

TRIAL FOR MURDER

Frank Copron Charged with Johnson's Death

HARD FIGHT BEING MADE

Case Will Probably go to Jury Friday—Expert Testimony Important Part

Promptly at nine o'clock Monday Judge Benson called the Court to order and the curtain went upon what is going to be the greatest legal battle ever fought in this county. This is not going to be the trial of Copron so much as the test of the abilities of Geo. Noland and C. F. Stone. Both are men possessed of a reputation as being great legal gladiators, and the little old court house will tremble as these two men hammer up into these great struggle—one to free the other to convict Frank Copron.

Copron is the last man one would pick out as being implicated in a murder. He is of fine physique and handsome, a square jaw and chin, an honest eye and clear complexion—a man who would be more at home dancing children on his knee than in the dock. His appearance made a favorable impression upon the spectators and will no doubt likewise with the jury.

On request of the state, the jury, immediately following the convening of court, visited the scene of the trouble—the Klamath Bar. To this proceeding no objection was entered by the defense.

On their return to the courtroom, the first witness called was Lucius Emerson a cook, 73 years old. He swore that he was in the Biehns saloon between 8 and 9 o'clock on the evening of December 24, 1907. He was watching a solo game, when Johnson entered the saloon. He came in and went to the counter, on which he placed a baby carriage, setting on the floor a sack containing some trinkets. He took two drinks. At the bar were the two Biehns, Schmidt and other men. From this he walked to the billiard table and made a few shots. Someone at the bar spoke to him and he walked toward it with the cue in his hand.

"When he reached the bar, they had some talk among them, then I heard someone fall, and I looked to see who it was, and it was Mr. Schmidt. He was bleeding profusely. Johnson then grabbed the baby carriage in his right hand and the sack in the left hand and hurriedly left the saloon. I did not see what happened after this on account of the screen in front of the door.

"He was followed by Mr. Copron and Mr. Petersteiner, Copron being first. Copron did not have anything in his hand but I think Petersteiner did. I did not see the billiard cue in Johnson's hand after Schmidt fell. The injured man was taken to the rear of the saloon where his wound was washed and bandaged. The next time I saw Johnson was when he was carried in and laid on the floor. He said nothing until the doctor came. The doctor wanted to look at

the wound, but Johnson cursed him, telling him to get away, that he wanted some ice. Copron went out and got a snowball which he gave Johnson and he placed it on his eye.

"Copron stated that he was sorry that the trouble occurred, especially on that evening.

"When Petersteiner returned he was carrying the short end of a billiard cue in his right hand. (Witness identified cue and state introduced it as state's exhibit No. 1.) I was within six or seven feet from him. I did not see any blood on the cue. My eyesight is good and the lights were bright.

The witness described the cue carried by Johnson when he went forward to the bar. It was colored on one side.

On cross examination the witness insisted that, though Johnson was behind him, he could see everything he did and was sure that he did not change the cue which was lying on the table—a cue that had a red stripe on one side of it. This red stripe is going to play an important part in the trial, for the broken cue that is to be introduced has no such mark.

JOHN SCHMIDT

John Schmidt, a laborer, aged 44, was the next witness. He it was who was struck by Johnson. He was standing at the bar when Johnson came in and said "Hello, Johnson No. 2."

"He told me about the presents he had purchased for his children and what they cost. He set up the drinks. I was talking with Henry Jansen about his approaching wedding and the music for the same. It was during this conversation that Johnson hit me. I remember nothing more until I was fixed up and returned to the barroom."

On cross examination he stated that he had had his head bandaged for three weeks, that for the week following the blow he thought he would surely die; that the injury still troubles him.

Jesse D. Hart, police officer, was then called. He has resided here about 15 months and lived in Oregon about two years.

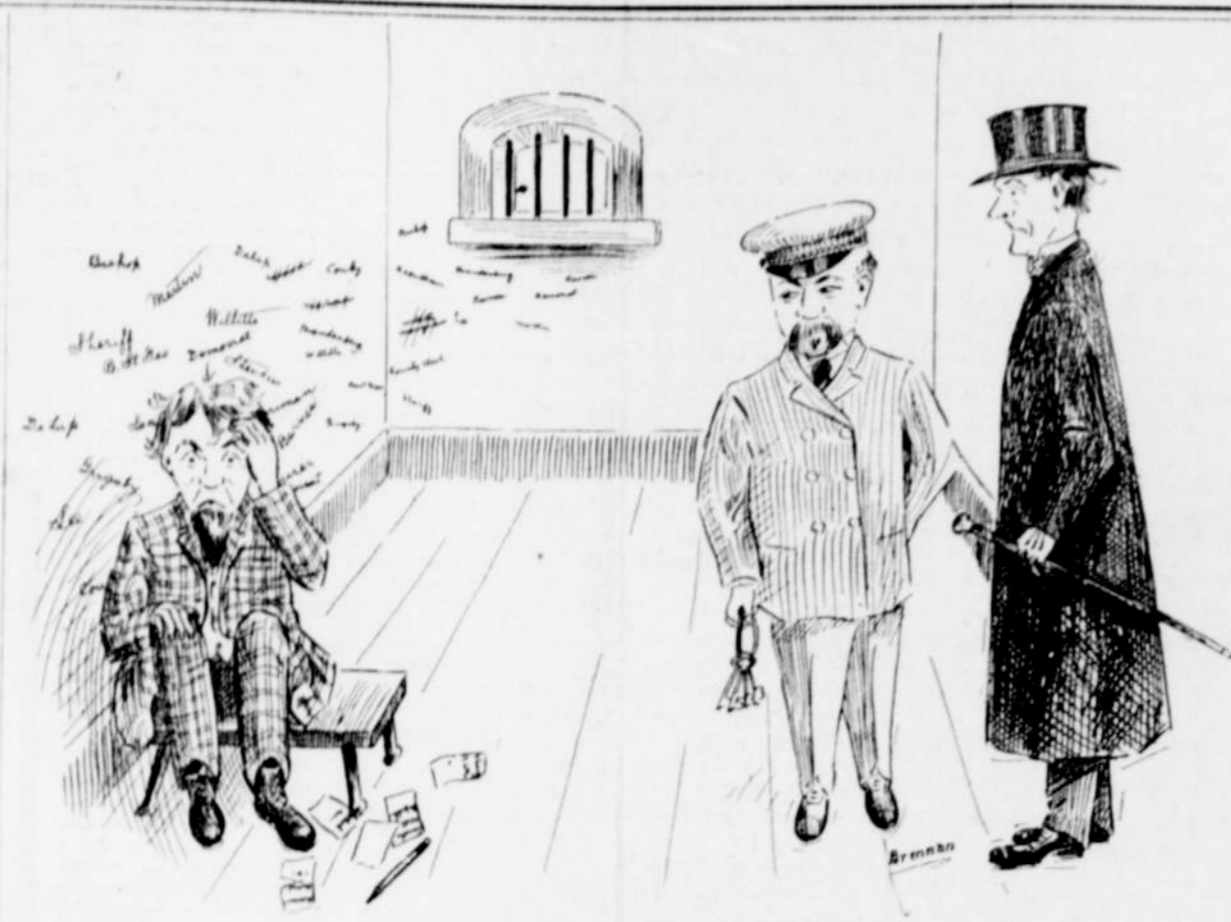
"On the evening of December 24, 1907, I was on my way to the Christmas tree at the Baptist church when I passed the Klamath Bar. I heard a noise as if someone were scuffling. I stopped to see what the trouble was, when the door burst open and Johnson came out as if he were knocked or pushed out. It is a difficult matter to determine just whether he came out with his back or his face towards me, it happened so quickly.

I heard two blows struck, one of which sounded like a stick coming in contact with wood, and the other as if it hit a body. I heard Johnson say "Don't hit me, you are killing me." I then started across the street and when almost to the point where Johnson was laying I heard Copron say "Don't hit him any more, you've run his eye out." Petersteiner dropped the butt end of a billiard cue down on the street to the right of the door (witness identified piece of cue and it was introduced as evidence). Copron was the first one to come out of the saloon followed by Petersteiner.

He further testified that he could not swear that any blow was struck before Johnson came out of the door or when he was coming out; he saw no blow struck but heard a noise as if something had struck the baby carriage. Johnson had in his hand the handle of the doll carriage, the body of the carriage was missing.

"Copron and I carried Johnson into the saloon and Copron asked me to get a doctor. I went and got Dr. Maston. Johnson kept remarking that his head was hurting and putting his hand up to his head. This provoked Dr. Maston and he remarked to let him alone until he gets sober and then send for me."

The witness further testified that Petersteiner wanted to assault Johnson after he was carried into the saloon, but



Candidate—'Alas, poor voter, we knew thee well'

was prevented from doing so by the witness; that Petersteiner remarked that he would "kill the d—n— Hart was on the stand when court adjourned for dinner.

When court convened, Mr. Hart resumed his seat and testified as to the location of the screen between the door and the bar.

On cross examination he testified in answer to questions that Johnson might have come out first, but not as if he had stumbled and fell, but as though he had been knocked or pushed out of the door. The cross examination was very brief.

Charles N. Faith, of Bonanza, a carpenter, age 50 years followed Hart. He was in the Klamath Bar on the evening of December 24, 1907, prior to the trouble. He left and met Johnson going toward the saloon, passing him at the Klamath Livery. He returned half an hour later and saw Johnson lying on the floor injured; saw two pieces of billiard cue on the floor, the end of one being stained with blood.

R. G. Gillett, special policeman, testified that he was called to the Klamath Bar on the evening of the fight; that Copron told him that Johnson had hit Schmidt and that he and Petersteiner chased him out of the saloon and that Johnson ran into a tree and injured his eye. Petersteiner rebuked Copron for the statement. He also testified as to seeing the broken cue and its condition. He and Jameson placed Johnson in jail; had no trouble with him, continually complaining of his head.

On cross examination he stated that Copron and Hieb had bathed Johnson's head and bandaged his eye.

Mrs. Viola Page was called next and testified about her way to the Presbyterian church; she heard a scuffling, the door opened and three men came out; heard one man say "Run over a man will you," another say "I'll stab him," the third say "Don't you've knocked his eye out." Then she saw someone pull a man onto the sidewalk, the latter protesting against returning to the saloon and saying "You've killed me."

Jesse Hart was recalled. Testified that in conversation with Copron Xmas morning he stated that he thought Johnson had either fallen on the cue or jabbed it into his eye as he was going out of the door.

E. E. Jamison, policeman, was the next witness, testified he was notified that there had been a fight at the Klamath Bar; he went there and saw a broken cue; took Johnson and jail on orders of Dr. Maston, who stated that was the place for him; Johnson complained continually about his head.

Cross examination was very brief and not important.

C. C. Low was next called and testified as to receiving the broken cue and turning it over to the sheriff.

The question as to whether the dying statement of Johnson should be admitted or not came before the court and the jury was excused until Tuesday morning. The court then heard testimony as to the rationality of the deceased at the times the statements were made and also arguments on the legal points involved. This required a night session until nearly ten o'clock, when court adjourned until nine o'clock Tuesday morning.

When court convened Tuesday morning Judge Benson announced he had not been able to reach a decision as to the admissibility of the statements of Johnson relative to his death or recovery. He accordingly excused the jury and had subpoenas issued for Drs. Merryman, White and Parker.

Mrs. Johnson, Mr. Hixon, Mr. Phillips, Mr. Dennis, Mr. Casey, Mrs. Hattie Wilson, A. L. Leavitt and Mrs. Gentry were called and gave additional testimony as to the condition of Johnson prior to his death. The court took the matter under advisement and at 11 o'clock court recess until 1:30.

The court convened at 1:30 and Judge Benson decided that the statement of Hixon and Mrs. Gentry prior to the time of the operation for the removal of his eye, be introduced. To this the defense entered an objection on the ground it was not made in view of impending death, and as being irrelevant and immaterial.

Ed Hixon, a laborer, was the first witness called. He said:

"On Christmas morning Mrs. Johnson sent for me to assist her in caring for her husband. I remained there until his death ten days later. During that time he was rational and irrationally. When rational he seemed to be in possession of all his faculties and his mind seemed perfectly clear. These periods would be of varying duration, lasting from ten minutes to half an hour.

That morning when I came into the room we talked about the operation and Johnson said, 'The operation will do no good, for I am too badly injured.' We talked about the trouble he had at the time he was injured and he said 'When I reached the door, Petersteiner hit me with the butt end of a cue and knocked me down. While I was down Frank, (meaning Copron) the big bartender jabbed the small end of a cue in my eye. Then I got up and got out of the door, when Petersteiner hit me twice.'

"Between the time I came and the operation he was rational about half of the time. After the operation he had less lucid intervals, but several times he referred to the fact that he would not recover."

On cross examination Hixon was badly mixed up on two important points—the cue which was actually used as it occurred at the door of the saloon. On cross examination he stated that Johnson said that the blow struck by Petersteiner knocked him outside of the door and on the sidewalk;

while he previously stated that the blow knocked him down inside the door, and was there followed by the blow in the eye by Copron. He finally admitted that most of his testimony on this point was supposition.

As to the conversation held prior to the operation he was doubtful as to the exact words which were used as to whether Johnson referred to the disfigurement of his face through the loss of his eye, should he recover.

Mrs. J. M. Johnson was next called and stated that Christmas morning between 6 and 7 o'clock her husband came home. He was muddy and his head was tied up. He undressed and went to bed, complaining about being cold. He soon went to sleep. He was rational and seemed to know what he was saying. He was delirious about half the time until he died, Sunday following Christmas. Dr. Maston removed a sliver of wood from his eye and later removed the eye.

"On the morning of the operation I had a conversation with my husband relative to the assault that was made on him Christmas eve. He said that Petersteiner hit him on the head with a billiard cue and knocked him out the door to the sidewalk and that the bartender jabbed him in the eye with the small end of the cue.

"He protested against the removal of the eye, for he saw no reason why it should be taken out for he might as well die with it in as out. After the operation he expressed a wish that he was in Portland, where he could go to a hospital and receive proper care and attention. Though I told him he would get along all right, he believed he would not get well."

The state brought out, by the witness, the fact of Johnson's death and burial. The defense then took the witness in charge for cross-examination.

On cross examination Mrs. Johnson testified that when her husband came home he was rational; that she called Dr. Parker when he came and asked him to give him something to relieve his pain. Dr. Parker asked him who bandaged up his eye and Johnson replied: "Why you did doctor." He did not tell her about his trouble with Schmidt; that he just stepped into the saloon to get a drink when he was leaving Petersteiner hit him over the head, without any provocation. She further testified that her husband never told her that Copron had the butt end of the cue in his hand.

C. R. DeLap was then put on the stand for the purpose of bringing the sliver taken from Johnson's eye, in evidence. Court then adjourned until 9 o'clock Wednesday.

Court convened at 9 o'clock and Mrs. Hattie Wilson was the first called. The greater part of her testimony was ruled out by court, on the ground that it was prior to his death. Johnson prior to Sunday, before operation.

Mrs. G. A. Gentry was the next witness, but aside from the fact that she waited on Johnson during his illness, nothing was developed. She was followed by her husband, whose testimony was along the same line. The ruling of the court cutting out all state meats as to how Johnson was injured and who inflicted the injury, made prior to Sunday, prevented the state from securing from the last four witnesses any testimony of value.

The most gruesome part of the entire trial during the testimony of Dr. Merryman, who was the last witness for the state, it was the introduction of that portion of the nose and eye socket that was broken by the cue. When this was held up for identification by the doctor, and for inspection by the jury, a shudder passed through the spectators and the ladies who were present gasped with horror.

son, and further as to the effect of such a wound on the state of mind of a person; that he would consider a man rational three or four days after the injury; that there would be irrational periods, but in lucid moments he would fully understand what he was saying and doing. This concluded the state's case.

TESTIMONY FOR DEFENSE
The first witness called by the defense was B. C. Burnett, who testified as to the absence of Dr. Maston from the state, saying he was instructed to forward his mail to Oakland.

The defense then asked that the testimony given by Dr. Maston at the Coroner's inquest be read to the jury, which proceeding was objected to by the state. After argument by the attorneys, the court reserved his decision until the afternoon session.

Harry Engle was the next witness. He testified that on Christmas morning he delivered to Mrs. Johnson the package of trinkets found at the saloon; that the doll carriage was badly broken; that the end of one of the small pieces in saw blood. On cross examination, he stated the end of the stick was blunt and unbroken; that the blood was all around the stick. Court then adjourned until 1:30.

When court convened after dinner, Robert Casey was recalled for further cross-examination, for the purpose of showing that Johnson said Copron inflicted the injury to his eye, but witness could remember clearly.

Dr. Parker then took the witness chair and gave expert testimony as to the force necessary to penetrate the eye socket; the effect of bacteria and how long thereafter a person would be rational.

Mrs. Welch was the next witness. She testified that Hixon was not at Johnson's home on the Sunday the operation was performed; that Johnson said: "Petersteiner hit me with a cue," then he hesitated a little and added: "He stuck the cue in my eye," not indicating whom he meant by "he." This testimony was a surprise for the reason Hixon testified he was there that Sunday forenoon and heard Johnson state how he was injured and who did it. This is the only evidence before the jury connecting Copron with the actual infliction of the injury, and would tend to show that Hixon was mistaken in the day.

The court here ruled that the testimony given by Dr. Maston before the Coroner's jury could not be read to the jury. The defense then introduced his testimony given before the Justice's court. This related to his state of mind after his injury, which he stated was irrational.

DAIRY

Dairy has the best school in Klamath county.

Dairy needs a blacksmith. The cold weather of the past few nights has caused A. L. Michael to leave off plowing but "Brownie" will be there when the frost gets off.

Considerable plowing has been done in Yonka valley during the winter, our farmers believing the old saying, "The early bird catches the worm" a drier preparing to sow their grain earlier than usual.

Mr. and Mrs. Thomas Michael were given a surprise party by their friends Friday night. Those present say they had a good time.

E. B. Sedge is keeping back at his homestead this week; he digs postholes when he is not slinging flapjacks. He is talking some of sending to Sears, Roebuck & Co. for a flapjack slinger but we think he can do as well right here.

Mrs. G. G. Anderson returned home Thursday from a visit with her daughter, Mrs. Arant.

Frank Cutter is building a flue for Mr. Davies in the old Price house.

Charles Drew is able to be out again after having had the measles.

There are no new cases of the measles to report.

S. D. Tooker is the busiest man in the country. He has built a house and a barn, besides plowing considerable new land; he is also stocking his ranch with hogs and fixing up in general. He don't have much to say about his work, but does it in a substantial manner. This country needs more of his kind.

W. P. Sedge and family enjoyed a visit with H. S. Oden and family Sunday.

These fine days almost give one the spring fever.

The bell for the new school house arrived Sunday and was put in place Monday by Wade Oden and E. B. Sedge and is now ready to toll the children to school on schedule time.

P. H. Gray, of Poe valley, was in Dairy Tuesday. Mr. Gray brought a load of hogs for Mr. Tooker and others.

W. P. Sedge requests the farmers to not bring quail eggs to his store as chicken eggs. They are too small.

Mr. Davies is expecting 24 new lock boxes for the postoffice, and with other improvements he is making, will soon have the best equipped office in the country.

Prof. Hall is the proud possessor of a handsome watch fob presented to him by the school children as a token of appreciation of efforts made in their behalf. Miss Elsie Oden made the presentation speech.

It is reported that (Sagebrush) C. W. Sherman has hied himself away to Idaho. Wonder if he will come back alone? Perhaps not.

Chance for Better Service

The people of Klamath Falls have an opportunity of receiving their mail 13 hours earlier than at present if they wish it. In the various clubs and organizations of this city intend to remain inactive, or will they see the praise of our citizens by doing something towards improving our mail service?

The postoffice department has shown a disposition to accommodate the people as soon as they learned what their entire mail from Pokegama, Fort Klamath, Bonanza, Lakeview and way stations, arrive here within a few hours of each other in the evening. This necessitates working a greater part of the night and sometimes, on account of the bulk of mail, it is not possible to get it distributed in time to make up an outgoing mail in the morning. Instead of the outside mail laying over at Pokegama, it should be here being distributed during the day, and there would be only the east mail to handle at night.

A communication was received from Mayor Bishop, in answer to the invitation of the Federation asking him to be present, stating his position on the public matters being considered, and denoting his willingness to have a committee appointed to bring such matters before the Council when in session. On account of lack of space we are unable to publish the communication today, but will do so in the next issue.

The committee appointed at the mass meeting February 8, presented the following report, which was ordered to be published in the papers:

On February 8, 1908, the citizens of Klamath Falls held a mass meeting at the court house for the purpose of discussing the question of municipal irrigation. A committee of three was appointed with instructions to confer with the U. S. Reclamation officials and to collect other data, and to report at a subsequent meeting to be called by the chairman.

We, the above mentioned committee, beg leave to report as follows:

That, after investigation according to the above instructions, we are in favor of the installation by the city of Klamath Falls of an independent water system designed for both domestic and irrigation purposes, deeming a double system less satisfactory and more expensive. Any kind of a system costs money. Therefore your attention is called to the unsatisfactory financial condition of the city and the urgent necessity of prompt application of business principles to the government of its affairs, without which it is useless to undertake any kind of development.

We have ascertained that the city's warrant indebtedness is approximately \$40,000, which amount appears to be \$20,000 in excess of the limit prescribed by its charter. This is in addition to \$10,000 water bonds upon which \$7,000 in interest has already been paid out. Apparently no provision has been made for the payment of the principal. And when we consider the city's disgraceful lack of sanitation and unsatisfactory streets and other conditions, it is manifestly impossible to develop any kind of water or other systems without the inauguration of a new financial system for the city.

We have not had time to look into the matter of cost, plans and other details; but this we know, that other towns less favorably situated than Klamath Falls physically and financially have satisfactorily solved the problem. We can profit by their example. If we want it, it is ours. "Where there is a will there is a way."

Conrad Madisons little girl who has been seriously ill with heart trouble is slowly recovering.

Wolf Otey the lawyer is helping Blacky Hitchcock haul logs to the saw mill.

The Government Surveyors are Surveying the ditch from Klamath Falls to Keno. They are giving the grade so much fall that they are liable to fall into the river before they get to Keno. Every baby along the line is dissatisfied with the survey.

John Snowgoose is now offering his entire band of Jacks and Jennies at Keno for sale.

As yet but few voters have registered. Those wishing to register can do so by calling on H. Snowgoose who has the blanks and is prepared to do the work.

Wm. Davis was in Keno the other day looking after the stage business.

Harry Wall has rented 80 acres of ground of R. A. Emmitt's to put into grain.

The Colonel's Birthday

A few of Col. Wilkin's host of friends called on him Tuesday eve'g about 8:30, the occasion being his birthday. It was somewhat of a surprise, as the Colonel had forgotten that he was growing older. He refused to say just how old he was, but it is up in the 70's.

What was the game and was played until all were beaten except the Colonel himself, who is a veteran at the game. After which the guests went their several ways wondering who had had the best time they or the Colonel.

This muddy weather calls for LINOLEUM

We have it 6 to 12 feet wide It saves time and hard work

Our Responsibility Ends When You are Satisfied

Klamath Falls Furniture House

Successor to R. T. Bolter

E. W. GILLETTE & CO.

YOUR FAITHFUL WATCH

Will you give it to one who is not qualified, to repair or clean? Or will you leave it with me, which assures you good honest work with a responsible guarantee? :: :: ::

G. Heitkemper Jr.
Leading Watchmaker, Jeweler and Optician

All goods bought here engraved free of charge.