safety still considered the case one of murder. Peoples dismisses the possibility that it could be, so to speak, a local case,

a crime committed by somebody close to Marshall. "We've checked them all out thoroughly," he says. "No, we haven't eliminated the pockmarked man who was asking for Marshall in Hearne. We're still hunting for him.

He does not like to disclose his theory about the mechanics of the crime while the investigation is still in progress.

Well, the shooting came last," he says reluctantly. "Yes, I guess you can say he was hit on the head first. It knocked him out. There was serious brain damage. No. I'd rather not talk about how he got monoxide in his lungs at this time. We're convinced the shooting came last, though. The motive? Well, there's no doubt that Marshall was opposing some cotton-allotment transfers, checking into them, and came into opposition with"-at this point he grins briefly-"with carious people. That's all I can say right now.'

Captain Peoples still has the death weapon in his car. He consented to pose with it, but reacted unfavorably when I made some comment about the possible value of publicity to him and the Rangers.

"Publicity?" he said. "We're not working for publicity. We just want to catch this fellow.

Much of the argument concerning Marshall's death goes through devious logic to explain how Marshall could have committed suicide. But the interesting question is: How did Sheriff Stegall, on finding the body with the head wound and the five bullet holes in it, come to the conclusion in the first place that it was suicide?

When we asked him, he could only say: "Well, it looked like suicide, dammit!" .

DISPATCH "HEAVY YOU" Continued from page 54

reached the platform and waited, as safety regulations required. There was something sinister about the black darkness inside those enormous thirty-ton hoppers that were clustered like upside-down cottages. That stinking darkness was no place for a forty-two-year-old father of thirteen children to be crawling around.

Allor reached the hoppers and squinted into the semi-darkness. While low, there was enough sand, rock and cement to start the run of bagged cement.

"Now to get the hell out of here." He felt for the rung of the ladder that would take him back up to the primary catwalk, out to the platform and down to the ground. Starting up the ladder, he was suddenly seized by a terrifying realization.

"My God! My legs and arms are going numb!"

Allor swallowed hard. He swallowed again and tried to shake off the dizziness blurring his vision. His nostrils and lungs stung horribly. All his muscles tensed, and then he felt his strength ebbing.

"Stan," he whispered weakly.

Stan Burkholber did not hear him. He was looking out across the Sun Valley industrial district of Los Angeles as the breeze that balmy Thursday morning, March 15, 1962, swept across the yard.

On another platform, some twenty feet above him, Malcolm "Woody" Overton was repairing the conveyer motor.

"Mighty fine day we're havin' after all

that rain." Burkholber called up to him. Bill Allor now knew he was fast slipping into unconsciousness. He had to get help,

"Stan!" Burkholber squinted into the darkness of the bunker. "What's wrong, Bill?"

"I'm not going to make it out!"

"What?"

"I'm not going . . ." And then he felt himself go limp. His fingers slipped from the rung and William Allor, twenty-four, married, father of three children, plunged down into a bottomless abyss.

Stan Burkholber heard Allor's body thud deep down inside the hoppers.

"Bill!"

No answer.

"I've never been in there! How would I ever find him? But somebody's got to get

Bill out!" be thought.

The faces of his thirteen children flashed through Stan Burkholber's mind and then he plunged into the darkness. The stench hit him instantly. Coughing, he groped his way along the catwalk. He felt himself getting sick as he reached the nine-inch bunker supply tube. He squirmed past the tube and edged around the shaker screen.

"Where the hell is the access hole?" He swept the darkness ahead with his arms. No opening. And then, feeling consciousness fast slipping from him, he stumbled and staggered back along the catwalk until he was out on the platform again. Gulping in fresh air, he finally was able to yell. "Woody!" Overton looked down.

"Woody! Get down here! Bill fell into the bunker!"

Overton started down the ladder as Burkholber went down hand-over-hand to the ground to call for help. He burst into the Red-E-Crete office.

"Bill Allor is trapped in the bunker! Call the fire department!"

Seconds later-at 8:07 a.m.-dispatchers in the Van Nuys Signal Office of the Los Angeles Fire Department plugged in their switchboard and pushed down some keys that set alarm bells jangling in the widely scattered stations of Rescue-Ambulance Ninety-eight Engine Seventy-seven, Engine Eighty-nine, Truck Sixty, and Squad Sixty. Crews hurried to their rigs and pulled on their turnout coats as captains scribbled the Red-E-Crete address.

Battalion Chief Dick Williams, lanky, softspoken veteran of a quarter of a century of fire fighting and rescue duty, answered the fire phone in his office.

"Battalion Twelve!" said the signal office dispatcher. "Respond to Eight-four-ohone Tujunga Avenue in Sun Valley. Red-E-Crete plant. Man trapped in hopper!"

Chief Williams slammed down the phone. "Let's go!" he called to his aide, Fireman Bill Baird.

The Van Nuvs dispatcher simultaneously rang Fourth Division Chief Pat Ferguson, who supervises all LAFD operations in the San Fernando Valley. Chief Ferguson quickly pulled his dark blue uniform coat

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