

## PETITION FOR WRIT

### Court Asked to Review Proceedings in Prohi Election

#### CASE SIMILAR TO MEDFORD ONE

##### Petition Sets Forth Errors on Part of the County Court in Order for Election on Question and in Declaring County Prohibition

Since the decision of Judge Hanna granting a permanent injunction against the county court of Jackson county in the matter of declaring the city of Medford prohibition under the local option law there has been a movement among the saloon men of this city to start legal proceedings that would prohibit the county court from declaring the city of Klamath Falls prohibition under the local option law in accordance with the vote of the county at the recent election.

The first step in this direction was taken yesterday when Kent Ballard and A. Castel, through their attorneys, F. H. Mills and A. L. Leavitt, filed a petition in the circuit court asking for a writ of review, making County Judge Griffith and Commissioner Fred Melhase the defendants. This writ will come before Judge Beason as soon as he can find time to take up the matter, and this will likely be before the first day of July, as according to the order of the county court prohibition goes into effect. The outcome of the case will be watched with much interest. The matter of granting the writ will in itself not step prohibition from going into effect, but if the writ is granted it is very probable that a restraining order will be issued, and if this is done the saloons will continue business until the matter is finally settled.

In the petition are set forth a number of reasons why the writ should be granted, but chief among them is that the local option law is superseded by the charter of the city of Klamath Falls. The local option law was enacted in June of 1904, while the city charter was not enacted until the following year.

This places the case practically on a par with that of Medford, except that the charter of this city does not contain the clause delegating to the city the power to regulate license and prohibit the sale of intoxicating liquors regardless of any other state law. The appendix, "regardless of any other state law" is not affixed to the clause in the charter for Klamath Falls.

The petition cites error on the part

of the county court in making the order for the local option election and also in declaring the result of the election.

#### Found Many Curios

W. W. Robe, of Seattle, has been through Northern Lake county prospecting and hunting curios. While at Silver Lake he inspected the samples of ore brought from the Low desert by B. Van Dorn.

"While these samples are only croppings, and contain very little gold, owing to their exposure from the elements, such formation is almost a sure indication of gold," said Mr. Robe, and the man who discovered this prospect should investigate further, by all means.

From Silver Lake Mr. Robe took a northeasterly course across Lake, Malheur and Harney Counties. He reports that he has picked up a very valuable collection of Indian curios in this territory. At one place in the Summer Lake hills he found over 800 arrow and spear points, stone knives, etc., and at various places he found bows, pistols, beads and other trinkets.

G. Heitkemper, Jr., and W. J. Brennan are putting some of the finishing touches on their launch and will have it ready for the water in the course of a few weeks. While in Portland Mr. Heitkemper purchased a fine searchlight which will be placed on the boat when it goes into commission.

J. D. Carroll is again in the field for a cook and he was on the streets of the city before breakfast this morning looking for some lady to take charge of his household. He says he will be without ranch hands if he has to do the cooking for many more days.

C. A. Lee and family have returned from Washington, where they had gone to locate. After spending a few weeks in that country they returned here with the intention of staying and with the firm belief that there is no place like Klamath.

## Inspecting Ranch Lands In Wood River Valley

W. L. Prather, Jr., of Montague, and W. K. Kenley, of Chicago, were in the city today en route to Fort Klamath where they go to investigate lands in Wood river valley with a view to purchasing for parties represented by Mr. Kenley.

Mr. Prather is one of the firm of Prather Bros., owning the large ranch in Butte valley near Macdoel and Mt. Hebron. Some time ago it was announced that they would subdivide the ranch and place it on the market. Mr. Prather states that this was their in-

tentation at the time, but it is now very probable that the ranch will be cut into small tracts by other parties as they have practically closed the deal for the sale of the entire property. He thinks there will be a strong demand for the small farms as the Dunkards settlement is rapidly increasing and with the settlement there is an increase in the demand for land.

This is Mr. Prather's first visit to the Klamath country and he is favorably impressed with what he has seen of the country.

## Arrant Case Draws Crowded Court Room

The jury in the Arant case was completed last night, E. W. Gillette and R. H. Ross being the last to jurymen selected. The case was called this morning and the prosecution stated to the jury what it proposed to prove. Following this began the examination of witnesses, Clarence Harris, the complaining witness, was the first to be examined, and the direct examination together with the cross questioning by the defense took up the entire forenoon and part of the afternoon.

The matter of the two calves in the case was frequently brought up and the cow and the calf, the one which Arant is charged with stealing were sent for this morning to be introduced in the case as evidence. The other calf the

one which caused the litigation in the justice court died some time ago, but the hide has been preserved and it is said will also be used as evidence in the case.

Up to 3:30 this afternoon three witnesses had been examined, Harris, Mrs. Harris and Joe Kelley. The examination of witnesses is going very slowly and it will likely take several days to conclude taking the evidence.

During the entire day the court room had been crowded with spectators and the proceedings are being watched with a great deal of interest. The fact that five attorneys are lined up on the side of the prosecuting and three on the defense makes every step that is taken a legal battle.

## Officers Are Elected for Two and a Half Years

Attorney-General Crawford has held that no officer elected two years ago can hold office until January 1, 1909, under the law passed by the people June 1, which changes the time of the state election from the first Monday in June to the first Tuesday after the first Monday in November. Sheriff H. T. McClellan of Douglas county asked the attorney-general's opinion on the matter. In connection with this it follows that the officers who were selected at the last election were chosen for two years, their time of office expiring July of 1910. The amendment changing the time of election fixes it so that their successors will not be elected until in November of that year, and will not qualify until January 1st, 1911. It follows from this that every county officer elected at the last election will serve six months in addition to his term of two years, or until the first day of January, 1911.

E. W. Smith will start for Pelican Bay shortly with a force of men to begin work on the automobile road from the Bay to Fort Klamath. Most of the expense of the building this road will be paid by E. H. Harriman.

The latest novelty in hatpins made from real flowers as in nature, no two alike.—G. Heitkemper, Jr.

Among those who returned last night from Portland and other points along the line of the Southern Pacific were Mrs. S. C. Hamaker, Mrs. W. A. Walker, Mrs. Geo. T. Baldwin and Dr. F. M. White.

You can get a 25-meal book at Willson's hotel for \$4. Board and lodging \$5 a week.—C. D. Willson, Prop.

Miss Alice Poole, one of the popular teachers in the Klamath Falls schools, left this morning for Grants Pass where she will remain for a few weeks. She was accompanied by her mother.

We are looking for the most difficult cases in glass fitting at Winters.

### BRIEF MENTION

Mrs. F. E. Ankeny is visiting relatives in Portland and Seattle.

Hats, hats, special sale on hats, Saturday only at the Portland Store.

C. C. Jackson, the Fort Klamath hotel man, is in the city.

Hires Root Beer at the city Bakery, opposite American Hotel.

Wm. F. Paine, a Lakeview real estate dealer, is in the city on business.

Hatpins made from real rosebuds and carnations, as in nature, no two alike. G. Heitkemper, Jr.

Mr. and Mrs. Geo. McDonald and Mrs. Bert Withrow are visiting in Rogue river valley.

The prettiest things the machinery could turn out in silverware at McHattan's.

C. H. McCumber came in from his ranch near Dalry yesterday.

Sheriff-elect W. B. Barnes and his deputy, E. E. Guthridge, are now in the sheriff's office familiarizing themselves with the work of the office.

A fine line of new sets and pieces in the popular "Vintage" pattern Rogers 1847 ware at McHattan's.

Alex. Davis, one of the Klamath marsh cattlemen, is in the city. He says that the range is not as good as usual and as a consequence stock might be in better condition. The cold spring has kept the grass back.

### Sheriff's Sale

Sheriff Obenchain will sell the Midway Bar Fixtures, building formerly occupied by the Midway Bar, together with about 60 tons of ice, on the 26th day of June. The sale will be made at what was formerly the Midway Bar, and will commence at 10 o'clock a. m. on Friday the 26th.

## WANTS MORE LANDS

### Director Newell Replies to Upper Project Landowners

#### MUST SIGN UP EIGHTY PER CENT

##### Answering Protest from Members of Water Users' Association He Says Work Will Begin on Clear Lake Dam When Subscriptions Increase



Director Jacob Rueck, of Dairy

#### Bears Numerous

Bears are more numerous in the mountains this year than they have been for some time. A few have been killed by hunters and a number of these that have been seen have escaped in the woods. A few days ago Wm. Yeo was coming from Ash and with a load of fruit and on the road in the mountains he encountered a large cinnamon bear. His horses were badly frightened and almost caused a runaway. The bear was allowed to go on his way unmolested.

#### Williams--Hussey

M. D. Williams, the popular county surveyor, left here a few days ago stating that he was going to Fort Klamath to survey the Harriman automobile road, but instead of this he went to Ashland where he met Miss Marie Hussey, lately of Montreal, Canada, and a ceremony was said by one of the ministers of that city. Mr. and Mrs. Williams will arrive here in a few days and will make their home in this city.

Babe Hooper, the infant child of Mr. and Mrs. J. D. Hooper, residing at the Hawkins ranch six miles south of town, died yesterday, aged nine days. The funeral was held from the residence this afternoon.

Father Vasti, of Lakeview, will arrive here tonight. Hereafter the Lakeview parish will be in charge of Father Fosal.

"Newell paid some attention to the action we took at the Bonanza meeting," said Jacob Rueck, one of the directors of the Water Users' Association and a landowner in the Upper project, when speaking about the meeting recently held to determine upon some action to be taken if the Reclamation Service should refuse to reconsider the bids on the Clear Lake dam and decide not to begin work on that part of the project this year. Mr. Rueck continued, "We at least got an answer to our telegram, and that is more than the association got to the telegrams sent out by order of the association when in session in Klamath Falls. Director Newell telegraphed the committee that as soon as we had 80 per cent of the lands signed up he would begin work on the dam. We have almost that now, counting the lands that are signed conditionally, and we are going to make an effort to get the balance at once."

Mr. Rueck was not informed as to how Director Newell proposed to do the work, whether by contract, or by force account. Should he undertake it by the force account it is very probable that he will meet with considerable opposition, as many of the landowners in that section are bitterly opposed to that form of construction work.

It is apparent from the telegram sent by Mr. Newell that his chief reason for the rejection of the bids on the dam was because the required per cent of the lands has not been signed up with the Government. Mr. Rueck thinks that with Director Newell's promise that he will begin work on the dam just as soon as the required amount of land is signed for irrigation, there will not be much difficulty in getting most of the lands remaining unsigned under contract for water. At the present time about 74 1/2 per cent of the lands are signed conditionally and unconditionally.

### Building New Walks

In accordance with an order made by the council at its last meeting a new sidewalk is being built in front of the vacant lots in the post office block. Walks must also be built in other parts of the city and City Marshal Low has been serving notices on property holders to this effect.

**ARE YOU GOING CAMPING**

: IF SO :-

**OUTFIT AT THIS STORE**



For Ladies' Khaki Suits, Skirts and Leggings, Outing Boots and Shoes of all kinds. Men's Outing and Khaki Suits, Hats, Gloves and Leggings, Walkover and Napatana Boots, Straw and Outing Hats of every description: Tents, Hammocks, Fishing Tackle, Mosquito Netting, Blankets, Quilts, Duck, etc.

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**The White Mountain Freezer**

makes more cream, better cream, and makes it easier and cheaper than any other freezer on the market

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**ROBERTS & HANKS**  
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