

# The Evening Herald.

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KLAMATH FALLS, OREGON, THURSDAY, OCTOBER 3, 1919

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## "I Can Stand My Expense, Bill", Grins J. P. Morgan Beatty Says California Primary Law Not Good Measure

### TAFT MEN LOSE COURT DECISION IN CALIFORNIA

CHIEF JUSTICE DECLARES THE STATE LAW IS BAD

Decision Leaves the Taftites Without a Candidate and Gives Roosevelt a Clear Field—Progressives Are Dejected to Be the Republican Party in the Golden Gate State—State Law Responsible.

United Press Service  
SAN FRANCISCO, Oct. 3.—The state supreme court has denied the Taftites writ of mandamus, deciding that the Roosevelt electors are entitled to republican designation on the ballot. Secretary of State Jordan is upheld in his decision to accept the Roosevelt convention in Sacramento as republican.

United Press Service  
The decision, which was unanimous, leaves the Taftites without a candidate.

Chief Justice Beatty said: "The primary law is a bad law. It ought never to have been passed, but it is the law, and we are bound by it." The court ruled that the state law prescribed what constituted the republican party and the national party had nothing to do with it.

### JURY SECURED IN NOTED CASE AT LAST

MAKING OF TESTIMONY AGAINST LABOR LEADERS WILL BE STARTED AT ONCE IN FEDERAL COURT IN INDIANAPOLIS

United Press Service  
INDIANAPOLIS, Oct. 3.—The jury was secured in the cases in which prominent labor leaders are defendants on charges of a conspiracy to violate the law in the transportation of explosives, at 2 o'clock this afternoon. The taking of testimony will be started at once.

### HECTOR SAVES AN AUTOMOBILE

LOCAL MERCHANT USES FIRE EXTINGUISHER WITH GOOD EFFECT ON A BURNING MACHINE IN FRONT OF HIS STORE

The prompt action of O. M. Hector this morning saved an automobile belonging to L. Waterman from complete destruction. About 8:15 this morning Mr. Waterman stopped in front of the Hector department store in his car. He had no sooner stepped from the machine than the engine burst into flames. Mr. Hector, with rare presence of mind, grabbed a fire extinguisher and hurried to the burning car. The chemical was played on the burning engine and in a short time the last spark was extinguished. The car, however, was damaged to such an extent that it was hauled to the repair shop.

Arguments were made today in the case of De Puy vs. Hopkins. J. C. Nuttall appeared for the plaintiff and Elliott & Elliott for the defense.

### MRS. CALMES PASSES AWAY

WIFE OF WELL KNOWN MERRILL MAN DIES AFTER AN OPERATION AT LOCAL HOSPITAL—INTERMENT AT MERRILL

Mrs. T. Calmes of Merrill died at the Blackburn hospital at 5 o'clock this morning, following an operation for tuberculosis. Her mother, Mrs. W. H. Hoyt, and her husband were at her bedside when she died.

Mrs. Calmes was 37 years of age. She was born in Colusa county, Calif., but has resided in Merrill for a number of years. She is survived by her husband, parents, a sister, Mrs. Allison of Berkeley, Calif., and six brothers, all residing in Oregon.

No arrangements have been made for the funeral, but it is expected that it will occur Saturday. Interment will be in Merrill.

Thousands Greet Taft  
BROCKTON, Mass., Oct. 3.—President Taft and Mrs. Taft visited the Brockton fair today. About 100,000 people cheered the president.

### DERVAN SECURES HIS FREEDOM

WIFE OF INSANE SUSPECT MAKES A PLEA THAT WINS THE ATTENTION OF THE OFFICERS OF THE COUNTY

Joe Dervan, who was recently taken into custody on a charge of insanity, has been released from the county jail without a hearing. Mrs. Dervan came here and made a plea for the release of her husband, and after investigation by the county officials, the release of Dervan was ordered.

Judge Worden of the county court arrived in the city this afternoon from Fort Klamath, where he has been for several days looking after his ranch property.

Action Delayed  
C. J. Ferguson returned from Bonanza last night, where he went to attend a meeting of the land owners affected by the Horsey irrigation project. It was expected that at this meeting bonds would be authorized for the carrying on of the work, but action was delayed for a week.

### HELEN GOULD IS IN TRAIN WRECK

PRIVATE CAR IS DERAILED, BUT FAMOUS WOMAN IS NOT INJURED—EIGHT PEOPLE SUFFER—TWO WILL DIE

United Press Service  
BUFFALO, Oct. 3.—Eight people were injured, two fatally, in a wreck on the West Shore line today. Helen Gould's private car was derailed, but Miss Gould escaped without injury.

Aviator Killed  
United Press Service  
TRENTON, N. J., Oct. 3.—Aviator Walsh was killed by a fall at the fair grounds this afternoon. He fell 2,000 feet.

Webb to Be Lawyer  
R. Webb, who has been connected with the Chamber of Commerce here for several months, will leave this evening for Berkeley, where he will enter the law department of the University of California.

### NEW YORK PLUTES MUST PAY HIGH

TAX ROLLS ARE OPEN IN COUNTRY'S METROPOLIS—ANDREW CARNEGIE HEADS THE LIST OF MULTI-MILLIONAIRES

NEW YORK, Oct. 3.—The city tax books have been opened to the public. It was shown that real and personal property assessable for 1913 totals in value slightly more than \$7,640,000,000, a net increase of nearly \$200,000,000 over the figures for the present year.

Andrew Carnegie, with an assessment of \$10,000,000 leads the personal list. The estates of John D. Rockefeller, John Jacob Astor and Joseph Pulitzer are assessed at \$5,000,000 each; Cornelius Vanderbilt, \$5,000,000; Mrs. Russell Sage, \$2,510,000, and Isador Straus, \$2,000,000.

Real estate owned by J. P. Morgan, \$1,875,000; Charles M. Schwab, \$1,700,000; Harry Payne Whitney, \$1,250,000. The Grand Central station is assessed at \$15,000,000, the Equitable Life building site at \$11,000,000, the Metropolitan Life building at \$12,415,000 and the Mutual Life at \$10,000,000.

### WOOD DEALERS EVADE ARREST

NO TRACE OF BRIER AND ANDERSON HAS BEEN DISCOVERED. OFFICERS ARE ON THE TRAIL OF FUGITIVES

George Anderson and A. D. Briar have dropped completely out of sight, and every effort of the authorities to discover their whereabouts has been unavailing.

It is known that the two men, wanted here for taking away mortgaged property, shipped their outfit from Ashland to Vancouver, B. C., but the Canadian officers have not reported any success in trailing them after they arrived in British territory.

It was expected that Sheriff Barnes and C. F. Stone, attorney for the creditors of Briar & Anderson, would start for the North Wednesday, but as no word was received from the North of the capture of the men the trip was postponed. It is probable that Sheriff Barnes will take up the trail of the two men soon, however.

### UNCLE SAM TO SEEK DAMAGES

FOUR CASES ORIGINATING IN THE LAKEVIEW LAND DISTRICT ARE ON TRIAL IN FEDERAL COURT IN MEDFORD

Four cases originating in the Lakeview land district are being tried in the federal court in Medford. All are cases in which the government seeks to recover for timber alleged to have been taken by the defendants from government land.

Sykes Hamaker and Elsie McClellan are jointly sued for \$10,435.

Sykes Hamaker and Earl Brooks for \$6,131.

J. D. Hamaker and John Stindt for \$17,039.

J. D. Hamaker, individually, for \$19,910.

A. W. Orton, register of the United States land office at Lakeview, is one of the witnesses for the government who is in attendance at court, he having been subpoenaed more especially that he might bring with him the official records of the land office for use in the trial.

### WAR CLOUD YET HOVERS OVER THE OTTOMAN EMPIRE

ALLIED NATIONS ISSUE AN ULTIMATUM TO TURKEY

Fighting is Reported Along the Frontier, But No Confirmation Has Been Received—Schools are Closed in Montenegro, and Enthusiasm is at Its Highest Point—Mobilization of Troops Continues

Peace in Sight  
United Press Service  
LUSANNE, Switzerland, Oct. 3.—The Turkish and Italian representatives have agreed on the main terms of a peace treaty. It is expected that it will be signed soon.

United Press Service  
LONDON, Oct. 3.—Indications are that Turkey is preparing to strike Bulgaria first and the hardest. The war office believes that a few regiments will be sufficient to dispose of Greece.

Reports that the Turkish forts have fired on the Greek steamers in the Bosphorus are unconfirmed.

Airships Seized  
BELGRADE, Oct. 3.—Serbia has seized three Turkish aeroplanes and several carloads of munitions of war en route to Turkey.

Turks Reported  
VIENNA, Oct. 3.—It is reported here that a Serbian regiment has repulsed a Turkish battalion attempting to cross the frontier. The schools in Montenegro have been closed. Enthusiasm is at the highest point, and the mobilization of troops is being rushed.

Ultimatum Given  
CONSTANTINOPLE, Oct. 3.—The Bulgarian, Serbian, Montenegrin and Greek ministers have jointly issued an ultimatum to Turkey, demanding autonomy for Macedonia, Albanian, Serbia and Crete within three days. If this is not granted a second ultimatum will be delivered to the powers, giving notice that unless the Turks yield within the second three days, war will start.

## Mooted Law Point Disposed of by the State Supreme Court

### D. V. Kuykendall Receives News of a Decision Which Will Prevent Delay in the Trial of Many Actions in this County. Cross Bill Practice is Involved

As a result of a decision which has just been handed down by the state supreme court, and news of which was received in this city by Attorney D. V. Kuykendall this morning, an instrument of delay which has been effectively used by Klamath Falls attorneys has been put out of commission, and a much mooted law point disposed of.

The supreme court has held that when the lower court disposes of a cross bill the law case must be proceeded with at once, and not held up until an appeal to the supreme court on the cross bill decision is completed.

In the past it has been the practice for attorneys to set up cross bills when delay was desired. Upon the lower court making a decision on the merits of the bill, an appeal would be taken. Pending the disposition of the appeal, the law case would be held up. As the state supreme court is almost two years behind in its work, the law case would be held up for that time at least.

As a result of the recent ruling by the supreme court, the filing of a cross bill in the future will not cause any more delay than its disposition in the lower courts.

The case in which the decision was

rendered was Donart & Donart vs. C. L. Stewart and M. M. Roush, and grew out of a dispute for the possession of the store room now occupied by the Palm billiard hall. A cross bill was filed and decided by the court. An appeal was taken, and the original action was forgotten in the effort to secure from the supreme court an opinion on the point of law.

Mr. Kuykendall entered the case as an attorney for bondsmen, and argued along the line of the decision of the supreme court.

### SULZER WINS A CHANCE TO RUN

GOVERNOR DIX IS DEFEATED FOR RENOMINATION FOR GOVERNOR OF NEW YORK—WILSON IS PLEASED WITH RESULT

United Press Service  
SYRACUSE, N. Y., Oct. 3.—Sulzer was nominated by the democrats for governor at 1 o'clock today. Governor Dix withdrew after a bitter fight.

Wilson Pleased  
United Press Service  
INDIANAPOLIS, Ind., Oct. 3.—Woodrow Wilson arrived here at noon. He praised Sulzer for his freedom of action.

"The choice of the Syracuse convention is cause of great satisfaction to me," he said.

### Money King Forgets a Mere \$100,000 Gift

### J. Pierpont Morgan Tells Senate Investigating Committee of Campaign Contributions to Reps

WASHINGTON, D. C., Oct. 3.—J. Pierpont Morgan was called to the stand in the hearing before the senate investigating committee at 10:06 this morning. He was excused at 11 o'clock. He spoke evenly and quietly. Senator Paynter conducted the examination. The witness testified that contributions to the 1904 campaign had been made by his firm. The originator of the New York state campaign provoked a gift of \$50,000. He denied that he had contributed to any but the republican party in 1904. He also denied that he had attended any general conference of financiers regarding whom to support. "I want it distinctly understood," he added, "that J. P. Morgan & Co. did not make a single contribution with any promise attached, or with any expectation of a return, and unless we deemed it advantageous to the government and the people. We had no applications from any candidate, but only subscribed for the good of the country and the people. We were all in harmony, and we did not expect to receive any returns." (Continued on Page 4)

### INCOME TAX LAW IS VALID

STATE SUPREME COURT HANDS DOWN DECISION IN CASE IN WHICH WELLS FARGO & CO. INVOLVED

SALEM, Oct. 3.—The supreme court in an opinion just handed down refused to dismiss the suit brought by the state against Wells, Fargo & Co., to collect a tax under the gross income law for the three years, 1906, 1907 and 1908.

The defendant company sought to have the suit dismissed on the ground that the tax law enacted in 1907 and the law enacted in 1909, creating a state tax commission, impliedly repealed the gross income tax law. The allegation was also made that the gross income tax law was in violation of the federal constitution, but after the United States supreme court up-

held the constitutionality of law in the Pacific Telephone case, the express company concentrated its attack on the gross income law on the ground that it was repealed by the 1909 act.

### MERRILL YOUNG PEOPLE TO WED

LICENSE IS ISSUED TO ROY C. COOPER AND STELLA M. DURHAM, DAUGHTER OF MERRILL CITY MARSHAL

A marriage license was issued this morning to Roy C. Cooper and Stella M. Durham. The wedding ceremony will occur in Merrill Sunday. Miss Durham is the daughter of T. M. Durham, city marshal of Merrill. She is 16 years of age, and the consent of her parents was necessary when the license was issued.

### Case Will Bring Up an Important Point in Law

### Mandamus Proceedings to Allow Half Breed Children to Attend School Involves Fine Points

Marion Loosley, clerk of the school board of the Fort Klamath district, is in the city today consulting with Attorney Thomas Drake relative to the suit which has been brought against the school district to compel the admittance of Indian children into the schools attended by the white children at Fort Klamath.

The case has been set for hearing before Judge H. L. Benson Friday morning at 10 o'clock, but it is not probable that the trial will take place at this time, as Judge Benson will have to leave Sunday for Lakeview to open court there.

The question at issue is an important one, and the decision will be awaited with interest by all sections on the coast where there are Indian reservations. Mr. Loosley maintains that the district is maintaining a separate school for Indian children at Fort Klamath, which is equal to that attended by the white children. It is also asserted that the Indians making the complaint are not permanent residents of the Fort Klamath district, but own property on the reservation, and only move to Fort Klamath during the school season.