

WALLIS TRIAL.

(Continued from Page 1.)

key trial, with the exception that he was only allowed to tell those occurrences in which Wallis was connected.

Welch occupied the stand the greater part of Tuesday forenoon. He was followed by Mrs. Lizzie Fitch, who testified to seeing Alf Wallis, Chas. Liskey and Walter Welch on December 4 near her place in Yonna Valley with a band of horses, among which she recognized two of the horses.

John W. Logue, father-in-law of Wallis, was then called and stated that he was at the home of Alf Wallis one night and the following day, which he thought was Friday and Saturday, December 4 and 5.

He testified to seeing a strawberry roan mare belonging to Donnell and one of Manuel Vierra's horses in the Wallis pasture, which were turned out by Welch and Liskey. On cross examination by Stone an attempt was made to use Mr. Logue as a witness for the defense, but the questions were objected to and the objections sustained.

Mr. Stone intimated that he might call Mr. Logue later for examination as a witness for the defense.

Luke Walker was next called. He was at the Fitch place on December 4 and saw three men with a band of horses, one of which he took for Alf Wallis.

J. B. Short, of Poe Valley, was the next witness. He went to the Wallis place on Saturday afternoon, December 5, and remained over until Sunday.

When he arrived Saturday afternoon there were no men about the place, but Wallis, Welch and Liskey returned about dark. Wallis and Welch left Sunday morning saying they were going to Bonanza.

Court then adjourned until 1:30. Mrs. Fitch was recalled by the state after the noon recess and was asked several questions in regard to the roan pony which has been prominent in the evidence in the horse stealing cases.

F. W. Broadsword, a hardware merchant of Bonanza, testified that on December 5th last, the defendant purchased from him a pair of pliers, used for cutting wire, two files and also a sausage grinder. The articles were taken from the store by the defendant.

J. A. Bradley, of Bonanza, testified that on or about December 5th, Alf Wallis was in his store.

Lewis Gerber was next called and was asked numerous questions relative to the usual route followed in driving stock from the Bonanza section to Mt. Hebron. His testimony was to the effect that the route most used was not through the Lava Beds but via Poe Valley and Merrill. Witness was also asked numerous questions about having ordered a certain number of cars for the shipment of stock from Mt. Hebron.

Gay Merrill gave evidence in regard to the nature of the Lava Beds and the location and condition of a certain horse camp he maintains there. Counsel for the defense interposed objections to most of the questions asked, practically all of which the Court overruled.

Geo. Ritter, a Yonna Valley farmer, gave evidence as to a certain horse belonging to him. The horse disappeared from the range near his ranch last fall or winter and was subsequently located in California, where it had been taken without his permission.

Annie Vinson, daughter of Henry Vinson, furnished evidence pertaining to the horses owned by Henry Vinson, and going into detail about visiting San Jose, Cal., in January, 1909, for the purpose of identifying the Vinson horses which had been sold in that city. She was closely cross examined as to the ownership of the horses in question, she testifying that they were the property of her father.

Aley Vinson, the 30-year-old son of Henry Vinson, testified that he had no interest in the horses owned by his father except as a child. He stated on cross examination that he had no source of remuneration aside from that paid him by his father for helping on the ranch.

John Shook testified that on December 10th last, he saw Alf Wallis on horseback come from Poe Valley towards Bonanza. Probably a half hour later he saw him in Bonanza and noticed that the horse looked as if he had been hard ridden and he also heard Wallis say that he had ridden about 50 miles that day. This was shortly after 4 o'clock in the afternoon.

Mrs. John Shook corroborated the evidence of the preceding witness about Wallis coming toward Bonanza on the road leading to Poe Valley. The horse he was riding appeared to be very tired. She recognized the

defendant as he passed by the house and spoke to him, he replying by a nod of the head.

The testimony of the witness, John Shook, was fully corroborated by R. I. Kilgore, who stated that he was in Bonanza on December 10th; that he saw the defendant ride into town on his bay saddle horse; that the horse appeared to be tired and looked as if he had been hard ridden; that he particularly noticed the condition of the horse as it stood in front of the Driscoll store; that Wallis came into Bonanza across the bridge from the east.

Wm. Goss gave testimony corroborating Kilgore regarding the condition of Wallis' horse on the day in question.

C. H. Hoagland was not positive in his testimony in regard to the condition of the horse, but he corroborated preceding witnesses in regard to the horse being in Bonanza on December 10th.

On cross examination the witness testified that he had had a fight with the defendant, but that they were not on unfriendly terms.

Lee Ross, who conducts a barber shop in Bonanza, testified that he saw Wallis on or about December 10; that he noticed his horse and that his attention was called to the tired condition in which the horse appeared to be.

Mrs. M. Smith, residing on the Major Bruce ranch 13 miles from Mt. Hebron, was called and testified about a band of horses being at her place on or about December 12th last. Counsel for defense objected to every question asked, the Court overruling the objections.

T. J. Patterson, of Mt. Hebron, gave evidence about seeing a bunch of horses at Mt. Hebron on December 13, 1908, and about seeing two men with the horses.

W. H. Shook corroborated the witness Welch in his testimony about cutting wire fences. Numerous objections were again interposed by counsel for defense and were promptly overruled. The testimony of witness Shook corroborated that of Welch in regard to the route taken with the bunch of horses.

At the conclusion of the testimony by W. H. Shook the Prosecuting Attorney announced that the state had introduced all of its witnesses on hand and that it was preferred to stop proceedings for the time being, and in accordance with this an adjournment was taken until Wednesday morning when the state continued with its witnesses.

Upon the convening of Court next 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 showing 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 in the afternoon Prosecuting Attorney Kuykendall 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:

"Come 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 3 o'clock when the defense placed its first witness, John Logue, 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 Yonna 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 witness 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 1909, 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 stole.

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 Broadword 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 6th 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. Defendant 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.

Chas. Anderson started plowing Monday on his dry ranch in Dadds Hollow. Charlie is a rustler. Jack Anderson is busy grubbing sagebrush on R. C. Anderson's place. Mrs. R. C. Anderson attended lodge in Merrill Monday night. The railroad surveyors are surveying near Gale now. Pauline Giacomini is out of school on account of sickness. W. H. Hadley is busy burning sagebrush and preparing for spring seeding. Neva Whitlatch is out of school on account of sickness. We hope she may be able to return soon. Clara Anderson is at home for a few days to stay with her parents, Mr. and Mrs. R. C. Anderson. Miss and Mr. Callahan entertained the 500 club of Gale Saturday night at their home. Luncheon of popcorn, candy nuts, cake, sandwiches, pickles and coffee were served at midnight. Those present were: Mr. and Mrs. R. C. Anderson, Mr. and Mrs. Dan Colwell, Mr. and Mrs. Eugene Hammond, Mr. and Mrs. J. H. Hobbs, Miss Blanche Robinson, Jack Anderson, Willie Hammond and Danie Anderson. All enjoyed a very pleasant evening. Charlie Whitlatch is helping his brother, Jake, break sagebrush. We are all sorry to lose Charlie from our school. Mrs. R. C. Anderson entertained

a number of her friends Sunday: Mr. and Mrs. E. C. Albin, Mrs. Mayme Jones, Mr. and Mrs. Dan Colwell, George Ward was absent from school Monday. Eugene Hammond was trading Merrill Saturday. W. D. Johnson, M. Giacomini and Marion Whitlatch went to Klamath Falls Sunday to serve on the jury. Mr. and Mrs. Grant Gay and the Misses Gay spent Sunday with Mr. and Mrs. J. D. Morgan. Mrs. H. F. Tolle and Mrs. Taylor were in Merrill Saturday to attend the club. Mr. and Mrs. R. C. Anderson and Mrs. J. H. Hobbs were in Merrill last Thursday. Wm. Ingraham, Howard O'Connor and Wm. Wilson. Bee and Raymond Taylor, Willie Johnson and Harold Todd entered the Gale school this week. Gertrude and Audrey Tolle, and Lyle Howell returned to school after an absence of some weeks on account of bad weather. Mr. and Mrs. John Elvy and children, Ludford and Gwen, Nellie Johnson, George Wooden and Leo and Vesta Todd spent Sunday at H. F. Tolley's. We understand that Wm. Whitlatch was married at Halsey on February 24. Mr. and Mrs. Thomas and son, Lee, spent Sunday with Mr. and Mrs. Book. Miss Neva Whitlatch and M. Elgner spent Sunday with Mr. and Mrs. J. E. Whitlatch. Miss Della Gerking took tea Sunday evening with Miss Gwen Elvy. Leo Todd and sister, Vesta, gave a party at their home for a number of their young friends last Friday night. Those present were: Misses Della Gerking, Gwendoline Elvy, Neva Whitlatch, Mrs. J. Norton, Messrs. Howard O'Connor, Horace Hickman, Johnnie Nye, Charlie Cox, Wm. Graham, J. Norton, George Ward, Charlie Whitlatch, and Bert and George Wooden. Refreshments of coffee, cake and sandwiches were served at midnight. All enjoyed a very pleasant evening, spent in playing games and dancing. It was a case of "We won't go home 'till morning." George Wooden was helping his father at home Tuesday and therefore we missed him at school. Miss Gwen Elvy visited the Gale school Monday. Mr. and Mrs. R. S. Wooden spent Sunday afternoon with Mr. and Mrs. W. H. Todd. Leo Todd and Bert Wooden spent Monday evening with the "Old Bachelors" (Wm. Graham and Howard O'Connor) at the "Bachelor's Hall" in Dadds Hollow. Miss Vesta Todd visited the Gale school Tuesday. Mr. and Mrs. H. F. Tolle were initiated into the Rebekah lodge Monday night. Mr. Callahan is busy building a fence for Mr. Shank. Mrs. J. W. Taylor visited school Friday afternoon. Doris Johnson is around getting signers for a petition for a new county road two miles east of Gale. Monday was a busy day at the Tolle ranch. Mr. Tolle butchering hogs and Mrs. Tolle dressmaking.

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

Mayor John R. Sills 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.

REMINDERS. In the Circuit Court of the State of Oregon, for the County of Klamath. Carrie Nelson, Plaintiff, vs. Hans Nelson, Peter Nelson, J. H. Hamilton and Emma Hamilton, his wife, Anna Margaret Hansen and Wilhelm Hansen, her husband, Defendants. Summons. Suit in Equity to Quiet Title. To the above named defendants, Peter Nelson, Anna Margaret Hansen and Wilhelm Hansen: In the name of the State of Oregon you and each of you are hereby required to appear and answer the complaint filed against you in the above entitled suit, on or before the 11th day of March, 1909, that being the date of the last publication of summons, and the last day within which the defendants are required to appear and answer, as fixed by the order of publication of this summons; and if you fail to appear and answer, the plaintiff will apply to the Court for the relief prayed for in said complaint, to-wit:

For a decree quieting plaintiff's title in and to the following described real property, to-wit: The East 1/4 of the Southwest 1/4; the Northwest 1/4 of the Southwest 1/4, and the Southeast 1/4 of the Northwest 1/4 of Section 11, Township 38, South of Range 12 East of Willamette Meridian, containing 160 acres, situate in Klamath County, Oregon. Also a certain lot or parcel of land situate in the City of Klamath Falls, County of Klamath, State of Oregon, described as follows, to-wit: Beginning at the Northeasterly corner of Lot 8, in Block 55 of Nichols Addition to the Town of Klamath Falls, Oregon, as marked and designated on the official plat of said Addition; thence Westerly 65 feet to the Northeasterly corner of said Lot 8; thence Southerly along the Westerly line of said Lot 8, 110 feet; thence Easterly and at right angles to Ninth street, 65 feet; thence Northerly along the Easterly line of said Lot 8, 110 feet to the place of beginning.

and for a judgment against defendants and each of them, for her costs and disbursements in this suit. This summons is published in the Klamath Republican, a weekly newspaper printed and published at Klamath Falls, Klamath County, Oregon, by order of Honorable George Nolan, Judge of said Circuit Court, and dated the 27th day of January, 1909, the first publication to be made on Thursday, January 28th, 1909, and the last publication to be made on March 11, 1909.

BENSON & STONE, 1-23-3-11 Attorneys for Plaintiff.

DEPARTMENT OF THE INTERIOR, General Land Office, Washington, D. C., January 7, 1909. Notice of Restoration of Public Lands to Settlement and Entry. Notice is hereby given that the First Assistant Secretary of the Interior has vacated departmental order of withdrawal in so far as the same affects the withdrawal for irrigation purposes under the act of June 17, 1902 (32 Stat., 388), for use in connection with the Klamath Project, Oregon, of the following described lands in the State of Oregon, and by his authority such of said tracts as have not been heretofore finally restored and are not otherwise withdrawn, reserved, or appropriated, will be subject to settlement under the public land laws of the United States on and after April 6, 1909, but shall not be subject to entry, filing, or selection until May 6, 1909, at the United States land office at Lakeview, Oregon, warning being expressly given that no person will be permitted to gain or exercise any right whatever under any settlement or occupation begun after January 6, 1909, and prior to April 6, 1909, all such settlement or occupation being forbidden: Willamette Principal Meridian, T. 40 S., R. 9 E., S. 1/2 NE 1/4, Section 24. FRED DENNETT, Commissioner of the General Land Office. FRANK PIERCE, First Assistant Secretary of the Interior. 1-28-4-1

EVERYBODY'S. Chas. Anderson started plowing Monday on his dry ranch in Dadds Hollow. Charlie is a rustler. Jack Anderson is busy grubbing sagebrush on R. C. Anderson's place. Mrs. R. C. Anderson attended lodge in Merrill Monday night. The railroad surveyors are surveying near Gale now. Pauline Giacomini is out of school on account of sickness. W. H. Hadley is busy burning sagebrush and preparing for spring seeding. Neva Whitlatch is out of school on account of sickness. We hope she may be able to return soon. Clara Anderson is at home for a few days to stay with her parents, Mr. and Mrs. R. C. Anderson. Miss and Mr. Callahan entertained the 500 club of Gale Saturday night at their home. Luncheon of popcorn, candy nuts, cake, sandwiches, pickles and coffee were served at midnight. Those present were: Mr. and Mrs. R. C. Anderson, Mr. and Mrs. Dan Colwell, Mr. and Mrs. Eugene Hammond, Mr. and Mrs. J. H. Hobbs, Miss Blanche Robinson, Jack Anderson, Willie Hammond and Danie Anderson. All enjoyed a very pleasant evening. Charlie Whitlatch is helping his brother, Jake, break sagebrush. We are all sorry to lose Charlie from our school. Mrs. R. C. Anderson entertained

Everybody's Magazine

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