

FATE OF WALLIS NOW WITH JURY

CROWDS LISTEN TO ARGUMENTS

PLEAS OF ATTORNEYS WERE ORATORIAL MASTERPIECES SELDOM HEARD HERE.

Defendant was on the stand under cross examination at the opening of the trial this morning. He was asked several questions regarding his whereabouts during the days immediately preceding December 16th but he remained positive in his testimony and the severe cross examining did not elicit any contradictory statements.

Defense called the witness Welch and asked him about the proposition he made to Chas. Liskey last June to steal the mules from the stable of Dave Shook. He replied that he made no proposition to steal mules from Dave Shook.

Chas. Liskey was next placed on the stand and his reply to this same question was a direct contradiction of the answer given by the preceding witness. On cross examination Liskey attempted to make an explanation of the incidents connected with the proposition made by Welch, but this was not permitted.

The defense rested its case and the state called for the wife of the defendant in rebuttal. Defendant through his attorney objected to his wife testifying in this action. It was argued by the prosecution that the reasons for the objection be stated and in response counsel for defense gave the statutory objection that the defendant objected to his wife appearing against him in a criminal action. The court sustained the objection, and the state rested without introducing further evidence in rebuttal.

It was shortly after 10 o'clock when Prosecuting Attorney Kaykendall began his review of the evidence and the argument thereof. During his talk to the jury he no sooner touched upon the reasons why the wife of the defendant was not permitted to take the stand when the counsel for defense objected. The court permitted him to proceed but allowed exceptions to his ruling. The argument of the Prosecuting Attorney touched upon all material points of the evidence, and consumed the greater part of one hour.

Following a brief intermission after the argument of the Prosecuting Attorney, C. F. Stone, of counsel for the defense, addressed the jury until the noon hour. He called the attention of the jurors to the oath taken when they were accepted as judges in this case; he devoted considerable

time to the testimony of the accomplice Welch, dwelling upon the fact that conviction cannot be had upon his uncorroborated statements; he cited cases which he applied to the case on trial in which courts defined the corroboration of testimony of an accomplice in a crime, and also commented upon the character of the state's chief witness, Walter Welch, and went over the evidence in detail.

Long before the time for convening Court after the noon intermission the court room began to fill up and when Attorney Stone resumed his argument for the defense there was scarcely a vacant seat. It was noticeable that a large part of the audience was made up of ladies, who showed deep interest in the eloquent pleas by the attorneys. The court room filled up rapidly and shortly after Attorney Stone continued his address a large crowd was standing in the rear of the room for want of seats. Mr. Stone consumed approximately another half hour and in this time he touched upon all of the incidents connected with the arrest and trial of the defendant, placing particular stress upon adverse public sentiment and upon a comparison of the evidence for and against the defendant.

Judge Benson at 2:15 began his address with a brief reminder of the burden of an advocate and of a juror in a criminal prosecution. His plea was eloquent and at times very pathetic. He drew comparisons between the inducements for perjury on the part of the witness Welch and the old infirm mother and aged gray-haired father of the defendant. The conclusion of the plea by Judge Benson was a word picture of an innocent man in striped clothing, a desolate home in Klamath County and an old heart-broken mother and father. The jury was affected by the picture and by the warning to weigh well the evidence lest it should be that a mistake on the part of a juror should cause these things to come to pass.

It is generally considered that the plea of Judge Benson was one of the best ever heard in Klamath County and it was apparent that the audience was touched by the sad word picture as tears dimmed the eyes of many of the listeners.

The court declared a brief recess at the conclusion of the address by Judge Benson, which lasted through 45 minutes, following which Judge Drake concluded for the state.

He commented upon the arguments by counsel for defense and in his customary able manner he went over the testimony and in every step was closely followed by the jury. He went into detail about the general character of the witness Welch and drew the attention of the jurors to the instances wherein the prosecution maintains that the state's chief witness



WILLIAM H. TAFT OF OHIO. Inaugurated As President of the U. S. Today

is corroborated by circumstances detailed by other witnesses introduced. Judge Drake's review of the evidence was thorough and in his address, consuming more than an hour and a half, he connected up the evidence of the prosecution which, it was noticeable, impressed the jury. He, too, compared the evidence of Welch with that of the witnesses for the defense. He denounced the witnesses for the defendant, whom are his relatives, as guilty of perjury and yet in almost the same breath he expressed sympathy for them in their plight. His argument was forcible and his conclusion, reminding the jury of the solemnity of the juror's oath, directed his remarks to the duty imposed upon a juror and the consequences if this duty is not conscientiously performed.

During the entire afternoon the defendant was surrounded by his wife with a babe in her arms, by his aged infirm mother and other of his relatives. Wallis was deeply affected by the arguments of the attorneys, and when his counsel made strong points in his favor he frequently nodded his head in approval. While Judge Drake was addressing the jury he appeared nervous, but was a close listener.

Following the argument by Judge

Drake the court declared a recess of five minutes at the conclusion of which the instructions were given to the jury.

MUSICAL CONCERT GRAND SUCCESS

The Woman's Club realized about \$150 for the Public Library from the concert given last evening. The affair was a decided success, and every seat in the Opera House was filled. The concert was given by the Klamath Conservatory of Music, assisted by Ivan Daniels, cello, and the Shakespeare Quartet.

The Conservatory has given a number of musicals and concerts in this city, so there was no doubt in the minds of the local music lovers as to the treat in store for them and before eight o'clock the house began filling up and was soon overflowing.

The trio composed of Miss Elsie Applegate, violin; Mr. Ivan Daniels, cello, and Miss Evelyn Applegate, piano, rendered several very beautiful selections and responded to enclosures. The quartet, composed of Mesdames Zumwalt, Henry, Mason and Gates, was heartily enjoyed by the entire audience. Their selections were unusually well rendered, especially Annie Laurie and Nellie Gray, which seemed to touch the hearts of the listeners.

The crowning event of the evening was the rendition, by Mrs. Don Zumwalt, of Schubert's Erl King. The interpretation of this masterpiece was a surprise to even Mrs. Zumwalt's greatest admirers and adds one more to her long list of successes.

Besides having such a record attendance and such an excellent program this concert can boast of the distinction of being the only entertainment of any prominence in the remembrance of many in Klamath Falls that began on schedule time. The curtain last evening went up promptly at 8:30. This was probably due to no reservation of seats.

NEWS FROM DAIRY.

Born—in Yonna Valley on March 2, 1909, to Mr. and Mrs. Wm. Simpson, a boy.

Following is the monthly weather summary for Yonna Valley, for the month of February: Temperature, mean, 33.27; max., 51; min., -2. Precipitation: 2.48 inches. Snowfall, 19.33 inches.

Several of the children have received letters from Florence Hellbrunner, who lived in Yonna. They are now living across the river from New York City in Hoboken, N. J.,

CATTLE CASES TO BEGIN TUESDAY

and seem to like it there very much. Adam Weidman started plowing on his homestead Monday.

Godfrey Beck made a trip to Dairy Sunday.

Jacob Rueck went to Bonanza on business Monday.

Wm. Uhrmann has moved part of his cattle from his place to Theo. Flackus' ranch, where they will be fed.

Sev Pool hauled hay from Wm. Flackus' this week.

The porcupines have been destroying a great deal of timber in the mountains west of Wm. Uhrmann's ranch.

M. P. Nelson is busy at the home of C. E. Drew this week making some improvements in the home.

CHESS PLAYER COMING.

L. W. Miller has received a communication from Frank J. Marshall, of New York, who next to Dr. E. Lasker, is considered one of the strongest chess players in the world, stating that in revisiting many places of the West it would afford him keen delight to include Klamath Falls.

Mr. Marshall intends to give exhibitions of simultaneous chess and checkers, match play, and lecturing on the theory of chess and checkers. He agrees to play all of the chess and checker players of the county at the same time and, of course, we venture to say, he would not lose a single game.

A visit by a chess player of Mr. Marshall's magnitude would be quite a treat to all the members of our chess tournament 1909, and as the matter will be presented to the chess club next Monday evening, every member should make it a point to be present at that meeting.

WILL GO TO CALIFORNIA.

L. W. Miller, the landscape gardener and well known chess player, who has been a resident of Klamath Falls the past two years, expects to leave the first of the week for Orland, California. Mr. Miller owns an interest in 70 acres of valuable land where the town of Orland is being built and this will be platted and sold in lots.

Orland is the headquarters of the U. S. Reclamation Service Project in Glenn County and is building up at a rapid rate. Mr. Miller invested in the land some years ago when it was worth about \$75 an acre but today it is practically a part of the growing city of Orland.

Andy Ryan is in the city today from his Spring Lake ranch on one of his occasional visits. Mr. Ryan manages to visit the city every three or four months.

SENTENCE LISKEY ON SATURDAY

STATE IS READY FOR SECOND TRIAL OF CHAS. LISKEY AND ALF. WALLIS.

Court convened at 10 o'clock this morning and this being the time for imposing sentence on Chas. Liskey, A. L. Leavitt appeared for Liskey and moved that the imposing of sentence be deferred until 10 o'clock Saturday morning at which time it is expected that F. H. Mills, attorney for the convicted man, will be able to be present.

Tuesday, March 9th, was fixed by mutual consent of the attorneys interested as the time for the trial of Chas. Liskey and Alf. Wallis on an indictment charging them with the theft of stock from Rex Bord.

CITY PROPERTY SALES.

Hall-Shepherd Company report the following sales of city property: M. L. Anderson has purchased of C. E. Widdoes his residence on the corner of Seventh and Walnut streets. Consideration \$2500. Mr. Anderson recently arrived here with his family from Boise, Idaho.

J. L. Cunningham has purchased of Siemens and Dunbar, 40 feet on Main street and running through the block to Klamath avenue. The lot is located east of Grooley & Phillips plumbing shop, where the Third ward hose is at present located. Consideration was \$4000. Mr. Cunningham plans to erect a brick building on the property this summer.

TAFT'S SALARY TO BE \$75,000.

WASHINGTON, March 3—The salary of President Taft will be \$75,000 each year, according to an agreement reached today by the conferees on the Legislative, Executive and Judiciary Bill. In the Sundry Civil Bill there is an amendment giving the President \$25,000 for traveling expenses and if this is agreed to, the annual compensation of the President will be \$100,000. The Senate conferees on the Legislative Bill receded from amendments increasing the salaries of the Vice President, Speaker of the House and Federal Judges.

AT THE OPERA HOUSE TONIGHT.

"The Valet's Wife," comic; "The Rose that Makes Everybody Dance," colored; "A Corsican Revenge," dramatic; "A Gust of Wind," comic. New songs.



Your Easter Suit

Easter falls on Sunday, April 11th, this year. It is the day of all days to show fine plumes. The time to prepare is NOW. Let us make your clothes for you and you will be absolutely certain of satisfaction in every particular.

GOODS, WORKMANSHIP, FIT, and PRICE

WE HAVE ALL THE TRIMMINGS TO GO WITH FINE CLOTHES — FURNISHINGS, HATS, SHOES, ETC., IN THE NEWEST OF THE STYLES.

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DR. DAVID ROBERTS, Wisconsin State Veterinarian, 1904-7-5

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"They Have It"