

HEARS EVIDENCE IN HARRELL CASE

JUDGE NOLAND DIGS INTO MURDER OF THE NEWELL BOYS

HARRELL'S ATTORNEY MAY APPEAL

Sets Up as Ground for Appeal That the May Term of Court Did Not Adjourn to Definite Date

LAKRVIEW, July 9.—The trial of Ike Harrell, who has pleaded guilty to the murder of the two Newell boys, is progressing in the circuit court here today. It was thought at first that Judge Noland would summon a jury to hear the evidence, but this morning decided to go further into the case himself before definitely deciding whether it would be necessary to call in the services of a jury or not.

Three witnesses took the stand before dinner, the principal one of which was the sheepherder who witnessed the killing. He told in a clear, concise manner the events surrounding the appalling crime, as he remembered them, readily admitting that he was so badly scared that he may have overlooked some of the essential details. The other two witnesses told of the finding of the bodies, and the facts following their removal from the scene of the crime.

This afternoon the circumstances surrounding the arrest of Harrell will be detailed to the court, and it is quite possible that the letter written by one of the Newell boys will be introduced as evidence.

There is no question as to the feigning of the crime, and the fact that Harrell has admitted his guilt removes every shadow of a doubt as to his guilt. Whether Judge Noland will sentence him to life imprisonment or to the gallows is a mooted question that cannot be answered until his decision is announced from the bench.

In speaking of the case the Examiner of Thursday says:

"Judge Noland arrived from Klamath Falls Thursday evening and Friday convened the adjourned May term of circuit court for Lake county. The grand jury was called for Tuesday, and the first indictment returned was that against Ike N. Harrell for killing Walter Newell. It is understood the killing of Herbert will be held in abeyance awaiting the outcome of the first indictment.

"Harrell appeared in court Wednesday morning to answer to the charge, and he was given until 10 o'clock Thursday to plead. Thos. F. Farrell appearing as his attorney. In the afternoon a motion was made by Mr. Farrell to correct the records of the court in order to show that the court did not adjourn to any specified date. The question of whether or not the court is in session seems to be a mooted one, and Mr. Farrell is laying the foundation for an appeal.

"In Freeman on Judgments it is held: 'Every term continues until the call of the next succeeding term, unless previously adjourned sine die.' The same doctrine has been upheld by the Oregon Supreme Court and a number of authorities sustain the same doctrine.

"There is no question as to the intention of the court in adjourning, as there was much unfinished business to be considered, as well as the fact that the grand jury did not make a final report, as it was awaiting other unfinished business which would be considered at some date prior to the next regular term.

"When court convened this morning a large crowd was present, including a number of ladies. Harrell appeared cleanly shaved, and in no way seemed to realize his terrible situation. He appeared utterly unconcerned, and his demeanor would lead one to believe that he was simply unconcerned as to results.

"When the court announced that the time for Harrell to plead had arrived, Thos. F. Farrell arose and renewed his motion of yesterday to correct the records. He also moved to set aside the indictment on the grounds that the court is not in session, and the indictments therefore of no force or effect on account of not adjourning the regular May term to a specified date."

RICKARD TO SUE GOVERNOR GILLET FOR DAMAGES

United Press Service.

SAN FRANCISCO, July 9.—When told that Governor Gillett had charged him with a deliberate attempt to violate the laws of California and debauch the state, Tex Rickard told a United Press representative that he had already consulted attorneys for the purpose of suing Governor Gillette for \$300,000 damages

for the loss of profits resulting from his interference with the holding of the big fight in San Francisco.

Rickard says he will not proceed against the governor for slander, as he does not care about the personal attack, but he says that Governor Gillett promised not to stop the fight.

HIGH SCHOOL FACULTY HAS BEEN SELECTED

W. E. Faught Will Be Principal and C. A. Howard His Assistant. Capable Instructors

The members of the school board met last Saturday and completed the selection of the faculty for the High School. W. E. Faught and C. A. Howard had been selected as principal and assistant principal respectively some weeks ago, and the remainder of the faculty were selected this afternoon.

Those who will conduct the affairs of the High School this year are:

W. E. Faught, principal.

C. A. Howard, assistant principal.

Miss Conrey, of Ashland High School, the Latin department.

S. P. Anker, who has been principal of the Canyon City High School, will have charge of the teachers' training and athletic departments.

A. H. Burd, who has been principal of the Northwestern polytechnical business college at Sand Point, Idaho, is to be assistant in the business department.

E. Hawley comes to the manual training department from Corvallis, where he has been teaching in the state agricultural college.

W. A. Wirtz will continue in charge of the music department.

This faculty gives Klamath Falls one of the strongest corps of High School instructors in the state, and that they will maintain the high character achieved by this school there is no question.

SAYS RICKARD MEANT TO VIOLATE THE LAW

Gillett Says People Did Not Want the Fight Held in California

SACRAMENTO, July 9.—Declaring that Tex Rickard had deliberately planned to violate the laws of California and was only prevented from doing so by executive action, Governor Gillett attacked the promoter, accusing him of an attempt to debase the state.

He said: "My attention has been called to a published interview in which Rickard puts me in the Ananias club. He might have done worse and put me in his own class. I have never told anyone that I would not interfere with the fight. I waited to see if the local authorities would prevent the tumult and riots. Rickard is not a citizen of this state, and came here with the express purpose of violating the law. If he had been permitted he would have done so, and put shame upon San Francisco and the state. If I had not interfered he would have not only violated the laws but he would have left us to bear the just criticism of the press and the people. California is a moral state, and has no sympathy for men like Rickard or the game he follows. Prizefighting is demoralizing and brutal, and corrupts the morals of youths. I hope the last one has been seen in California."

WORK HAS BEEN BEGUN ON THE HENLEY SCHOOL.

D. E. Burrell Will Start Bly School Building Next Monday—Will Cost \$2,200

Material for the Bly school is being hauled to that place, and D. E. Burrell went out there Monday to begin the construction of the building. It will be one room with library, teachers' cloak room and clock room for both the boys and girls, lavatory and belfry and the cost will be \$2,200. The building will be ceiled.

The new school at Henley will cost \$1,850, but the cost of building a woodshed and other extra work may bring the price up to \$2,000. This structure will be similar to the one at Bly except that it is to be plastered. The long haul to Bly is what makes the cost greater in that building than the one at Henley. N. Marschand is now at work on the Henley school.

Burrell & Marschand are preparing plans for a new school house to be built six miles east of Merrill. It is to have two rooms, and they expect to have the plans ready to submit by Monday.

DELEGATES ARE SELECTED

The following representatives from Linkville precinct to the county assembly which meets in the courthouse next Saturday, July 16th, were selected at the republican precinct assembly last Saturday: C. T. Oliver, C. S. Moore, W. O. Smith, H. M. Manning, Thomas Drake, Frank Ira White, A. L. Leavitt, O. C. Applegate, Bert Withrow, W. B. Simpson, C. R. DeLap, John G. Schallock.

Linkville precinct comprises the four precincts of East and West Klamath Falls, Midland and Pine Grove.

OUTCOME BENEFITS FRED MELHASE

ATTORNEY C. F. STONE HYPNOTIZES SMOOTH SWINDLER

Saves Him From the Ordeal of Confessing on the Stand the Part He Played in the Affair

There is one happy man in Klamath Falls, and he is the "astute" president of the American Bank and Trust company, Fred Melhase—the fellow who gave up nearly \$9,000 in good, cold cash to one Frank B. Houston. The cause of his joy is the fact that Houston has 'fessed up to everything and doctored what right he may have in a 150-acre ranch near Lake Chelan, Washington, together with some jewelry in a bank at the same place. But that is not altogether the cause of his joy. He little realized what he was going up against when he landed Houston in the county jail. He forgot, in his eagerness to lay hands on the man who got his money, that there was a worse ordeal awaiting him—the witness stand, when he would have to tell, under oath, the true story of how his desire to wipe the Herald and Republican out of existence so warped his judgment that he handed over to a swindler nearly every dollar of ready cash he had in his bank. After Houston got here and this ordeal began to stare him in the face he commenced to get cold feet and look for a hole through which to crawl.

There was only one man who could save him, and that person was Attorney C. F. Stone, and he did. With that persuasive eloquence for which he is so well known, he pointed out to Houston the folly of making a fight, the logic of making good the loss to Melhase, the well only Stone and Houston know the story, and they won't talk. The result justifies the high opinion that the public has in Stone's abilities—he talked Houston into handing over to Melhase everything he had and signing a confession of the crime.

When Melhase saw the result of Mr. Stone's work he figuratively fell on his neck and wept with joy. There will be no trial for Houston, and consequently no necessity for Melhase to be humiliated by having to tell the facts in the case. If Houston had stood pat he never would have been convicted of getting the money from Melhase—that is generally agreed upon by attorneys. On the charge of forging the certificate of deposit he would have had a fighting chance. Now, however, he must throw himself on the mercy of the court.

The fact that Houston has laid down is generally accepted by the public to mean that he is a "tenderfoot" at the business of swindling. This fact brings out more strongly how easy a mark Melhase was to fall to such a bait. It is not to be wondered at that he dreaded a public admission and the grilling he would have to go through if he were subjected to a cross-examination on the witness stand.

RECLAMATION ACT UPHELD

United States Circuit Court of Appeals Finds the Law Constitutional

SAN FRANCISCO, July 8.—The constitutionality of the reclamation act was upheld today by the United States Circuit Court of Appeals, which sustained the decision of the Idaho District Court in favor of the government in the case of David Burley against the United States.

Burley contended that the act which permitted the government to condemn his lands and water for irrigation purposes was unconstitutional on the ground that the water stored in the reservoirs sought to be constructed was not wholly for public use, but for private land owners by the government.

The decision establishes the right of the secretary of the interior to acquire, by condemnation or otherwise, lands and waters in the furtherance of any reclamation project. It also extends the right of the government to take over any needed private water rights in carrying out the provisions of the act. It directly affects the disbursement of the \$20,000,000 recently appropriated by congress for reclamation projects in the West and will permit the resumption of work which has been suspended pending a final decision of the legal questions involved.

When Tommy Told the Truth

"So," said Tommy's father, "you took dinner at Willie Stout's house today. I hope when it came to extra helping you had manners enough to say 'No.'"

"Yes, sir," said Tommy, "I said 'No' several times."

"Ah, you did?"

"Yes, sir. Mrs. Stout kept asking me if I had enough."—Catholic Standard and Times.

Mr. and Mrs. McCauley made a trip to Fort Klamath Thursday.

IMPORTANT WORK BY ARMY MEN

ENGINEER CORPS EMPLOYED IN MANY DIFFERENT LINES

Varied Projects, From Building Roads to Fortifications, Come Under Their Supervision

WASHINGTON, July 8.—Wars being few and far between, the ability and versatility of the engineer corps of the army have been employed in many spheres of government action. Only forty-nine of the 188 are on duty with the engineer troops. The engineer corps now has charge of 1,302 fortification emplacements. The engineers have charge of 1,208 projects relating to public works, having no connection with the military or defensive works. Lights and fog signals to the extent of 1,678 in the sixteen lighthouse districts are supervised by the engineers.

An army engineer, Captain H. M. Chittenden, made the first investigation of the West, to report on the possibility and advisability for building great reservoirs for irrigation purposes. Some of the varied duties and achievements of the corps include the following:

Supervision and construction of waterways improvements throughout the entire period that they have been carried on by the United States, including canals, rivers and harbors, on the seaboard and on the Great Lakes.

The Panama canal and the relocation of the Panama railroad.

The location and construction of canals for and under corporations prior to 1850.

As pioneer engineers on railroad construction, furnishing engineers that located and built the first and many other railroads in the United States and in foreign countries, including Mexico, Cuba and Russia.

The survey of the Great Lakes, still in their charge.

As commissioners engaged in the surveys of the northeastern, northern Mexican and Alaskan boundaries of the United States and of the boundaries between many states.

REDMEN HAVE NEW SET OF OFFICERS

Officials for the Ensuing Term Were Obligated at the Meeting Last Night

At the meeting of Modoc Tribe No. 50, I. O. R. M., Thursday night officers for the ensuing term were obligated and assumed control of the affairs of that popular tribe. Owing to the fact there have been so many banquets and gatherings held by the members of this tribe during the past few weeks there were no elaborate ceremonies connected with the installation.

J. A. Hance and J. O. Huffman acted as the installing officers and the following were the officers who took their stations:

Prophet—W. E. Seehorn.

Sachem—Frank L. Applegate.

Junior Sagamore—C. W. Hartow.

PUBLIC NOTICE

1. The public notice of November 18, 1908, announcing the irrigability of lands shown on the approved plats of the first unit of the Klamath project, Oregon-California, under the provisions of the Reclamation Act of June 17, 1902 (32 Stat., 388), provides that for lands thereafter entered the first installment of the charges for building, operation and maintenance shall be due at the time of entry, the second installment May 1, 1910, and subsequent installments on May 1 of following years; and that for lands in private ownership and for lands theretofore entered the first installment shall be due May 1, 1909, and subsequent installments annually on May 1 in following years.

2. The provisions of said notice are hereby affirmed. As to lands in private ownership or lands heretofore entered all installments of the charges for building, operation and maintenance due on and after May 1, 1909, must be paid at the time of filing water right application, therefore. All entries made hereafter for any of the lands shown on the approved plats of the said project, whether for lands not heretofore entered or for lands covered by prior entries which have been cancelled by relinquishment or otherwise, must be accompanied by applications for water rights in due form and by an amount equal to the sum of all unpaid (or paid and unassigned) installments, for building, operation and maintenance which have become due for prior years, or which would have become due had the entry or water right application been made immediately after the public notice issued November 18, 1908, became effective.

3. The first and all subsequent installments of the charges for building, operation and maintenance for all irrigable areas shown on said plats shall accrue and be due and payable whether or not water right applica-

tion is made for said lands or whether or not homestead entries under the provisions of the Reclamation Act are made thereon. Furthermore, all water right applications and homestead entries made subsequent to the times and dates when one or more installments of the charges for building, operation and maintenance shall have accrued thereon, shall be subject to the payment of and be accompanied by all such prior installments as have thus accrued and remain due and unpaid.

4. The public notice of November 18, above referred to, is hereby amended by revoking the following provision, viz.:

"For all applications for water rights filed after June 15, 1909, or any subsequent year, one installment of the charges for building, operation and maintenance, \$3.75 per acre, must be paid at the time of filing, but the portion of the installment for operation and maintenance shall be credited on account of the installment of said charges for the subsequent year."

R. A. BALLINGER,
Secretary of the Interior.

COW WITH WOODEN LEG

In celebration of his pet Jersey cow's third anniversary with a wooden leg, David Evans, a farmer who lives just over the Trumbull County line at Mosier, has invited Humane Agent Williams and other officers of the humane society to see how handily the bovine walks on the pine support.

According to Evans' story the cow was hit by a train more than three years ago. The right front leg was cut off at the knee. After removing the injured animal to a comfortable barn nearby its owner went about healing the injury. This done, a pine scantling, 2x4, was artistically whittled down to resemble the lost portion of the leg. A substantial block was attached to the bottom to take the place of the hoof, while a padded socket joint was placed on top so that it might be fastened to the stump.

According to the owner of the cow the cow found the wooden leg awkward for a short time, but soon learned to use it almost as effectively as she did her natural legs. She has been walking on her peg leg for three years, and is one of the interesting sights of the neighborhood.—Pittsburg Leader.

HENRY JAMES ON RACE SUICIDE

Henry James does not agree with Colonel Roosevelt on the question of large families. Small families, such as prevail in France, indicate, to Mr. James' mind, intelligence and progress, while large families indicate the reverse.

"Large families are so embarrassing, too," said Mr. James, on his last American visit. "I once knew a man named Thompson who had fourteen children. Thompson agreed, one spring holiday, to take his children to the seashore for the week-end.

"They set off, reached the station, got their tickets and were about to board the train when Thompson was roughly collared by a policeman.

"Here, wot 'a' you bin doin' of?" the policeman growled fiercely.

"Me? Nothing. Why?" stammered Thompson.

"The policeman waved his truncheon toward the Thompson family.

"Then wot the blazes," he himsed, "is this here crowd a-follerin' ye fur?"—Minneapolis Journal.

The Reason Baker—Did he spank his son for breaking one of the commandments? Barker—No; for breaking one of his best cigars.—Life.

WILL MAKE TWO TRIPS EACH WEEK

MACHINES ARE TO BE RUN FROM THIS CITY TO BEND

Route Takes in Crescent and Rosland. Leave Bend in the Morning. Arrive Here Next Noon

G. S. Allen of Crescent arrived in this city Thursday on the first trip of an auto line that will be established between this city and Bend. His intention is to start from Bend Saturday morning in the future, and make two round trips each week between the two places. The distance is 152 miles, and he expects to make the run in about twelve hours. He has a five-passenger machine, and brought two passengers, with him when he came down last night.

The route will take in Rosland, Crescent and the new townsite of Crater City, which has just been laid out at Beaver Marsh.

Mr. Allen came from Portland, and has brought property at Crescent, and will build a garage there. His headquarters here will be at the Livermore hotel and Baldwin's garage. He has one auto at present, and will put on another if the business should justify it.

Mr. Allen says that the engineers in charge of the railroad construction work between Bend and Crescent are going day and night, and that they are pushing the work of the road as rapidly as possible.

The Southern Pacific has put on a new force of engineers on the Natron cutoff between Springfield and Crescent, and work is being rushed on that part of the line also. The engineers on that work are now about ten miles from Crescent, and a pack train is expected to make its headquarters in that city very soon.

Mr. Allen will leave tomorrow on his return trip.

FLICKERING OF DENATURED ALCOHOL

The denatured alcohol division of the internal revenue service will be abolished July 1. This will be very disappointing, not that the experiment ceases, but that the industry itself has not developed into large proportions. The government made great arrangements to teach the people how to make the denatured. At first, the force put upon this duty numbered 110 people, which number was subsequently cut down to 60, and now the last man is to disappear July 1. For some reason the people did not take an interest in the enterprise. The glory and profit of it could be figured on paper to a demonstration, but the project didn't draw. The people seemed content with Standard Oil and the gentle benefactions of the great trusts. But the effort will be renewed some day, since it provides a resource that will meet a great need.—Ohio State Journal.

NEW BURYPORT, Mass., July 9.—A. L. Pfitzner, while flying at a height of 75 feet in a bi-plane today, capsized and fell in Plymouth river. It is feared that he is injured internally and may die.

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SPECIAL RESORT FOR TOURISTS