

WELCH IS STILL BEING EXAMINED

Details Every Event From the Theft of the Carload of Horses to the Final Sale and Disposal of Money

After the attorneys had made their opening statement to the jury, Walter A. Welch was put on the stand and gave a detailed account of the sealing and shipping of the carload of horses, for which Charles Liskey is now being tried. A night session was necessary for Welch to complete his testimony.

Welch gave an account of his first coming to Klamath County and his movements since that time. He stated that he had been working for Mr. Stewart all last summer handling cavalry horses, and that when Mr. Stewart left he told him that if he ran across any polo horses to let him know and to buy them for him. He had worked as a clerk for Mr. Davies at his store in Dairy, and at the Shook ranch and other places and had become acquainted with Liskey.

He had a conversation with Liskey about polo horses and was told that he had four or five of his own, and that Wallis had four or five, and he knew of some more, and would go to the Reservation for some. He telegraphed to Mr. Stewart and was authorized to get a carload and get an option on them.

When he went to Liskey's day after Thanksgiving Liskey told him about some mares of Strubel's that were gone, and said the people thought he had them hid away in the hills, and asked him to tell in front of the people on the ranch that he wanted to hire him to go with him and help buy some polo ponies. A man by the name of Pearson and his wife were staying on the ranch, and Liskey asked me how much I was going to give him, and I told him \$1.50 a day would be satisfactory.

They started for Wallis' and stopped at Dairy where they heard that two of the Liskey boys were arrested by the sheriff for stealing the herd cattle. Liskey said he would have to go back to see what the trouble was, so they both went to the Liskey ranch, the home ranch. The boys had not heard anything about it so they went to Wallis' the next day.

The rode five or six days, and the second day wound up by Mrs. Fitch's place and found some horses on the foot of Round mountain. There was a little brown Indian mare in the bunch and Liskey told him she was an stray and they might as well take her along. He replied "It goes with the Swede." That he claimed was the starter of the whole business. The next bunch they ran across had Jim Wight's sorrel driving team in it

and they took them along, and run them all into Wallis' pasture.

When they were bringing the horses back they got away and he rode ahead to stop them, but before they got them collected again they came out in front of Mrs. Fitch's place, and Mrs. Fitch and the hired man were there and saw them.

They stayed at Wallis' that night and then Liskey went home to see about the boys being arrested. He and Wallis went to Bonanza to get his horse shod. That, after dinner, they bought a lunch at Bradley's and wire cutters at Broadward's. They then returned to the ranch and on the way ran onto a bunch of horses with the little Indian mare and the black Vinson mare in the bunch, and drove them into the pasture. They rode next day but did not find any horses. Wallis was worried about Liskey not returning, and he went to Charlie Liskey's that night and found him in bed, and stayed with him all night.

The next morning he and Liskey left the ranch telling the Pearsons that they were going to the Reservation, and met Wallis about a mile from Wild Horse Springs on the Yainax road. They had ridden five or six days and only secured 19 or 12 horses fit to ship, and were pretty badly discouraged, and were thinking of giving it up.

Going down from Wild Horse ridge they ran across a big bunch of horses probably 25 head, mostly Vinson's, and they drove them to the Wallis pasture. Mr. Logue, Wallis' father-in-law, stayed at the house with them that night and in the morning he recognized Wight's sorrel team in the pasture, and they turned them out. That day they cut out 21 head of the best of the bunch, the fattest and best ones fit to ship, and the others, about 49 or 50 head, were turned out into the hills. After dinner they started out with the bunch and about dusk crossed Lost River and started out through the hills for the Lava Beds, and had to cut from 10 to 12 fences on the way. They arrived at the Lava Beds about three o'clock in the morning. The next morning about daylight they started again. Wallis going with them for about an hour and a half, and after giving them directions how to go, started back for Bonanza.

The following night they stayed in the Lava Beds and next day had a hard time traveling over the rocks. They arrived in the evening at the

Hence ranch, and he went to the house and got permission to stay there all night, and put the horses in the corral. A family by the name of Smith lived there, from whom Liskey had bought his ranch near Dairy, and Liskey said he thought they knew him, also a man by the name of John Bias, whom they both knew. They had intended getting someone to help drive the horses to Mt. Hebron and Liskey was to return, as he did not want anyone he knew to see him with the horses, but they did not want to ask any of the Smith boys, and so they both decided to go on to the railroad and take the chances.

When they arrived within a mile of Mt. Hebron, he left Liskey there and went on into town to make arrangements to get a car. The station agent told him that he could fit him out so that he could ship at two o'clock that day. He made the contract and had the horses brought in and loaded on the car and consigned them in his own name, W. A. Welch, to E. Stewart, Western Horse Market, San Francisco. He got his dinner and went to the train. After Liskey got his dinner he came down to the train just before it pulled out and bid him good bye, and said he would start back that day and probably stop at the Bruce ranch that night.

On the train he met Tom Offield who wanted to know where he was going, and he told him he had a carload of horses which he was taking to Stewart. At Sacramento one of the horses which was a little lame, was left at a livery stable, and the remaining 29 went through to San Francisco, where 19 were sold to a buyer from San Jose for \$50 a head, the other being an old mare, was sold for \$20. After the sale a settlement was made with Mr. Lyons, one of Stewart's men, who, after deducting the commission and expenses, gave him a check for \$771. He then went to the Mission Bank and had the check cashed and bought a Portland draft for \$600, putting the balance in his pocket.

He remained in San Francisco two or three days and then went to Sacramento and finally came back to Klamath Falls arriving here on Christmas. He then went to Bonanza and hearing that there was liable to be trouble left and went to Sacramento, where he was later arrested.

When Court met this morning the motion for the defense to strike out certain evidence given by Welch was argued. Mills contended that where the indictment charged the stealing of a number of horses, the evidence tended to prove the theft of a certain number of mares, fillies, geldings, etc. Decisions from the courts of Texas, Montana and other states were quoted showing that the Supreme Court held that the charge had to be sustained by the evidence. While the decisions of the Texas court was favorable to the defense, the prosecution argued that the decisions of a larger number of other state Supreme Courts held that the term horse included all the species,

as mares, geldings, etc. The motion was overruled by Judge Noland.

Walter Welch was then placed on the stand and cross examined by Mills. He stated that he was 38 years of age and was born in England. He came to this country when 16 or 17 years of age and first stopped at Baker City. Since then he had been all over the Pacific Coast. Working at Prairie City, LaGrande, Portland, Ontario, and the Burns country. He came to Klamath County in the fall of 1906, stopped at Dairy and then went to work on the Frank Adams ranch. He also had spent a number of years in Canada, Montana and other states.

He had worked for Henry Egle driving horses from Wagonfire country. He made three trips coming by way of Sprague River through Yonah Valley, crossing the Lost River near Horton's and stopping at the Adams ranch. From there the horses were taken to Montague where they were shipped. He had worked some time for Stewart, not all the time, but principally in summer. He had never bought any horses for Stewart, but had instructions to buy horses.

He worked at the Shook ranch in summer of 1907 and that fall clerked in the store at Dairy for Mr. Davies. Also worked a short time for Chas. Drew and then went back to the Shook ranch. Had been with Shook's three different times. He had helped Mr. Stewart's foreman drive horses to the railroad and had helped break horses at the Adams ranch.

By the questions of Mr. Mills a statement was secured showing every action since he first came into the country. Mr. Welch was still on the stand when the Court took a recess for noon.

When Court convened at 1:30 Welch resumed the stand and Attorney Mills proceeded with the examination. The witness stated that during the past three years he had driven from wagonfire mountain between 500 and 600 head of horses.

Judge Noland interposed a query in the matter of the cross examination as to the purpose of the line of questions, the object being to practically serve notice that everything would be done to expedite the trial of the case.

The witness stated that the first time the proposition to steal horses was broached was near Mrs. Fitch's house, where he went to look at some polo ponies Liskey and Wallis owned. There was a U. C. mare on the ridge. Liskey said: "There's a mare that could be sold in Frisco. What do you say to taking it along? It would help pay expenses." to which the witness replied: "It goes with the Swede."

This conversation was had before they reached Mrs. Fitch's. After they left there Liskey and witness had some conversation about stealing horses; but Wallis did not engage in these talks.

After reaching the corral with a bunch of horses gathered that trip, the question of stealing the horses was gone into thoroughly, and it was decided to abandon the question of securing polo ponies and steal a carload of horses for the Frisco market. This was about December 4.

"Isn't it a fact that you got Liskey and Wallis to gather a bunch of horses for you, on the pretense that you wanted to buy some polo ponies, and after you had cut out a lot of mares and gelding suitable for your purpose did you not get some one to aid you to drive these horses to the railroad, your purpose being to steal those horses?"

"No, sir, I did not."

Attorney Mills followed the horses step by step from Wallis' corral to San Francisco and their sale. He had the witness detail all of his movements from the time the horses were sold until he was placed under arrest. The cross examination had reached the conversations carried on between him and the officers of this county as the Herald went to press.

CONCERT FOR BENEFIT OF THE LIBRARY.

A concert will be given on Wednesday evening, March 3, 1909, by the faculty of the Klamath Conservatory of Music, assisted by Ivan Daniels, cellist, and the Shakespeare quartet. It is to be given for the benefit of the Klamath Falls Library. A special feature of the program will be the trios by Elsie Apple-

CRATER LAKE ROAD BILL IS PASSED

Appropriation from National Government All that is Now Needed to Insure the Building of State Highway

The Crater Lake Road Bill passed the Senate today and will now go to the Governor for his signature. The bill passed the House several days ago, but there was some fear that it would be held up in the Senate.

This practically assures the building of the Crater Lake Highway, as both Klamath and Jackson Counties have pledged their share, and with the appropriation from the state, it is believed that further help will be forthcoming from the National Government.

The legend is, that the Eri-King was monarch of a forest folk who were like human beings, except that they had no souls. The only way a soul was to be secured was by stealing that of a young child, which would mean the child's death.

The song represents a father riding by night in haste thro' the forest, holding his little son before him. The child in terror sees the Eri-King pursuing them, and it is in vain that the father tries to reassure him, telling him it is only fancy that he sees the dreaded creature, and hears his seductive voice calling him. In the very difficult accompaniment is heard the galloping of horses, and the wailing of the wind, all going to the perfecting of a wonderful drama.

The Shakespeare quartet, composed of pupils of Mrs. Zumwalt, and under her direction, needs no further introduction. The admission will be 50 cents. Students of the Conservatory free.

EVANGELISTIC MEETINGS.

A series of evangelistic meetings, conducted by Rev. A. Murrmon, of Chicago, will begin March 7. Geo. Hurn's new hall has been secured for this purpose, since none of the churches are large enough to accommodate the crowds that Rev. Murrmon is sure to draw.

Henry Rabbes and William Wagner have purchased from P. B. Southworth, the Klamath inventor, a half interest in the egg tester patented by Mr. Southworth. It is their intention to proceed at once to dispose of the territory, selling state rights for the sale of the invention.

The big demonstration of teas and coffee will be given at the Monarch tomorrow. Don't fail to visit our store. You may be able to learn something valuable in the selection and making of these beverages.

The Ewauna Encampment, I. O. O. F., will initiate five new members into the order this evening. All members of the camp and visiting patriars are cordially invited to attend at the A. O. U. W. Hall.

Deep snow has prevented 20,000 wild elk from grazing in Wyoming, and they are devouring the haystacks of the farmers. The legislature has come to the rescue and will provide feed for the starving animals.

WORK BY ENCAMPMENT.

The United States Bank Corporation has announced its profit-sharing plan for the present year. Employees may subscribe for the preferred stock at \$110 a share and the common stock at \$50 a share. The common stock has never been offered to the employees heretofore. The preferred stock has been offered in the different years at the following prices: 1903, \$82.50; 1904, \$55; 1905, \$87.50; 1906, \$100; 1907, \$102; 1908, \$87.50; 1909, \$110.

That the American people re-trenched on the so-called "luxuries of life" during the recent hard times, is evident from statistics just issued by the Department of Commerce and Labor. Four million dollars' worth of automobiles were imported during 1907, but in 1908 there were only two and a quarter million dollars' worth. In 1907 there were imported 985,000,000 pounds of coffee, but in 1908 only 890,000,000 pounds. In 1905 there were a billion pounds brought in. In 1907 more than \$35,000,000 worth of diamonds were imported, while in 1908 there were but \$14,000,000 worth.



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