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FAULDER KILLING RECITED TO JURY

INSANITY IS DEFENSE

[illegible] WITNESS [illegible] SAYS [illegible] SAW [illegible]

[illegible] corkscrew was taken today in the case of Nobel Faulder, indicted for murder in the first degree in the killing of Louis Gebhert August 6, 1911, on the railroad construction camp of Erickson & Petterson, about forty miles north of the city. Yesterday Attorney C. M. O'Neill, for Faulder, told the jury that he would expect to prove that the two men had been friends, that there was no provocation for Faulder to kill Gebhert. He said that Faulder had before coming to this part of the country eight years ago become addicted to liquor, as well as opium, and that at times his brain was so clouded by intoxicants that he did not know what he was doing. He said he would show that for generations back there has been insanity in the Faulder family, and that Faulder is the victim of recurring spells of [illegible]

[illegible] Merryman was the first witness yesterday, telling of performing an autopsy on Gebhert's body and determining that death was caused by a bullet wound and hemorrhage. Fred Lewis, "camp boss," the second witness, told of eating supper, seated next to Faulder, of seeing Faulder later going up to the cook tent. He heard a shot, and saw Faulder [illegible] going up and down. Faulder carried a gun.

This morning the evidence of Lewis was concluded, and M. A. Pike called to the stand. Pike was engineer of a steam shovel, while Joseph Spitel was the fireman of the apparatus. Part of Pike's testimony was in substance as follows:

"I first saw Faulder on that Sunday at supper. I sat at the end of the table just across from Lewis. Faulder sitting next to Lewis. I was about the first one out from supper. I went right to my tent. The first I heard was the loud talking at the cook tent. About twenty or thirty minutes after supper I got up and went to the door of my tent and saw Faulder going away. About five minutes after I went down and spoke to Lewis." (The court ruled out the conversation with the latter, who was the injured man, on the ground that it was talk not had in the presence of the defendant, the question being raised owing to an objection made by C. M. O'Neill, counsel for Faulder.) "I went back to my tent. The next thing I heard was a shot." (Here the court ruled out anything the witness might have said to "Red," the fireman, whose name is Joseph Speitel.) "I went to the door of my tent and saw Nobel walking away with the gun. He was about twenty feet away from the cook tent, walking toward his tent. He had the rifle in his hand. I stayed in my tent. He went down, then came back. I went to the cook tent. Gebhert was there in the bed and the blacksmith, who was called Pat, was working over him. I did not go in. In about five minutes I saw Nobel coming up and saw him speak to Fred Lewis." (This was at the time Faulder bade Lewis good bye.) "He came up and says, 'Is that man dead yet?' I said, 'No, he isn't, but I don't think he will live.' He says, 'Well, I am going to see that he don't live.' The blacksmith came to the door and he says, 'Stand aside there.' I says, 'I wouldn't do any more shooting,' and so on. Faulder did not say anything. He went around back of the tent and he says, 'Well, good bye, I'm going to the bush.' I says, 'What are you going to do in the bush? You'll starve to death. You'd better stay here and face the consequences.' He went away and I never saw him after that."

Questioned by Attorney O'Neill the witness said he never noticed any difference in Faulder when drinking or not. "I never could tell from his actions that he had been drinking," declared Pike. "I would never have known that he drank if I had not seen him drink. I had seen him drink beer and had drank with him. I never saw him aparently influenced by liquor."

"Had these men been friendly—I mean the cook and the defendant?"

"They had been friends as far as I knew. We were all good friends together there."

Interrogated by District Attorney Dell V. Kuykendall the witness said the days about the time of the killing, as he remembered them, were not oppressively hot. There were warm days, but not bad ones.

"How did Faulder seem to be?"

"He was excited, and I did not believe he knew what he was doing."

"Did you not say to him that he was punishing, or shooting a man when he did not know whether he had poisoned his dog or not?"

An objection by attorney for defense was sustained by Judge Henry L. Benson, and another question calling forth practically the same information was answered by the witness saying, "I said, 'You don't know that this man poisoned the dog.' He said, 'I had an idea that he did.' He says, 'That's all right, but you don't know that he did. I don't believe that you know what you are doing.'"

"What were you trying to do? What was the object of your talk with Faulder?"

"I did not want any more shooting or trouble."

"How often had you seen him drinking?"

"I did not see him drinking over two or three times. I never could tell he was under the influence of liquor."

"Did you observe on this day that he was under the influence of liquor?"

"No, sir."

"Had you observed him particularly on this day?"

"More than usual."

"There was nothing to occasion you to notice him any more than ordinarily, was there—nothing to cause you to pay any more attention to him than you would to anyone else?"

"No, sir."

At 11:55 a. m. the examination of Pike was concluded by both sides and the court took a recess until 1:30 p.m.

"Pat," the blacksmith referred to in the testimony, disappeared right after the killing, and was not a witness at the inquest held by Coroner Earl Whitlock.

Before the afternoon proceedings resumed today Attorney O'Neill asked the court to rule on the motion of the defense made yesterday to dismiss the case on the ground that the killing oc-

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SOCIALISTS TO STUDY CHARTERS

INVITE ADVOCATES OF THE TWO MEASURES TO DISCUSS RELATIVE ADVANTAGES AT MEETINGS TO BE HELD

Socialists of this city are planning to take an active part in the coming city elections, and in order to be qualified to vote intelligently, will make a careful study of the two proposed new charters. The commission charter will be the first to be considered, and advocates of that measure have been invited to meet with the local and discuss. Later advocates of the mayor's charter will be invited to point out the advantages of that measure over the present charter. It is understood that the meetings will be public, and that others, not members of the local will be welcomed. The following letter has been sent to a number of friends of the commission charter, inviting them to the first meeting:

"The members of Local Ewauna, Socialists Party of America, fully realize that any municipal charter, under the capitalistic constitution of society, must fall far short of the socialist ideal, and that no reform measures can afford any extended or permanent relief to the working class.

However, they fully expect that it will be a matter of a comparatively short time till a socialist administration is elected in this city, and they naturally desire to enter upon their administration with the fewest possible handicaps to the execution of their policies. They propose to make a special study of municipal legislation, and among other matters intend to go thoroughly into the merits of the respective charters proposed to be placed before the voters of the city of Klamath Falls, for their adoption or rejection, in the near future.

The charter embodying the features of the commission form of municipal government will first be taken up; and you are therefore invited, as an advocate of the commission form of government, to attend the meeting of Local Ewauna on Sunday evening, March 3, 1912, at 8 o'clock (in the building formerly occupied by the Denver cafe) and present such argument as you may desire in favor of the commission form of government, indicating such special features in the proposed charter as may appear to you to possess an advantage over the provisions of the present charter."

AIR SPEED RECORD DOWN SINCE TABATEAU'S FLIGHT

French Ozone Splitter Purvelitz's Fast Flying Accomplishment by Getting Over 155 Miles in Two Hours, Seven Minutes, Fifty-four Seconds.

United Press Service

PAU, France, March 1.—Aviator Tabateau in a monoplane broke the swift flight record. He covered 155 miles in two hours, seven minutes and fifty-four seconds.

VENTILATED SHOES ARE TO RELIEVE SOLDIERS

General Bell, Commander of Philippine Division, Recommends That Footwear With Eyelets on Each Side Be Worn by Men in Army

Special to The Herald

WASHINGTON, D. C., March 1.—If Major General Bell, commanding the Philippines division, has found a plan for solving the foot troubles of the American soldier, say war department experts, he will put the whole army under a debt of gratitude.

General Bell, in his annual report, recommends that the latest type of shoe with six large eyelets on either side is the ideal service shoe. He also recommends that each man be required to have on hand two pair of these shoes which should be carefully fitted under the personal supervision of the company commander, and that these shoes should be worn at all times, both on and off duty. This plan would insure every man properly fitted shoes fit for field service, a condition at present far from being realized.

The partnership of Drs. R. R. Hamilton and Leo W. Chilton has been dissolved.

I. O. O. F. TONIGHT

Klamath Lodge No. 137, I. O. O. F., meets tonight in regular session in their splendid hall. There will be work in the initiatory degree, and members are requested to attend, and visiting members of the order are cordially invited.

Dance at the opera house tonight given by the White Pelican Orchestra instead of Saturday night.

NOT AFTER SECOND PLACE IS ATTITUDE OF JOHNSON

Says, However, That He Would Be Demogogue to Say That He Would Not Accept Vice-Presidency on National Republican Ticket

Special to The Herald

COLUMBUS, March 1.—Gov. Johnson arrived and addressed the convention at 11 a. m. on the recall.

He is not a republican vice-presidency candidate. Interviewed, he said he didn't expect to become a candidate, but would be a demogague if he said he wouldn't accept. He said: "You may say this: I'm not a candidate at this time. I am more interested in other things, particularly to defeat Taft for renomination. He is only looking at the financial side of things and overlooking the human side. The people are for Roosevelt, the politicians against him. The question is, whether the people or politicians shall have their way."

GIRLS TO TREAD COUNTRY PATHS

YOUNG WOMEN IN JUNIOR AND SENIOR CLASSES WILL PEDESTRIONIZE FOR OUT-OF-DOORS BENEFIT

A number of high school girls from the Junior and senior classes got together yesterday afternoon to formulate plans for a walking club. It will be the object of the club to hold numerous walks into the surrounding country, both for the enjoyment as well as instructive benefit which may be derived from them.

It was decided that the members should have a chief or overseer, and as a result of this Miss Bessie Applegate was elected to that office. A council composing three of the girls of the club was chosen, the girls being Misses Marjorie McClure, Inez Elliott and Hazel Manning. The duty of the council is to arrange plans for walks. A schedule will be adopted in which will be specified the various courses or routes to be taken.

At present it is planned to journey on Monday and Wednesday afternoons after the dismissal of school.

The name adopted by the club is the Eulalona Tribe, and the following are the members enlisted: Jennie Applegate, Bessie Applegate, Ruth Avery, Alla Balls, Nellie Cogswell, Inez Elliott, Evelyn Graves, Annie Hales, Vera Houston, Crystal McReynolds, Marjorie McClure, Hazel Manning, Nina Noel, Elsie Orem, Maysel Sanderson, Hazel Summers, Fern Wood, Teresa Yadon, Lillian Van Riper.

ROANOKE PROVES REAL THRILLER

PRETTY MERLE LEWIS IN TITLE ROLE OF PLAY WHICH PORTRAYS TOUGH EXPERIENCES OF BLIND GIRL

Hal Reid writes thrillers, and "Roanoke" is one of them. It was the offering of the Newman-Foltz dramatic combination last night at the Houston opera house, with pretty Merle Lewis adequately chosen for the title character. The story is of a girl, Roanoke Peyton, whose father is murdered and brother beaten by a miserly villain, Ezekiel Morse. The injuries to the brother take his reason and the girl gets brain fever, resulting in her blindness. Morse has been mortgagee of the Peyton house, and killed the father to steal back the paid-oc mortgage and Peyton's will. An aunt of Roanoke, Mrs. Joe Peyton, and her daughter, invade Roanoke's home and become barnacles there, keeping the blind girl out of her rights and humiliating her in every possible way. Mrs. Peyton's daughter, Annabelle, has fixed her chapeau in the hope of winning the love of Wilfred Forrest, who, however, loves Roanoke and keeps right on at it until he marries her. Her sight is ultimately recovered. Colonel Tom Bailey, lawyer, war comrade of Roanoke's father, and Aunt Dinah, negro mammy to Roanoke, work for the sightless girl's interest and get the mystery cleared up finally, so that the wickedness of Morse is rewarded by his demise, while the scheming women relatives of Roanoke are sufficiently humiliated without being totally extinguished. The faith of the blind girl in the Almighty is always her shield and buckler, but is declared so often in the lines that Author Reid has rather cheapened the sentiment for dramatic purposes and detracted from what might otherwise be a valuable climacteric asset.

Miss Lewis portrayed the blind girl in a sweet and attractive manner, displaying a charming head of natural hair in the character of the Southern lass.

Miss Bertha Foltz had the part of the scheming aunt, and was sufficiently acid to make a bitter dose at all times, while she was ably seconded by Miss Howard as her daughter, the latter being a well gowned and pretty figure to vise. One dislikes to look at Miss Howard and see her in such a role, but those stage managers—well they must do their duty, be it conceded.

Chester Stevens was Ezekiel Morse, decrepit villain with bishop's voice and greed of gold. He took pains in the work. Miss Zoe Bates was well cast as Aunt Dinah, while Gordon Osborn labored with the part of the demented brother of Roanoke as well as could be expected. J. Lindley Phipps was the faithful lover of the blind girl, while Ernest Winters doubled in the characters of the father who was killed and the lawyer friend, not familiar enough with the lines to keep the character moving in the best manner. Last night's bill progressed with much better gait than "Divorcons," however.

The specialties were offered with the usual success, Miss Howard and Miss Lewis giving songs and Gordon Osborn, the youthful Thespian and "vaudevillain," doing a patriotic song and dance turn, waving "Old Glory." Mr. Newman was out of the cast last night, getting variety to his life by lifting pasteboards at the portals.

Tonight, "A Woman's Way."

Tomorrow afternoon it will be ladies' matinee, with "Amy," the circus girl's story, as the bill, and in his curtain speech last night Mr. Stevens said for women to bring their babies, as they would be checked at the box office, but for heaven's sake, don't lose the checks. Saturday night is "Thelma," and Sunday night "Sapho." Alphonse Daudet's remarkable love narative.

LAND LUBBERS DRILLING IS TO BE EXPENSIVE

Unusual Preparations Being Made for Annual Militia Cruise, Which Will Teach Terra Firma Ranks Ways of Protectors on Old Ocean

United Press Service

WASHINGTON, D. C., March 1.—Realizing the value of the naval militia in drilling "land lubbers" in the ways of the sea, the navy department this year has made more extensive preparations for the annual militia cruise than ever before. According to the schedule just issued the Atlantic coast organizations north of New York will cruise from June 16 to 30, with rendezvous at Provincetown, Mass., while the combined exercises and target practice will be from June 17 to 24.

The organizations south of and including New York will cruise from July 14 to 28, with rendezvous at Tangier Island, Chesapeake Bay. July 15 to 22 is allotted for target practice and drills.

The Great Lakes organization will cruise from August 11 to 25, with rendezvous at South Manitou Island, Mich. Their drills and target practice will be from August 12 to 19.

The Pacific coast organization will cruise from June 16 to 30, rendezvousing at a location to be selected later. The exercises and target practice will be from June 17 to 24.

The department also hopes to make arrangements whereby the excess of men over the complements of the ships assigned will cruise on navy vessels.

Go and have a good time at the White Pelican Orchestra dance at the opera house tonight.

CLARK, SHAM HAYER, HAS HOUSE FAKERS ON RUN

Palmetto State Representative Objects to Unspoken Speeches Being Printed at Government Expense, and Is Exposer of Land Frauds

United Press Service

WASHINGTON, D. C., March 1.—To buck over the traces of time-honored congressional precedents after six years' patient submission, and jump into the limelight as a new national character, is the unique development of Representative Frank Clark (Dem., Florida).

And he is still untamed, protesting against alleged abuses of the house privileges by his colleagues, and kicking up a rumpus generally.

Clark has the distinction of having one of the shortest personal sketches in the congressional directory—and he wrote it himself. He used just thirteen words to tell the public of his claims to distinction, giving his home, Gainesville, Fla., and the mere fact of serving from the Fifty-ninth congress.

The Palmetto state representative browsed obscurely in the house pastures for three terms. But now he is a militant leader, feared by some and honored by many congressmen. He is feared for choking off congressmen who wish to fill the Congressional Record with "phony" speeches that were never spoken, under the "leave to print" privilege. Clark is the watchdog of the Record. He protests against printing a word in the Record that is not actually spoken in the house, depriving members of their ancient privilege of printing long speeches for home consumption. Many wait until Clark is absent before "putting over" a speech by leave to print, fearing the "I object" of the Floridan.

Five feet seven inches of belligerency is Clark. His bulky broad shoulders are in the thick of every fray. He has snappy black eyes, sunk deep under bushy eyebrows, and is crowned by a thick, unruly shock of black hair, slightly streaked with gray. He is the typical Southern statesman, too, in his black Prince Albert suit, low collar and black string tie.

Just now Clark is in the limelight for his alleged expose of alleged land frauds in the Florida Everglades.

Clark is famous for his organization of the "Tell Us How to Vote" Club, by sarcastically suggesting that all democrats seek advice on every subject from William J. Bryan. A message from Bryan on the steel tariff, advising the democratic representatives, caused Clark to attack the peerless leader. Now the club has formally organized, and its members wear buttons in derision of Bryan.

Reading of George Washington's farewell address in the house on Washington's birthday is another distinction of Clark. He suggested reading of the document, declaring former republican houses had refused to thus honor the Father of His Country.

Speaker Clark ordered the Floridan to read it, and for an hour, until he was hoarse, Clark read the historic paper.

ARCH MASONS TOMORROW NIGHT

Klamath Chapter No. 35, Royal Arch Masons will confer the Mark and Past Master degrees at its regular meeting tomorrow evening. A cordial invitation is extended to visiting companions.

The White Pelican Orchestra dance will be give nat the opera house tonight, instead of tomorrow night.

GYMNASIUM PLAN DESIGN OF KLINE

HAS BEEN GETTING FIGURES ON APPARATUS AND SUGGESTS THAT CLASSES COULD GIVE PUBLIC EXHIBITIONS

Mr. Cline returned from San Francisco Thursday, where he has been on business. Mr. Cline has been gathering some data on athletic apparatus, which he hopes to be able to secure. He also suggests that the organization could in a short while be able to give athletic exhibitions which would not only be a stimulous for the younger [illegible] which this city has its share, as well as to [illegible] equipment may be installed in a very [illegible] time. Should the proper amount of enthusiasm be aroused among the athletes in the city and the right kind of push be put behind such an undertaking, Klamath Falls will no doubt have an athletic organization.

Dr. H. E. Carruth returned to this city Thursday, having been summoned to appear as a witness in the Faulder trial. Dr. Carruth was the attending physician when the murder occurred, and consequently this connection with the case calls forth his testimony.

Fishing and hunting licenses issued from the county clerk's office yesterday were as follows: H. S. Wilson, J. V. Hollonsek, Rufus Williams, W. B. Brawnlee and Walter Magee.

ASK STATE PROBE FOR COUNTY COURT

PLEA MADE TO WEST

COMMERCIAL CLUB LETTER TO GOVERNOR MAKES CHARGES OF EXTRAVAGANCE AND FAVORITISM AGAINST BOARD

At a recent meeting the Klamath Falls Commercial Club adopted a resolution asking Governor Oswald West to investigate alleged extravagance of the county court, and the communication sent in pursuance of this resolution, which was forwarded under date of February 20th, has reached his excellency. That day was a week ago last Tuesday. The letter written to the governor reads as follows:

"To His Excellency, Oswald West, Governor of Oregon:

Greeting—Noting your recent action in aiding the citizens of Multnomah county in their efforts to curb and defeat graft in the management of that county's affairs and having, as we believe, a more aggravated state of affairs in this county, we, the Commercial Club of Klamath Falls, having failed in our attempt to secure action on the part of our prosecuting attorney toward restraining what we believe to be unlawful and wasteful extravagance on the part of the county court, and being advised that the recall law of this state is a dead letter, we beg to present to you for consideration a brief statement of facts, in the hope that we may be able to secure your aid and advice in the discovery and application of some adequate remedy.

"Our county was the owner of a poor farm of 59 acres, less than one mile from the city limits, for which the county paid $1,500, and upon which it expended $8,000 in permanent improvements which, with those already on the place were ample to supply the need of the county poor for years to come. Shortly after assuming office our present county judge, with the consent of the commissioners, bought from the judge's father, a tract of land consisting of 76.69 acres, fully five miles from the city, for which was paid $4,420, besides giving the judge's father the old poor farm as boot, or difference at a valuation of $1,500, and turned over to him the crop growing thereon, for which had been paid by the county $200 to have it put in. In addition the county assumed an indebtedness of $210 due the Klamath Water Users Association for ditch construction and water rent. This makes the total cost of the unimproved land $7,410, or approximately $100 per acre. Other lands as good or better, a less distance from the city could have been purchased at about $40 per acre.

"No public notice was given that the county desired to dispose of the old poor farm, nor was there any public notice given of the intended purchase of a new one. Had the old farm been advertised it would readily have brought double the price allowed for it by the judge's father. This is amply proven by the fact that within six months the latter disposed of a little more than half of the farm at a valuation of $4,000.

"Upon the newly acquired poor farm the county court has erected what it is pleased to term an infirmary. It cost over $20,000 to construct it and equip it in a palatial manner. It is steam heated, and has all modern appliances, requiring the services of a retinue of salaried servants and attendants to further unnecessarily burden the county. The largest number of persons ever cared for by the county has been ten, while the average number is five.

"The county court recently took a junketing trip to Portland. Upon its return there was issued a warrant in the sum of $109.13 to each of the three members of the court, charging the same to county business.

"Automobile and carriage hire for themselves and the county poor in the sum of several hundred dollars; drug bills for county poor or poor farm amounting to over $1,000 in the last year, besides many other unnecessary and unwarranted expenditures make up a large portion of the county's expenses.

"The county court has issued and sold county warrants amounting to

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