The Evening Refald.



EVENING NEWOPAPING PRINT THE NEWS, NOT HISTORY

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-No. 1.604

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PRESS NEWS TERVICE

KLAMATH FALLS, OREGON, THURSDAY, FEBRUARY 29, 1012

TRIAL OF FAULDER EAIRLY UNDER WAY nation, said he had talked last night

with Jack Barry, a Fort Klamath sa-COMPLETED MONTLY PARMERS. MREED UPON TO SIT discussed the merits of the issue with contention be made, that Faulder is REATE ON MURDER them. These admissions were made after he had been passed as satisfac- at least was at the time of the kill-

this afternoon th of Nobel Faulder for onts flebhardt, mot

a & Petterson const.uc. map near Williamson river last til about 9 o'clock. at, was completed and sworn in. contata largely of farmers

The Brown, farmer, Langell Val-

UNKI

1 M. Holmes, farmer, Pos Valley. 8. G. Terry, farmer, Klamath Hasper this city. Charles Burgdorf, farmer, near

Book, farmer, near Merrill. J.E. Book, farmer, near Merrill. 8. S. Hill, timber cruiser, near

Pury O. DeLap, druggist, Klam-James Hilton, pool room operator,

math Falls Jarob Whitlatch, farmer, ne

on Dever, farmer, near

L Pope, farmer, near Merrill E & Walker, cattle man, near

To all out the 12 names ordered I Judge Henry L. Benson to be nes for jury duty in the Nobel or murder trial Shortff William Brass yesterday summoned R. R. Ther of His. Brown Michael of by and H. C. Gunn of Bounnas. By take the places of W. E. Nichand Fort Klamath and J. W. Tay of Merrill, excused on account of a and George W. Pullerton of who could not be located by Barnes The other nine men to note up the dozen from which al on both sides of the case betrying to finish out their jury this ing were Lee Denton, Fort Klam-C. F. Sevits, B. W. Short, J. D. ne, E. S. Phillips, F. R. Olds, anath Falls, Jonah Sparks, Bonan-Cloimon Dewey, F. L. Pope, Mer-

Boomon Dewey, the first man ex-mined this morning, was accepted, wing 10 men in the box satisfac-TH C. M. O'Nelli, counsel for the int, and to District Attorney W. Kuykendall and Assistant Dis-Attorney Charles J. Perguson, ing the prosecution. When Brown Michael was ques-

d District Attorney Kuykendall

state has challenged Ira Hanson, Edard J. Murray, Nelson Rounsevell, E. Neubanks and J. L. Davidson. with only one peremptory left to be excreised in the case, and that by the prosecution, it looked at noon as though the jury might be completed before the afternoon session got far under way.

loon keeper, a witness in the case, to prove beyond a reasonable doubt as well as with Charles Gates, an- that Faulder committed the crime of other witness. He had also had some killing Louis Gebhardt last August conversation with a man named En. and upon the defense depends the esgles or English. He denied he had tablishment of the contention, if such insane beyond a reasonable doubt, or

tory to the defense and was being ing. The fact that he might have, if from contest of filings made prior to quizzed by the disrtlet attorney. Ask- insane at the time of the occurrence June 25, 1910, passed the house on ed if he had talked with Norman become of normal mind in the enm faulder, brother of the defendant, ing months, is understood to have no

formation of an opinion.

After dinner, B. W. Short, on ex-

lay it aside. Asked if he had a bro-

attendance in the case and Deputy

County Clerk George Chastain was

he did, after which the court an-

The presentation of the case to

that the state would show that the

nounced a short recess.

has asked many questions which ap-

tea.

"Did you go to bed at 9 o'clock?" this jury to understond that you retired at that time?" 'No, sir, I would not say exactly

that?' are under oath here the same as

witness stand and that you are liable for perjury if you do not tell the truth, what time did you go to bed?"

teaches and chairs in the court room, including the seats in the jury box. 'Do you understand that the de tendant is presumed to be innocent "

No. str. "If the question of insanity is raised by the defendant would you give the state the benefit of the doubt the same as you would to the defendant in all other respects?"

'No, sir.' We challenge the juror."

The challenge is sustained and the juror will be excused," said the court.

We would like to have an exception noted, your honor." pleaded Attorney O'Neill. "An exception may be noted

N. J. Gunn was excused and F. II Olds called to the stand. His idea WAR that a man was responsible for crime when drunk the same as though he were sober, although he admitted that continued drunkenness causing loss of perceptive power and the first thing up being a motion by the mental ability to distinguish Attorney O'Neill to discharge the jury right from wrong might properly he that was in the box on the ground considered amelloratin. His idea that there were only seventeen jurywes that voluntary drunkenness was men on hand at the outset to pick ao definse against crime. He said twelve from, that the special venires he had no prejudice against insanity were irregularly drawn and that the

of no reason why he could not sit rights guaranteed him by the laws as a juror and rend or a fair and im. and constitution of the state of Orepartial verdict on the evidence and gon. Judge Benson denied the mosecondance with the instructions tion and the defense took an excepof the trial judge. Mr. Olds a finitted tion to the ruling. reewing Kuykendall and Ferguson

intimately and that the latter was the Jury was then begun by the opena frequent visitor at ais hous. The ing statement of District Attorney Francisco to take up work on the defense passed the juror, who when Kuykendall as to what the state expicted to prove. The indictment District Attorney Kuykendall, said he had no scruples charges first degree murder, under against capital punishment and was which a verdict of first or second denot acquainted with the defendant gree murder or manslaughter, or scor his brother. He said he knew quittal, may be returned by the jury, Norman Faulder by sight. He was and the attorney began to explain inclined to think that the doubt on the different degrees of the crime. the question of insanity should be The defendant's attorney objected to resolved in favor of the state and this unless he were permitted to inthat as regarded other doubts they dulge in discussion of them when he ought to be determined in favor of addressed the jury. The court, aft "Do I understand that the defense has the privilege of exercising one that a recital of the facts would be peremptory?" asked Attorney O'Neill, "It has, according to my tally," re-ney to give the jury the nature of this there are a great number of the accused. The state passed him, some parleying with the attorne

IRRIGATED LANDS In this case it rests with the state BILL FOR RELIEF OF EXTRY. hard practice which they have been

STATES.

Congressman Hawley writes that the following bill protecting entrymen February 22:

That no qualified entryman who replied that he did not believe he bearing in the matter. The defense prior to June 25th. 1910, made bona fide entry upon lands proposed to be At first he said he had been around parently point to the line of defense irrigated under the provisions of the e place and another" last night it will offer. Prospective jurors have het of June 17th, 1902, the national been sounded as to their understand. reclamation law, and who established ing of intention, will, premeditation, residence in good faith upon the lands asked Kuykendail. "Do you mean deliberation, whether they are presidentered by him, shall be subject to judiced against drunkenness as a de. contest for failure to maintain resifense to crime, insanity from drunk- dence or make improvements upon enness as such defense, against the his land prior to the time when wate use of intoxicating liquors or a man is available for the irrigation of

"With the understanding that you who uses them, and if they have read lands embraced in his entry, but it chosen by the council to do some in the papers or discussed the case such entrymen shall, within r ety calculating as to the possibility of though you were testifying on the with others so as to lead them to the days after the issuance of the notice required by section four reclamation act. fixing the date hen amination, was peremptorily chat. water will be available for irrightion. "I guess it was about 2 o'clock " lenged by the state, this side of the file in the local land office a ater A titter circulated among the case thus exhausting its peremptor- right application for the irr E. E. Walker, a stockman of lands embraced in his entry, if con-Hly, was next questioned. He said formity with the public notice he would not give an Indian's test!. approved farm unit plat for the t meny the same weight as that of a ship in which his entry lies, and sha white man. Asked by District Attor. also file an affidavit that he has reney Kuykendall if he had an opin- established his residence on the land \$122,000; hauling and distributing, 16.0, he said he had one, which he had with the intention of maintaining the \$5,000; digging and back-filling never expressed, which would not in. same for a period sufficient to enable trench ficence him in the case, as he could him to make final proof:

ther on trial for murder would he shall be entitled to have counted as that price. be willing to have a man in his own part of the required period of restframe of mind ait on the jury, he re- dence any period of time during

After the recess, court resumed BOX FACTORY MEN **ARRIVE TO WORK**

from drunkenness. He said he knew defendant had been deprived of the OFFICER OF NEW COMPANY SAYS WORK MUST BE STARTED ON NEW PLANT WITHIN SIXTY DAYS, IF POSSIBLE

> Robert A. Johnson and William I. Clarke arrived yesterday from San TION BEING MADE BY SOUTH. KNIGHT new box factory. Mr. Clarke said it ERN PACIFIC would be necessary to start the factory within sixty days if possible. Some time since a petition, headed Mr. oJhnson is to be president and treasurer of the KKlamath Manufac- by Meyers & Allison, and signed by turing Company, the title of the new tearly two score of farmers, was sent concern, and will move his family to H. F. Lounsbury, general freight here from Oakland so as to take ac- "gent of the Southern Pacific lines in tive charge. Mr. Clarke is to be vice. Oregon, asking for a share in the company's barley distribution. Mr. president and secretary. ounsbury, whose office is in Portind, has replied to the club regret-The box factory located at Shipg he is not in a position to furnish e barley for this season as desired. ating that the company has in the ighborhood of 1,000 applications



MEN UNDER RECLAMATION having. If things turn out as expected, a series of musical concerts PROJECTS IN THE UNITED will shortly be arranged at which the

public will have an opportunity of hearing the band.

OFFFRS EMMITT TO BRING WATER

FROM ASPEN LAKE SPRINGS TO CITY FOR \$185,000-FAILS TO GIVE DATA ON WORK WITHIN

Robert A. Emmitt, some time since

blie the city obtaining a water supply, the and who was accompanied by Counrisk-if still alive. cilman John Fielder in locating the Aspen Lake Springs' source of supply filed on by the city, made an ofgable for to the council last night to build a pipe line of water for the city for and \$135,000, which, evidently, does not include any construction within the pe and 9 of 14-inch pipe.

by both the defense and state, he said land prior to the date of the night at the home of the later. The made the twelfth juror chosen, and notice aforesaid and no application affair will be in the nature of a leap the court announced the jury to be for the entry of said lands shall be your party, and everything that goes complete. The other jurors sum received until after the expiration of to characterize the occasion will be moned were excused from further the ninety days after the issuance of given every attention. Already propnotice within which the entryman is arations are being made to make this hereby required to re-establish his event one of the most noteworthy of instructed to swear in the jury which residence and apply for water right, the season in society circles. Light refreshments will immediately follow

th program, and judging from the interest that is being manifested by the younger folk, everything tends toward a large gathering of the young

RAILROAD SEED

KLAMATH BASIN FARMERS TOO midnight. LATE TO GET IN ON DISTRIBU-



Bishop Paddock, of the diocese of Eastern Oregon, is expected this evening. He will remain until Monday MEMBERSHIP and will hold a series of services for Dr Henry C. Gollins, of the Episcopal Church of the Redeemer, Fridoy and Saturday at 3:30 p. m. in

odd Fellows' hall and Sonday morn- WITHDRAWAL OF GOVERNMENT it g at 11 o'clock

Walter Magee, who for the past five or six months has been wintering around the Klamath Agency and Upper Lake region, returned to this city yesterday. He expects to hold a tory at Shippington.

CASE AGAINST KONOP OFF

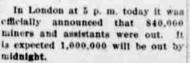
against Joseph Knop in order to obin money, and attached seventeen wines, through the instrumentality



GENTLEMEN CONNECTED WITH SAN FRANCISCO

Mr. and Mrs. M. K. Temple, Mr. ect represented in the association. and Mrs. Junior Daggett and G. B. Adams left on this afternoon's train ed on the association rolls for dues for San Francisco. The gentlemen for maintenance of the organization have been connected with the con- but only 30,106 acres for which the struction department of the Southern government is as yet making a Pacific railroad in this city for save charge. The difference in acreage eral years, and have been transferred represents land which the governto work in the San Francisco office.

is renewed on the Klamath Falls- valley and cast branch country. Natron line they may return here, line farther north.



LANDS ABOUND MIDLAND AND EAST OF MERRILL CAUSES DIFFERENCE.

Secretary Albert E. Elder, of the position with the Northern box fac- Klamath aWter Users' Association, is busy getting up the assessment roll

of the organization, which has to be compiled every spring. For the main-Some time ago the First Trust and tenance of the association whose Savings Bank entered an action membership is made up of farmers whose lands are irrigated under the Klamath project of the United States Sheriff William B. Barnest. Konop reclamation service, the association ttled the account and the cattle are charges 10 cents per acre in advance see more free to roam, cavort and for the coming year. Each farmer who is a stockholder in the association carries a share for each acro he has under the irrigation plan and this means that each acre costs him a dime for the expinses of the association for the year which begins May 1, 1912, and ends May 1, 1913.

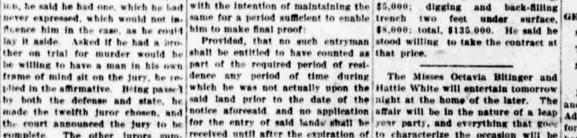
The government does not collect in advance and the assessment made on its behalf is for the irrigation season of 1911, of \$3 per acre for the SOUTHERN PACIFIC CONSTRUC. government's building charges and 75 cents per acre for operation, a to-TION DEPARTMENT LEAVE FOR tal of \$3.75 per acre for Uncle Sam. which, added to the dime for each acre for maintenace, makes a total of \$3.85 for each acre under the proj-

There are 41,412.4 acres repres ment intends to furnish with water. Mr. Temple stated this morning and whose holders desire to be in that he did not know how long they the association in advance of the time would be kept in San Francisco, but the water is turned on, so as to get presumed that in a short time they the benefits that come to ranchers would be detailed on some of the who belong to the Water Users. These new construction work. When work people are principally in the Poe

It is expected that the membership, but probably would be located on the which ran 674 last year, will be about 100 less than that this year, for when the reclamation service decided to withdraw from serving the swamp

lands in the vicinity of Midland, it took \$9 members from the association, and the withdrawal of the reclamation work from the high lands east of Merrill took a few more. The withdrawal of these members took about 37.588 acres off the association rolls.

DEFENDS JOHNSON'S LOYALTY



long since he T served last June on the grand

"The court will excuse Mr. Mich-"The court will excuse Mr. Mich-" and Judge Benson. "But, your honor..." began

"The statute is plain," insisted the

"But if your honor, please..." "Be statute says that a man who served on a jury within a year "ht the supreme court has stated rice," insisted O'Neill. "I that's the case I'll back down, "What's that, your honor?"

"I my, if the supreme court holds

I we contend, the court will back

plied the judge. "We will excuse Mr. Olds." said the

attorney.

The lawyer then cited to the court not talk about the case and that dur-in subst shrdluetaoshrdlushrdlushs north of this city on August 6, 1911. the Oregon, page 151, as well as ing the course of the proceedings in the Sunday Louis Gebhardt was is overflowing. Min Pederal Reports, page 633, the trial if there was pressing nec-The first second Mr. Michael, tion with outsiders the man presence is a case parallel to the one in of Baillif Clarence O. Morgan. by excused Mr. Michael, tion with outsiders the matter might

man and had come from accused man's counsel. The defense He had, he said, lived has the right to twice as many per-tabout 40 years Barried man and had come from accused man's counsel. The defense

the details he expected to prove. The district attorney told the jurges

defendant had worked at the con-It then being noon the court adstruction camp some 40 or 45 miles journed until 1:30 p. m., with a cau-

The defense excepted. The act questioned was Mr. Phil- Mr. Olds the defense exhausted its and others made a trip to Fort Klart-the heing ath some miles away, and when they a the is a farmer from about ten right to challenge jurors, he being ath some miles away, and when they from the city. He said he was the tweifth man objected to by the returned to the camp Faulder's dus.

killed, and stated in substance as follows: One of the dogs in the camp had been poisoned and Faulder, who had a dog, said that if his dog were

poisoned he would shoot the ----- who d'd it. On the Sunday in question he sey.

the const about 40 years. He had emptories as the state, which is al- others thought the teg had been pole- he went back to the cook's tent M. and Wisconsin No. 9. otherwise of the bills of the bills of the bills of the bills of the bills. A Pike was there and dissuaded him known as Pedigree barley. Through

the was killed by the de-ing used five. Peremptorily excused shot the canine. is walked around wounded man, also telling him not tion I am able to give you a list of the fuller. He was finally by the defense have been the follow-with the gun on the shoulder and Faulder then went to his own tent above varieties of barley for sale."

when the work begins.

additional street speakers, which

brings the total of arrests up to 150

San Diego police arrested sixteen

north of this city on August 6, 1911, since the crusade started. The fail localities along the line in planting was up last night for the page domains accepted by the team.

demonstration tiseis, under which gree. The committee on entering arrangement we are furnishing the

Fish licenses were issued from the seed for acre tracts same to be lobrecht Ochler and George C. North. county clerk's office yesterday to the cated in various districts along the

following: M. C. Low, James M. line between Portland and Ashland. Real estate is moving pretty lively Morrison, H. P. Dow and E. A. Woll- Our appropriation is small and the matter has progressed to a point where we cannot very well prorate the seed which is now en route from that he was going up again to make Wisconsin, and is expected to reach the city.

Le Pope was satisfactory to both and passed into the jury box, but one other man to be chos-benton, called for ezami-be Denton, called for ezami-be defense have been the follow-the men he had shot Gebhardt, and be with the gun on his shoulder and the was going to kill the man and shot himself twice. The cook died inficted wounds. by the defense have been the follow-the based into the jury box, but one other man to be chos-benton, called for ezami-builtos, N. C. Gunn, F. R. Olds. The by the defense have been the follow-with the gun on his shoulder and bout on his shoulder and the was going to kill the man and shot himself twice. The cook died inficted wounds. by the defense have been the follow-ing: A. S. Foster, J. S. Mills, Floyd Brandenburg, J. W. Bryant, E. M. Bubb, C. W. Miller, Manuel Vierra, Frank Klabsuba, J. Lemon, E. S. Phillips, N. C. Gunn, F. R. Olds. The by the defense have been the follow-the men he had shot Gebhardt, and the men he had shot Gebhardt, and touse usually held Saturday night The tragedy was discovered when will be held tomorrow night, after bames were noticed issuing from the

FROM THIS TIME Special to The Herald WASHINGTON, Feb. 29 .--- KeKnt hitterly denounced the rumor that Johnson had deserted LaFollette, be-PYTHIAN BRETHREN CONFER cause of his promise to be Roose-DEGREE ON ONE CANDIDATE vell's running mate as absurd. He AND APPOINT ENTERTAIN- says of huson remained loyal to La Pollette until he unfortunately became unavailable.

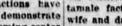
The basketball team of the high school which has abandoned work fo page the rest of this term, held a meeting Alistribution of the same to demon-siztion tracts determined on some time since. He says ir part: "Our plan involves co-operation with a limites number of farmers on localities along the line in planting was up here on the candidate the localities along the line in planting

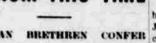
ment consists of Earl Whitlock, Al- KILLS WIFE AND GIRLS. THEN FIRES THEIR HOME

Special to The Herald

SAN FRANCISCO, Feb. 29 .-- Samthis spring; and some very significant uel Fisher, proprietor of the Elks and encouraging transactions have tamale factory, shot and killed his taken pipace. It goes to demonstrate wife and daughters, Ruth and Irene, that Klamath Falls is a coming center aged 16. He then set fire to the for a big territory. All eyes are on home at 120 First avenue and killed himself.

Fisher is believed to have been in-





IS PAGE

MENT COMMITTEE

At the meeting of the Knight

Pythias last night the rank, om farmers in western Oregon for was conferred on one can date. A the rest of this term, held a meeting ed, and will be obliged to limit the committee was appointed to arrange sesterday for the purpose of choosing