

MOVING SHOVEL TO UPPER LAKE

GRADE FINISHED BELOW CITY-- TRAINS TO THIS CITY BY MIDDLE OF APRIL.

The steam shovel of Erickson & Peterson, the Southern Pacific contractors, which has been at work on the cut below the city, was brought up the lake this morning on a barge and unloaded at Oak street. The work on the grade below the city has been finished and the steam shovel will be used on the cut between the Hot Springs and the Upper Lake.

It was learned from an official source today that the Southern Pacific Company expects to have trains running into Klamath Falls by the middle of April. This is the first information of this nature which has been given out since the announcement of the change of the terminus to Holland, and it is considered as reliable.

There is nothing to hinder beginning laying track as soon as the grade is finished across the marsh, and it is stated that this will be completed in less than two weeks.

ASK EXTENSION OF FRANCHISE

CITY COUNCIL WILL ACT ON REQUEST OF LIGHT & WATER CO. FRIDAY.

The City Council will hold a meeting Friday night for the purpose of acting on the request of H. V. Gates, of the Klamath Falls Light and Power Company, for the extension of the company's franchise. The franchise expired nearly two years ago, and since then the company has been doing business without a franchise, although the contract provides that in case the city does not take advantage of its option to purchase the plant, it shall extend the franchise for another term of years.

The fact of the franchise having expired would not affect the operation of the plant, but the company could be stopped from extending the system or inaugurating new works. As it will be necessary to make considerable improvements during the summer to accommodate new customers, the extension of the franchise is asked for at this time in order that the company may be protected.

The city has no contract for service from the Light & Water Company and is buying its lights and water from month to month.

WHITE TRIAL MARCH 16.

The motion to dismiss the case against Dr. F. M. White was taken up before the Circuit Court adjourned last evening. Judge Benson, ap-

pearing for the defendant, admitted that his motion was too late, but he wanted to show up some of the transactions of the recent Grand Jury. He stated that the defendant in the case had been summoned before that body and put on the stand to give evidence against himself without being informed that he was not compelled to do so.

Prosecuting Attorney Ruykendall responded to the criticism of Judge Benson. The motion was overruled by the Court and counsel for defense entered a plea of not guilty. When Court convened this morning Judge Benson requested that the trial be set for March 16, and the Court granted the request.

PAYMENT OF TAXES.

Three per cent rebate will be allowed on all taxes paid in full by the 15th of March. Taxes become delinquent after the first Monday in April. If one-half of the tax be paid before the first Monday in April, then the time for the remaining taxes may be extended to the first Monday in October; but if the remaining taxes be not so paid they become delinquent, and a penalty of 10 per cent shall be charged and interest at the rate of 12 per cent from the first Monday in April until paid.

KLAMATH FALLS LOSES ITS MAYOR

HUNTING POSSUMS MORE FUN THAN BEING MAYOR-- STAY ANOTHER MONTH.

Mayor John R. Stillts is having such a fine time in Florida and Georgia that it is hardly probable that he will return to Klamath Falls in time to finish his term as Mayor. He is at present visiting friends at Savannah, Georgia, who insist on him remaining another month in the South and in a recent letter he stated he was seriously considering accepting the invitation. He is very much in love with the South and has given up his trip to Washington to witness the inauguration of President Taft.

While in Florida Mr. Stillts and a party of gentlemen went coast hunting and the bunch secured 39 coons. Coon meat is more popular than ever as a table delicacy since the visit of Taft and the banquet tendered him.

TENNIS CLUB MEETING.

The second annual meeting of the "Klamath Hyak" Tennis Club will be held at the residence of C. C. Hogue, Thursday evening, March 4, at 7:30 p. m., for the purpose of electing officers and for the transacting of such other business as may properly come before the club.

All members are urgently requested to be present.
Signed, C. E. WIDDOWS, President.

STATE RESTS IN THE WALLIS TRIAL

Witnesses for Defense are Examined this Afternoon--Attorneys Will Argue the Case Before Jury Tomorrow

Upon the convening of Court this morning W. H. Shook was recalled by the prosecution. He gave a description of the horses that were found at San Jose and testified as to their ownership. On cross examination it was adduced that the witness was a member of a Klamath County livestock association, but he believed that the organization was no longer in existence. Mr. Shook stated that he was not paying any part of the prosecution.

Counsel for defense, as has been the custom since the beginning of the trial, interposed objections to most of the questions asked. W. C. Dalton, the next witness, corroborated preceding witnesses regarding the conditions of wire fences and character of the country along Tule Lake. Witness Dalton, on cross examination, stated that he had, as a member of the livestock association, contributed money to be used in the prosecution of cases involving the larceny of stock.

S. L. Walker, a deputy sheriff, testified that he had been to San Jose in company with W. H. Shook and others. He corroborated the ownership of the stolen horses found at San Jose. He told the incidents connected with his trip to the ranch of the defendant in company with W. H. Shook and Walter Welch, and the finding of a cracker box in a badger hole on the Wallis ranch. Considerable argument followed an objection to the admission of evidence as to the store from which this cracker box came. The Court sustained the objection of the defense. Witness was closely questioned as to the pay or reward he was to receive in the event of a conviction. He testified that he knew of no such reward and was not expecting any if the prosecution was successful. Defendant showed deep concern in the testimony of witness Walker, about certain conversations he had with him in regard to making a confession and implicating others connected with the stock rustling. Walker was closely questioned about Pat Callahan having offered him \$50 in the event of a conviction of Alf Wallis. The witness maintained that no such offer had been made.

Lewis Gerber was recalled and in reply to questions by counsel for defense stated that there is no organized stock association, but that 12 stockmen have a verbal agreement that they will pay \$500 reward for the arrest and conviction of any man stealing horses from a member of the association. He stated that neither Geo. Ritter nor Henry Vinson belong to the 12 men having this understanding. He said that he had contributed money to carry on the prosecution of the defendant and others implicated with him.

Prosecution stated that it has been impossible to get E. Stewart here and as he was the only other witness to be introduced it became necessary at 10:40 to take a recess until 1:30. The prosecution was willing to have the evidence of Stewart in the Liskey trial read in lieu of the direct testimony, but the defense would not agree to this.

Mrs. Alf Wallis, with her infant babe in her arms, sat beside her husband during most of the morning session.

Upon convening of Court this afternoon Prosecuting Attorney Ruykendall announced that the state would not wait for the witness Stewart, but would rest its case.

Following this Judge Benson, on behalf of the defendant, made the following motion:

"Comes now the defendant, Alf Wallis, by his attorneys, and moves the Court to instruct the jury to return a verdict of not guilty for the following reasons:

"1. That there has been no evidence introduced tending to corroborate the accomplice, Walter Welch,

sufficient to justify a verdict of conviction.

"2. That there is a variance between the allegations of the indictment, and the proof, in this: That the indictment alleges the larceny of horses, and it appears from the evidence that the animals alleged to have been stolen were geldings and mares."

While this motion was argued by the attorneys, who went into the evidence thoroughly, the jury was removed from the court room. More than an hour was consumed in the argument of the motion, at the conclusion of which the Court expressed an opinion on the authorities cited by counsel for defense, reviewed briefly some of the evidence and then overruled the motion.

It was 2 o'clock when the defense placed its first witness, John Logus, the father-in-law of the defendant, on the stand. He testified that he is familiar with the Wallis pasture; that a small section of the fence was down in January; that it was the custom during the month of November last to leave the pasture gate open; that corrals near house were used to pasture the calves and that a portion of them can be seen from the house; that he was at the Wallis ranch on night of December 4th, and that at that time Walter Welch and Chas. Liskey were there; that Welch spoke of buying polo ponies; that he saw a bunch of horses in the pasture on the morning of the 5th and that the defendant asked the other boys to turn them out which they did; that he saw the same horses in the evening of the same day about one mile from the Wallis place; that Liskey and Welch left the Wallis place after turning the horses out of the pasture. On cross examination he was closely questioned about the range of some of the horses which he had seen in the Wallis pasture and the whereabouts of the defendant after Liskey and Welch had left the ranch.

Arthur Langell gave practically the same testimony that he gave in the Liskey trial. It related to a conversation he had with Welch in Bonanza on or about December 5th in regard to polo ponies, and that the defendant was present.

J. F. Wallis, the father of the defendant, with whom he resides in Yonka Valley, testified that Walter Welch and Chas. Liskey came to the Wallis ranch on December 3d. On the following day Liskey and Welch went out to ride, but Alf remained at home. On December 5th he and the defendant were both at Bonanza, but he did not know what had become of Liskey and Welch. He corroborated the evidence in regard to bringing home certain articles purchased by Alf, who came home about 4 o'clock in the evening. Welch came to the ranch that same night, remained until morning when he left and did not again return. He was positive that the defendant was at home from December 6th to 9th; that on the 10th he rode out returning that evening; that he was not absent from home any night during the particular time in question.

The witness at times got tangled in his dates, but with the assistance of counsel for defense he got straightened out and his testimony throughout tended towards proving an alibi. He was subjected to a severe cross examination by Judge Drake, but he was certain that Welch came to the ranch on the night of December 3d and that it was on the morning of the 4th when the defendant asked Welch and Liskey to turn a bunch of horses out of the pasture.

The next witness was the aged mother of the defendant. She testified that Welch and Liskey came to the Wallis ranch on December 3d and corroborated the preceding witness as to the events that transpired during the following days, including the 10th. On cross examination the wit-

ness testified that her eye sight was very good. She was not subjected to a severe examination.

Chas. Liskey was next placed on the stand and was asked if in June, of 1908, at Dairy he had a conversation with Walter Welch at which time Welch suggested to him that they steal two mules from the stable of John Shook and replace them with two worthless horses, after which they would set fire to the stable and the carcasses of the horses would appear as the mules.

The witness answered in the affirmative. On cross examination the witness testified that it was Dave Shook's stable from which the mules were to be stolen.

The defense next called for Walter Welch, but as he was not present the defendant took the stand in his own behalf. He testified that he owns land in this county; that he probably saw Welch in Bonanza on the night of Thanksgiving day; that he and Chas. Liskey came to his ranch on December 3d for the purpose of buying polo ponies; that he and Chas. Liskey and Welch rode to Round mountain on that day and corralled a bunch of horses at the Mrs. Fitch place. He corroborated other witnesses as to the description of the horses; that they drove the horses into the water corral, but he and Welch could not agree on price and he turned out the entire bunch. Welch and Liskey remained at the ranch that night and left the following morning; that he did not see Welch again until December 5th when he met him in Bonanza at which time he bought a lunch for him at the Bradley store; that he did not know what had become of the lunch. Witness also corroborated other witnesses as to the purchase of pliers, files and a sausage machine at the Broadsword store. He testified that he put the pliers into his pocket; took them home and left them in his shop that evening; that he subsequently looked for the pliers but could not find them. Witness said he had never stolen any horses and that he had not discussed horse stealing with Welch; that Welch left his ranch on Sunday and did not return; that he did not see him again until on or about December 27th. He corroborated the evidence of his father and mother about being at home from December 8th to 10th and that he rode out after one of his mares on the 10th. He stated that he rode hard all day in the vicinity of Bryant mountain arriving at Bonanza about 4 o'clock in the evening; that he remained in town about a half hour and then started for his home; that he rode about 35 or 40 miles that day through a rough rocky country. He was positive that he did not see Welch on December 9th; that he did not ride with Welch and Liskey after horses after December 3d; that a bunch of horses came to his ranch on the morning of December 4th and that he asked Welch and Liskey to turn them out. He corroborated his father relative to the condition of the pasture fence and the purposes for which the corrals near the house were used. Defend-

WILL SOON BE A 2ND CLASS OFFICE

\$550 RECEIPTS DURING MARCH WILL MOVE POSTOFFICE UP ONE NOTCH.

Klamath Falls has had a wonderful growth in the past year as is evidenced by the big increase in the business done by the post office. It is now certain that at the end of the present quarter this city will be entitled to become a second class office.

To accomplish this it will only be necessary for the office to do \$520 worth of business during the present month, and Postmaster Emmitt states that he will probably run \$200 over this amount. There is no truer index of the growth and prosperity of a city than the increase in the postal receipts.

MAY VETO NEW LIQUOR ORDINANCE

PRESIDENT SANDERSON DISCOVERS FLAWS IN SECTIONS OF THE MEASURE.

President of the Council F. T. Sanderson, who is acting Mayor during the absence of Mr. Stillts, did not sign the new saloon ordinance yesterday afternoon as he expected to do. Further than this it is quite probable that the measure as it now stands will not become a law, but may be returned to the Council with the acting Mayor's veto attached.

There seems to be flaws in a number of the sections of the ordinance, at least that is the opinion of President Sanderson, and if the interpretation of certain sections by the City Attorney agrees with his opinion, Mr. Sanderson stated that he would have to veto the measure.

The first section provides that it shall be unlawful for any person to store, sell or give away any intoxicating liquors, except drug stores, which can do so for mechanical and medicinal purposes. It is further provided that the proprietor of a drug store must keep a record of all sales of intoxicating liquors made on the prescription of a physician.

The section in relation to gambling only includes owners, proprietors or employees, and does not make it unlawful for any one else to indulge in gambling.

The volcano of Kilauea on the island of Hawaii is more active than it has been before in eighty years.

ant testified that he had been married just one year. He pointed to Mrs. Wallis, saying, "There is my wife." The child had been taken from the room shortly before.

Court adjourned until 9:30 tomorrow.

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