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THIRD YEAR. No. 777. KLAMATH FALLS, OREGON, FRIDAY, JANUARY 1, 1909. PRICE, 5 CENTS

DUNBAR WINS DECISION.

Supreme Court Decides State is not Entitled to Fees Collected by Former Secretary.

SALEM, Ore.—On the ground that the state has no right or title to the fees and perquisites exacted by the defendant under the statutes referred to in the complaint and that the defendant is not accountable to the state therefor, the Supreme Court, in an opinion written by Justice Eakin, reversed the decree of Judge William Galloway of the Circuit Court, and dismissed the suit of the state against the former Secretary of State F. I. Dunbar, which was brought to compel him to reimburse the state for the amount of fees and perquisites collected by him during his two terms of office and converted to his own use.

The suit was brought by the state upon relation of District Attorney J. H. McNary, substituted for J. K. Sears, and a decree was obtained from Judge Galloway against Dunbar for the sum of $103,926, collected as fees for filing articles of incorporation, issuing notorial commissions, recording trade marks, copying laws and journals, issuing appointments of commissioners of deeds, other commissions, agents' certificates to fire insurance companies, licenses to life insurance agents, annual licenses to life insurance companies, requisitions and warrants of arrest, registering titles in insurance matters, issuing powers of attorney, issuing certificates of authority to insurance companies, and filing statements of mutual fire insurance associations.

The foundation of the plaintiff's right of recovery, as disclosed by the complaint, is that these sums of money were collected by the Secretary of State for the use and benefit of the state, the contention of the plaintiff being that the constitution prescribes a salary for the Secretary and fixes that as his whole compensation, and that therefore the statute which allows to him certain fees and perquisites for work done is unconstitutional and void. The constitution provides an annual flat salary of $1500.

Assuming without deciding," says the court, "that the compensation provided for in these statutes is fees and perquisites and within the inhibition of the constitution, then the legislative acts authorizing them are clearly void to that extent and cannot be construed as authorizing the collection of them for the use and benefit of the state. No such intention on the part of the Legislature is apparent; the right to exact them for the benefit of the state, as to the money so collected, is established by legislation. If the fees cannot be [illegible] if collected without [illegible] may be recovered by [illegible] whom exacted, if not [illegible] barred."

After citing two [illegible] in Multnomah County [illegible] the right of district [illegible] collect the $10 divorce [illegible] are in point, the [illegible]

"The effect of these two decisions is that the (county) Clerk had no authority to exact the fee for the benefit of the county unless it had been expressly authorized and when wrongfully collected, the county had no right or title to it; but it was the property of the person from whom it was collected, and this principle applies equally to the statute authorizing the exaction of fees by the Secretary of State. If the fees are illegally exacted they are the property of the person from whom collected, and the state has no right thereto."

AMERICAN FLEET TO AID.

Sixteen Battleships Likely to be Ordered to Italian Cities to Aid in Work of Rescue.

WASHINGTON, Dec. 31.—The great American battleship fleet, built for purposes of destruction, may after all have to go down in history as one of the greatest humanitarian agents in modern times. Not content with the outpourings of private charity, it is probable that the American government will direct this great fleet away from its own maritime progress towards home, to the stricken city of Messina and the other Italian ports where devastation beyond the unaided efforts of the Italian people themselves to repair has been wrought by the earthquake and tidal wave.

The matter of dispatching the fleet on its mission of mercy is now under consideration and a speedy decision in favor of such employment is expected. The sixteen warships are now making their way through the Red Sea, and should arrive at Port Said on the eastern entrance of the Suez Canal by Sunday.

DRIVE NINETY MILES A DAY.

Dr. William Martin returned last evening from Alturas where he has been with Frank Grohs. He and Mr Grohs drove on Wednesday from Alturas to Bonanza, a distance of 90 miles. Doc says they only had a little pair of jack rabbits but it shows what endurance Klamath County horses have.

VEGETABLES AND FRUIT.

The Monarch Mercantile Company can supply you with anything in the vegetable and fruit line. Goods received fresh from the California markets by express. Celery, cabbage, onions, squash, pumpkins, lemons, oranges, bananas, nuts, etc. 30

A great many of the citizens today are heard complaining about the condition of the cross walks. The city used to keep the walks cleaned off but nothing has been done since the wet weatner began a few days ago. The streets are very muddy and the cross walks are fast becoming in the same condition.

The Three Biehls in vaudeville all this week at the Opera House.

Tell Muller your Sewing Machine troubles. Phone 254. 11

INTENSE FEELING IS STIRRED UP

Fear Expressed That People May Take Law In Own Hands

Wholesale Stealing of Cattle and Horses Reported in Upper Country--County Court May Be Compelled to Appropriate Money to Run Down Thieves

Parties coming in from the Dairy and Bonanza country state that the people of that section are in a high state of excitement over the cattle and horse stealing which has been going on in that neighborhood. It is asserted that this business has been going on for a number of years but never reached the extent which it has this year. There has been a gang of thieves who have been making a practice of stealing cattle and horses, and while it is pretty well known who the parties are, it has been impossible to obtain evidence which was considered sufficient to convict.

The people are adverse to making complaints for fear of the failure of conviction as the gang is so strong that they are a menace to the private citizen. The feeling, however, is becoming so strong that the belief is expressed that if the outfit is not cleaned out soon that there is liable to something happen which will stir up the entire county. It is said that from the gap east there is the most intense feeling among the people who have suffered, and it may reach such a point where they will take the law intheir own hands.

The sheriff and deputies have been doing everything in their power to trace down the offenders, but it is realized that it will cost a large sum of money to break up the gang, and the sheriff is not allowed anything beyond his salary. The County Court has promised help in a small way and has offered a $250 reward in one case. It is believed that evidence can be secured to send a large number over the road and permanently break up the band of thieves, and it is probable that the County Court will offer to stand the expense. If a general lynching is to be averted it is stated that the county authorities will have to take some action without delay.

THOUSANDS NEED HELP.

Half Demented, Naked, Starving Survivors of Great Earthquake Crying for Food.

ROME, Dec. 31.—Slowly the measure of the disaster that has depopulated Calabria and Eastern Sicily is being taken and as the reports accumulate it is seen that the first estimates in no sense exaggerated the extent and horror of the visitation.

An official estimate places the dead at 110,000, but there is reason to believe this may be greaty exceeded.

Today the pitiable plight of the survivors claims universal attention. The relief of their sufferings calls for the concentrated effort of all nations.

The dead are dead, but countless thousands of half-demented, naked and starving survivors, some wounded and some uninjured, are crying pitifully for food, water, clothing, shelter and medical attention.

No news has yet been received of Americans thought to be in the devastated district, excepting the Rev. David Sessuas of New Orleans and his daughter Alice, who are safe at Rome.

It is reported that several Americans lost their lives in the wreck of a hotel at Messina. Ambassador Griscom is about to set out from Rome for the south in an endeavor to secure information concerning American travelers. It is estimated that 100,000 people have fled from the desolated districts in fear of further convulsions.

WILBUR WRIGHT BREAKS ALL PREVIOUS RECORDS.

LE MANS, France, Dec. 31.—Wilbur Wright beat all previous aeroplane records here this afternoon with a flight that lasted two hours and nine minutes. He covered officially a distance of seventy-three miles, but as a matter of fact, made over ninety miles. The feat was more remarkable because of the intense cold. Later Wright went aloft with M. Barton as a passenger.

TRY AND GET SOME OF THIS MONEY.

$10.00 for the most comical character. $10.00 for the most original character. $10.00 for the best sustained character. Houston's Annual Masque Ball, New Year's night, January 1, 1909.

UNITED STATES WILL HELP.

Millions of Dollars Have Already Been Contributed in the United States for Relief of the Sufferers.

WASHINGTON, D. C.—The President will on Monday send to Congress a message urging a liberal appropriation for the relief of the earthquake sufferers in Italy. The appropriation of $50,000 from the California fund was sent to the Italian Red Cross Society today.

NEW YORK, Dec. 31.—The United States Steel Corporation today donated $25,000 for the Italian earthquake sufferers.

Mrs. Russell Sage gave $5000 to the Mayor's fund.

With commercial, civic and religious organizations, Italian societies and various clubs working night and day, is is estimated that New York City will send at least $1,000,000 to the earthquake sufferers in Italy. Fifty thousand dollars in round numbers was raised yesterday and with the greater city united in a common impulse to help the sufferers a stream of funds through the Red Cross Society's hands will continue to pour into the hands of the proper authorities for distribution.

SAN FRANCISCO, Dec. 31.—Contributions toward relief of the earthquake sufferers in Italy are flowing through half a dozen organized channels into the fund today which now exceeds $60,000. Of this amount $50,000 was appropriated from the funds in the hands of the San Francisco Relief Society and the local branch of the Red Cross Society. The balance was collected within a few hours, there being two individual offerings of $1000 each. The Italian colony in this city, through its banks and newspapers, raised $4500 and at various depositaries throughout the city scores of subscriptions are being received.

BURTON TO SUCCEED FORAKER IN SENATE.

COLUMBUS, Ohio, Dec. 31.—Definite announcement was made at the headquarters of Charles [illegible] here this morning that he [illegible] drawn from the Senatorial [illegible] the interest of harmony [illegible] also stated that the [illegible] delegation, the [illegible] strength, will [illegible] Congressman [illegible] has insuring his election as the successor of Senator Foraker.

Senator Foraker at noon issued a statement formally withdrawing from the Senatorial fight. This leaves the field clear for Burton.

ANCIENT ORDER OF LEMONS ORGANIZED.

MUSKOGEE, Okla., Dec. 31.—Young woman, have you ever been squeezed? Yes? No? If you have, you are eligible for membership in the Ancient and Accepted Order of Lemons, which has just been organized in this city with the establishment of Crate No. 1. The head officer of the new society, called the Main Squeeze, is said to be a popular young woman in Muskogee society, although the identity of both officers and members is kept a profound secret. However, it is known that all of the "lemons" are sweet young things, and not the sour old maids that might be expected from the name. It is likely that the new order will spread over the entire country and that "crates" will be organized in every city and town.

WORKMAN ELECTROCUTED.

Chester Allen, a young man of 22 years, was electrocuted Tuesday afternoon as he was at work on the new power line between Phoenix and Talent. Over 20,000 volts passed through his body, death being instantaneous. Members of the crew with which he was at work immediately summoned aid, two doctors responding, but nothing could be done toward resusciating the young man.

Allen was standing in a small puddle of water through which the wire passed and was throwing a wire over a pole, when it came in contact with a power wire running to the southern end of the valley. The entire voltage of over 20,000, being carried on that wire, passing through his body. The fact that the wire was in a small puddle of water rendered any escape from receiving the full current most unlikely.

$250 REWARD OFFERED.

The County Court has offered a reward of $250 for Roy Vestal who is wanted as a witness. He is described as 29 years of age, light complectioned, sandy mustache, height about 5 feet 5 inches, and weight 140 pounds. If dead the same reward will be paid for the body.

UNSUCCESSFUL ATTEMPT TO KILL FRENCH PREMIER.

PARIS, Dec. 31.—A disaffected Corsican shot several shots this afternoon in the direction of the office of Premier Clemenceau. No one was hurt. The Corsican was arrested.

THE READY-MADE HOUSES are warm in winter, cool in summer, substantial, attractive and sanitary, and at half the price it costs to build in the old way. See samples and plans at the office on Main street. Phone No. 811. 18

AT THE OPERA HOUSE.

Biehl Sisters Another Week--Sensational Picture Tomorrow Night.

On account of the flattering reception given to the Biehl Sisters at the Opera House Manager Houston has re-engaged them for another week commencing tomorrow night. The little Biehl sisters have won a permanent place in the hearts of the people of this city by their clever acting, which is particularly pleasing to the children and young people. They put on one of the cleanest propositions that has ever showed at the Opera House and the little girls win the admiration of the audience from the start. During the week they will put on the song and dance specialty entitled Big Chief, which is the best act of their repertoire. The Biehls will only be in the city another week and every child as well as grown people should not miss the opportunity to see these clever little actresses.

In connection with the vaudeville acts the regular picture films will be run the entire week. On Saturday night Mr. Houston will give the people the best bunch of pictures that has ever been shown here, including "Thoroughbred and Jumper," one of the greatest horse pictures made; "Ostrich Farm at Nice, Italy," and the "Slave's Love." The ostrich picture shows one of the largest farms in Italy and is instructive as well as interesting. The "Slave's Love," is the great sensation picture. It introduces a new version of the famous Salome dance and is the most realistic thing ever put on the screen. It is shown in colors. Those who have not seen the great Salome dance should not fail to go to the Opera House tomorrow night.

There will be no show tonight on account of the great annual Masque Ball. This masquerade promises to surpass anything given in this city. Choice seats have been arranged for spectators and it is stated that the hall will be able to accommodate 700 people. From present indications there will be 150 masters on the floor.

MEN FIGHT FOR FOOD.

Bands of Famished Individuals Attack Each Other Like Wolves --Frightful Scene at Messina.

MESSINA, Dec. 31.—A frightful scene occurred here today amid the ruins of the Customs House. Bands of famished individuals were groping among the debris in the hope of discovering food. The first of the searchers, who were successful, were attacked by others with revolvers and knives, and were obliged to divide their findings. The struggle was fierce. The famished men threw themselves upon each other like wolves, and several fell dismembered in defending a handful of dry beans or a few ounces of flour. One of the unfortunates was pinned to a plank by a knife, while clinging to his hand was his little child, for whom he had sought food.

Start the New Year Right

Let us make to your exact measure a Suit or Overcoat. Let us demonstrate the superiority of our styles and fits. A [illegible] assortment of Woolens [illegible] from which to make your selections.

KLAMATH FALLS' STYLE SHOP KKK STORE

Happy New Year

We wish everybody a HAPPY [illegible] to see the dawn of this new [illegible] great success—and that [illegible] come, for our fortune is your [illegible] ables us to sell you drugs at [illegible] little better service. Ever[illegible] you as well as us. T[illegible] year. We know it [illegible] ing. And we [illegible] vance. W[illegible]

Drug Store

"They Have It"