

## MURDOCH'S PLAINT TAKEN UP IN COURT

### DEMURRER IS UPSET

#### COKE OVERRULES CONTENTION THAT CAUSE OF ACTION IS NOT SET FORTH, AND WILL PROBE DEEDS

Attorney Thomas Drake's contention that a single voter or taxpayer may not attempt, in his individual name, to invoke the power of a court of equity to stop public wrong was overruled in short order this morning in the court house injunction case of Hiram Murdoch against the county court. The ruling was made by Judge J. S. Coke of Coquille, who, with Mrs. Coke, arrived last night. Judge Coke's coming was for the express purpose of sitting in Judge Henry L. Benson's place in the matter, Judge Benson, owing to disqualification because of previous professional connection with parties in the issue, exchanging with the Coquille jurist until the court house injunction suit is out of the way.

To the original complaint as drawn by Attorney C. C. Brower there was an amendment made by the plaintiff some time since, and to this amended complaint there was filed a demurrer by the county court, through its special counsel, Attorneys Thomas Drake Stone & Barrett and Fred H. Mills. This demurrer set up that the complaint did not set forth facts sufficient to constitute a cause of action.

There was delay in taking up the matter in court this morning of about fifteen minutes because of the lateness of the plaintiff and his counsel in reaching the court room, and additional delay in getting a stenographer, for B. M. Richardson, the regular court reporter, was working on a postponed contest case in the jury room, and finally Thomas J. Ferguson, was summoned to take the notes.

"I have just been consulting with the gentlemen with whom I am associated in this case, and we have decided that we would be willing to submit this demurrer without argument," said Attorney Drake, "provided it is agreeable to the other side."

The court prefers to have the demurrer submitted," stated Judge Coke.

Attorney Drake then proceeded to read the complaint, with some caustic comments interjected. He then argued the complaint, saying there was no provision in the law, according to a ruling of the supreme court in the Jackson county case, providing for a vote on expenditures of money or anything looking toward the provision of funds for the construction of roads. When it came to such work, he said, counties had to resort to the old way of having the work done by the issuance of county warrants.

"Linkville? Linkville? There is no Linkville," he argued, mistakingly referring to the forerunner of Klamath Falls as referred to in the complaint. "It was wiped off the map by the legislature years ago by statute."

"No one resident in Klamath county can invoke this court as a court of equity as to the maintenance of a county seat in a particular place. No one voter has such an interest that he can interfere with the proper officials in this sort of judicial action."

and a special fund had been provided for the purpose it might be a ground for raising some question in the case, he said, but nowhere in the complaint was there any mention of any special fund being provided for such an enterprise.

"If counsel for the defense will be willing to stipulate with me that I may amend my complaint in minor matters of simply clerical errors, I will do so," said Attorney Brower, when Attorney Drake had concluded.

"There will be no objection," replied the other.

"I was not expecting them to insist on this demurrer, so came unprepared to argue the question," said Attorney Brower. "I have no authorities, and would like the court to give me opportunity to collect some which bear on cases similar to this, and which rule contrary to the position taken by the other side."

"We would like to see a list of such authorities," requested Attorney Mills.

"They will be furnished to counsel," said Attorney Brower.

"Am I to understand that the same (Continued on Page 4)

## PLOWING WITH POWER IS OUSTING DOBBIN

### WOOD RIVER VALLEY DECIDEDLY UP TO DATE IN SOIL TILLING—WILD GRASS MAY WILL BECOME LESS SOON

(Special Correspondent)  
FORT KLAMATH, April 25.—The power plowing outfit are now in the valley. The latest man to get a gasoline plowing outfit is John Cox, who owns a large ranch in the west side of the Wood river valley. Mr. Cox purchased his new outfit last winter, which he spent in Southern California. Utter & Burns, the new owners of the McCoy ranch, have already started turning the soil with their steam plowing outfit, and are averaging from fifteen to twenty acres per day. Mr. Cox, who until a short time ago had his large stock ranch leased to Dr. J. A. Best of Pendleton, Ore., has decided to manage his own property. With the purchase of the power arrived outfit it is the intention of Mr. Cox to plow up at least half of his ranch this season, planting the ranch mostly to timothy and oats. Heretofore plowing among the ranchers has been done on a small scale, but since power has taken place of horses, wild grass hay will be done away with to a great extent. This valley is one of the best dairying sections in Southern Oregon, and the many dairy herds have been fed mostly wild grass hay and bran. As soon as tame grass hay is raised the dairy feature will be better than ever.

The snow in the northern end of the valley is practically gone, while in the lower part it has been gone for several weeks. The ranchers have turned their cattle out, and several ranchers have considerable hay left over. From present indications the hay crop will be good this season.

At Washington, by 237 to 15, the house passed the Pujos resolution to investigate the money trust.

## WALKER'S ACTION IN SELF DEFENSE

### JURY IN CORONER'S INQUEST RETURNS VERDICT REVEALING THAT RIOT TOOK PLACE AT FATAL SPOT

After being out about an hour last evening the jury in the coroner's inquest over the case of George Smith, the Indian shot dead by Chief of Police Samuel L. Walker, returned this verdict:

"We, the jury empaneled and sworn in the case to inquire into the cause of the death of George Smith, an Indian, find that his name is George Smith; that he came to his death in the city of Klamath Falls, Klamath county, Oregon, on the 23d day of April, and his death was caused by a

## WILSON VISITS KLAMATH FALLS

### FORMER KLAMATH AGENCY SUPERINTENDENT COMES FROM HOME IN ROSEBURG AND WILL GO TO RESERVE

H. G. Wilson, former superintendent of the Klamath Indian reservation, arrived in the city last evening from his home in Roseburg. Mr. Wilson will be in this vicinity several days attending to business matters. Mr. Wilson has charge of all the Indian reservations throughout Oregon, with headquarters at Roseburg. It is the intention of Mr. Wilson to leave in a day or so by boat for Klamath Agency on business for the Indians.

## NOONDAY LUNCH WITH FLOWERS

### FOR SUBJECT—W. A. DOWELL TO MASTER TOASTS AND WOMEN WILL MAKE APPROPRIATE RESPONSES

Tomorrow's noonday luncheon of the Klamath Chamber of Commerce at the Baldwin cafe promises to be of exceptional interest. W. A. Dowell will be toastmaster, and there will be discussion by local women, who will speak on topics appropriate to the general subject, "Flowers." Mrs. E. B. Hall of the Baldwin hotel, who is in charge of arrangements for the feast, is preparing an exceptionally tasteful and well ordered menu.

## EDITOR SHOT DEAD BY MAN MAD OVER TITANIC

### SPOKANE, April 25.—E. H. Rothrock, city editor of the Spokane Chronicle, was shot and killed yesterday in the Chronicle building by an unidentified man. No cause for the shooting has been ascertained.

## DELIVER WATER BY MAY FIRST

### IMPARTMENT DECIDES THAT IT WOULD BE INJURY TO MAJORITY OF LAND OWNERS TO BEGIN IRRIGATION SOONER

According to a letter received by John Irwin, vice president of the Klamath Water Users' Association, it is not probable that the ranchers living on the sandy soil north of Tule Lake will receive water for the government irrigation ditch at an earlier date than usual, as they have petitioned for. The letter to Mr. Irwin is from Congressman Hawley, and included a copy of a reply received by him from the department of the interior, which states that delivery of water will commence not later than May first.

## WALKER'S ACTION IN SELF DEFENSE

### AMERICAN MINING ENGINEER SUBJECT TO WHIM OF MEXICAN LEADER TOLLS OF HIS EXPERIENCE—IS OATH TO BE ALIVE

LOS ANGELES, April 25.—C. A. Heberlein, the American mining engineer, who was held in a filthy dungeon at Jimenez, Mexico, by rebels until General Pascual Orozco, is at his home in Los Angeles, and tells of his experience as follows:

"I was arrested on a caprice of General Orozco, held incommunicado for forty-eight hours in a filthy den along with murderers and thieves. I sent several messages to Orozco, but it was not until Washington took action that I was given any consideration. I am certainly glad to be again on American soil, and consider myself lucky to be alive."

## LYCEUM NUMBER IS GREAT TREAT

### PROF. LEE EMERSON BASSETT OF STANFORD UNIVERSITY, REPENDS LITERARY NUMBERS WITH STYLE

The last number in the entertainments given by the Klamath Lyceum Bureau which was given last night at Houston's opera house, proved a genuine treat and the patrons of the bureau were most agreeably surprised. As a dramatic reader, Prof. Lee Emerson Bassett of Stanford University, has exceptional ability.

## MISSED TITANIC TRIP NARROWLY

### D. B. CAMPBELL PLANNED TO RETURN WITH FRIENDS ON ILL-FATED LINER, BUT EAR TO COME EARLIER

D. B. Campbell returned last evening from his winter tour, which included Egypt and a number of European countries. He states that he enjoyed every minute of the time of his trip, and is in good shape for a long summer in the valley.

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## TAFT FLAYS TEDDY AS LIKE DICTATOR

### PRESIDENT BITTER

A happy idea that all oak looked alike and were alike. But it isn't so. The biological survey says that there is really a difference between two kinds of oak. Those of the West are not like those of the East. It would be all right, says the survey, to allow the oak from the Yellowstone to be taken into Eastern Oregon or California, but as to the Western portion of these states, it is not to be thought of. The loss of animals would mingle and they would lose to some extent their own individuality and take on some of the characteristics of their new associates.

## MILTON IN FREE SPEECH FRONT IN SOUTHERN CITY

### JUSTICE WHO DENOUNCED MR. ROOSEVELT CALLED AS "UNAMERICAN" WILL INVADE SAN DIEGO TO HELP IN STRUGGLE

SAN DIEGO, Calif., April 25.—Attorney Moore, working here for the Free Speech League, announces today that Judge O. H. Milton, who defended Meyer, Haywood and Pettibone in the Steinberg case in Idaho, will come here and take a large part in the local free speech fight.

## TITANIC VICTIMS WERE SUFFOCATED

### OVER 200 BODIES RECOVERED, PROBABLY INCLUDING THOSE OF MAJOR BUTT AND GEORGE WIDENER

NEW YORK, April 25.—The Mackay Bennett by wireless to the White Star says:

"Bodies numerous near the Titanic's grave. Medical opinion is that death was instantaneous in all cases, owing to suffocation when the bodies were drawn into the vortex. The total picked up is 205."

## BAND BALL WILL BE THIS EVENING

### DANCE OF MILITARY PLAYERS AT HOUSTON'S HEBERSON HALL WILL BE PRECEDED BY SHORT CONCERT

Tonight being the date of the dance of the Klamath Falls Military band at the Houston temple of the art historical, the band got out and blew itself this noon up and down the rue de Main. The concert of sweet sounds penetrated many an eural appendage, causing the owners thereof to take notice to what was going on. There will, preceding the dance, be a short concert, after which the band will play a few numbers for dancing. Later the dance music will be by an orchestra of brass.

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