

## LAND OWNERS WANT PROJECT FINISHED

### Present Their Demands In Resolution to Directors--Smith Wired to Urge Garfield to Order Work Resumed

A large number of the land owners again met with the Directors of the Water Users Association, at five o'clock Saturday afternoon, and the previous action of the board was discussed at some length, the land owners urging that immediate action be taken to induce the Secretary of the Interior to order a renewal of the work on the project. The majority of the Directors were in favor of waiting until they heard from the representative they had sent to Washington. The land owners then presented the following resolution, which was signed by a large number of the prominent members of the Association:

"Whereas, The discontinuance of work on the greater portion of the Klamath Project is deplored by the land owners, and is about to create a distinct loss of large proportions to many stockholders of the Klamath Water Users Association, by reason of the serious delay threatened in bringing the larger acreage under irrigation; We feel that the stoppage of work is a great injustice to the people of Poe, Young and Langell valleys, and parts of the Klamath and Tule Lake valleys not yet under the canal system; We also feel that, should work not be continued this year the completion of transportation lines promised by the Southern Pacific would be endangered, and that in various directions the general advancement of the Klamath Basin would be jeopardized. Therefore, be it

"Resolved, That it is the opinion of stockholders of the Klamath Water Users Association, that the Board of Directors of said Association take immediate action to counteract whatever resolution or acts that have tended to bring about the present situation."

At the meeting of the Directors in the evening, the secretary was ordered to wire Attorney Smith in Washington, requesting him to use every effort to induce Secretary Garfield to renew the work on the project. The meeting adjourned with the members agreeing to meet again at

any time on the call of the president or secretary for the purpose of the recall of the representative, or any other important action that might be necessary.

## ATTENDANTS STILL CONVEY PATIENTS

### BILL TO ALLOW SHERIFFS TO TAKE INSANE TO ASYLUM DEFEATED.

Senator Nottingham failed to have his bill convey insane patients to the asylum as he desired. The present law requires the holding of an inquest until the arrival of attendants from the institution. Nottingham agreed that to have the Sheriff do the work would expedite the transfer. Smith of Portland objected, saying that when the present law was first effected it was defeated by a lobby of 16 Sheriffs. This was in 1902. Subsequently the bill became a law and cut down the graft of Sheriffs. As a sample of the methods of Sheriffs in running up fees for transporting insane patients, he declared that it had been the rule of Sheriffs of Multnomah County to take the patient to Salem on the night train, returning home the following morning. This enabled them to put in a bill for two days instead of taking the patients up in the morning and going back to Portland the same day.

The earnest, eloquent and pathetic plea of Miller of Linn and Lane probably caused the defeat of Nottingham's bill. Miller stated that he knew the difference between the two systems from sad experience brought close to home and he prayed that the Senate would not consider this subject lightly. The bill was killed, with all voting against it except Nottingham and Smith of Marion.

## AT THE OPERA HOUSE.

Extra vaudeville bill tonight, J. H. Henard and Mrs. Dorothy Bruce, versatile sketch artists, singers and dancers, etc.

New Pictures—"On the Track," a great hunting scene, showing the actual killing of grizzly bears in their native haunts. "The Watch Makers' Wedding" (comedy) and "The Test of Friendship." Admission 10 and 25 cents.

## Secretary Garfield's Letter

A number of requests from land owners under the Klamath Project have been received for the publication of a certain letter from Secretary Garfield to the Water Users Association. This letter was often referred to in the discussions on Saturday at the time of the meeting of the Directors, and with the permission of President Martin, of the Association, it is printed for the benefit of those who were unacquainted with its contents. The letter was dated Washington, Jan. 2, 1909, and is as follows:

Sir:—Your letter of Dec. 7 has been received referring to public notice of November 18, 1908, copy of which is enclosed. You state: "I am instructed by said board to respectfully inform you that under existing conditions and representations made by Reclamation officials and the Board of Directors of this Association at the time subscriptions were secured of land to the Association from individual land owners, which presentation put the maximum price for water right at \$20 per acre, including maintenance, and which precluded the land owners to subscribe for stock, the Board of Directors at this time does not feel that the Association is obligated to ask for, nor attempt to force payment for more than \$20 per acre on land subscribed."

I am not clear as to what you have in mind in the matter, but assume that reference is made to section 2 of the contract executed by my predecessor, Hon. E. A. Hitchcock, on January 23, 1906, with the Klamath Water Users Association to the effect:

"That the said Klamath Water Users Association hereby guarantees the payment of that part of the cost of irrigation works, which shall be apportioned by the Secretary of the Interior to each shareholder, and will promptly collect or require prompt payment thereof in such manner as the Secretary of the Interior may direct, etc."

There is no reference to maximum of \$20 per acre in this or any matter on file in this department. I am, of course, not personally informed concerning conditions which prevailed precedent to the signing of this agreement, but have had careful search made of the records to ascertain what facts may be available to cast light on this.

I infer from previous correspondence, notably a letter from the secretary of the Association dated March 2, 1907, that the Water Users Association has taken it for granted that the Secretary of the Interior could not charge more than \$20 an acre. How this opinion arose, I do not know, but it is clearly erroneous. It is based upon the assumption that statements or letters written by employees of the Reclamation Service should set the limit, which is impossible. A formal contract cannot be varied, and besides it is well established in governmental affairs and is reflected in numerous orders and decisions in every department that the head of the department cannot in any way be bound by the statements of officers of the department except when they are duly authorized to bind him.

If the Association, as intimated by this letter, believed that it is relieved from any one section or requirement of this agreement of February 23, 1906, the question properly arises whether it considers itself bound by any other portion of the agreement, and if not what steps should be taken to have the agreement explicit and binding? Until all such doubts are solved, it may be wise to suspend further work not actually required for the maintenance of the portion now completed.

Kindly give us an early and explicit reply on these points. Respectfully,  
JAMES RUDOLPH GARFIELD,  
Secretary.

## SMITH CONFERS WITH GARFIELD

### WITH FULTON HE URGES SECRETARY TO GRADUATE PAYMENTS FOR WATER.

WASHINGTON, Feb. 6.—Senator Fulton, of Oregon, and R. S. Smith, of Klamath Falls, held a conference with Secretary Garfield and urged the Secretary to put in operation a new plan for lands under the Klamath Reclamation Project.

Water rights at Klamath have been fixed at \$20 per acre, divided into ten equal payments of \$2 each. Smith wants the department to make the first payment \$1 or \$1.25 per acre and gradually increase the amount so that the last payment will bring the total up to \$20. He says settlers will have difficulty in paying \$3 per acre the first year, but when development is well under way will be able to make much larger payments. Secretary Garfield took the matter under advisement.

Smith is also asking the department to waive the maintenance charge of 75 cents per acre. He contends there is no provision in the reclamation act authorizing the imposing of this charge. He has not yet received an opinion of the department on his requests.

## AID ASKED FOR THE MALHEUR PROJECT.

Support of Western Oregon of the irrigation project that is intended to develop Malheur County is asked in a letter received at the Portland Commercial Club from D. R. Houston, secretary of the Commercial Club of Nyssa, Or. Mr. Houston points out the advantages that will accrue not only to his section of the state but to Oregon as a whole and particularly Portland by the completion of the Malheur government irrigation project, which will cover about 230,000 acres of land tributary to the Malheur and Owyhee rivers. The Nyssa organization asks for no definite help from the club but is anxious to have the arid lands reclaimed through the Government Reclamation Service and writes with the view of informing the Portland organization on the needs of that section.

## BLOW THAT KILLED THE HATPIN BILL

### RESOLUTION INTRODUCED SUGGESTING OTHER THINGS THAT ARE DANGEROUS.

The Hatpin bill, which caused so much comment along with the nine foot sheet bill and other similar proposed laws, has been killed. The State Senate has indefinitely postponed the bill to limit this ornamental and useful weapon to ten inches.

The bill was killed by ridicule, and here is the ridicule, which was gravely read by Reading Clerk Motter. "That whereas, it is known that in innumerable cases the eyes and faces of persons have been injured and at times their countenances changed until they have become unrecognizable by ribs of umbrellas, and

"Whereas, there are of record a number of cases where men have broken their arms by pitching a baseball, and

"Whereas, it is known that a young married man of Spodunk crippled his arm in embracing his bride of only a week, and

"Whereas, we read often of persons slipping in a bathtub and sustaining serious injury and at times death, and

"Whereas, in many instances by the wearing of long skirts and the consequent sweeping of the streets and sidewalks therewith, women are depriving our men of work and a vocation, and

"Whereas, many accidents happen whenever ice occurs, and

"Whereas, merry widow hats cause much discomfort especially to men and in streetcars, and

"Whereas, the use of small belts by women tends to injury to health and often to early death, and

"Whereas, there are advertisements in many hotels, 'Clothes pressed while you sleep,' whereby many guests at hotels are induced to separate themselves from their clothing; and

"Whereas, it sometimes occurs that during the absence of said clothing fires occur, compelling the owners thereof either to commit an offense or to become guilty under the state law of the crime of indecent exposure

"Therefore be it enacted by the people of the state of Oregon:

## MONEY SECURED FOR MODERN HOTEL

### Harriman Will Put In \$20,000 and Holabird Raises Balance for Building on Hot Springs--Also Club House

"That it shall be unlawful for any person to make, use or have in possession an umbrella unless the ribs shall theretofore have been removed or extracted therefrom; or to play or have played or see played any game of baseball; or to have any arms with which to hug or to hug with any arms or any part thereof; or to have, maintain, operate or use any bathtub until the same shall have been securely and completely lined with sandpaper or other similar thing or substance; or to wear a dress or dresses reaching below the ankle; or to permit or suffer any ice to congeal or accumulate on or about any of the water or waters of this state; or to wear in any car on any transcontinental, intrastate, interstate, interurban, electric, steam or gasoline car or any part thereof any merry widow hat by any man, woman or child or any relative or friend thereof; or for any minor or major to wear any belt of less than six feet one inch and one-sixteenth of an inch in any public or private place or elsewhere; or for any notepaper or his agent to allow any person to occupy a room and to permit the clothing of the said occupant of said room to be taken from him without first providing him with clean pajamas nine feet in length, or preventing such fire or other accident which will cause said or such embarrassment."

Col. W. H. Holabird on his recent trip here made the statement that Klamath Falls would have a modern hotel and sanatorium the coming year. The hotel is to be built on the Hot Springs.

Mr. Holabird stated that E. H. Harriman had guaranteed \$20,000 toward the building, if an additional \$30,000 was raised and lessee was secured to put in \$50,000 to furnish the rooms. Mr. Holabird has the additional \$30,000 and expects to close the deal with a prominent hotel man for the leasing of the building.

Col. Holabird is also promoting the establishment of a big club house in the northern part of the county, which will probably be located on the Fort Klamath peninsula, which is the property of Mrs. M. McMillan, of the Lakeside Inn.

## CIRCUIT COURT NEWS.

### BILLS TO PROTECT THE MERCHANT AND BUYER.

Two bills are being prepared at the instance of the grocer's association which will be introduced in the Legislature. One bill is to prohibit peddlers from going through the country and small towns selling goods. The other bill relates to advertising matter used by merchants. If the latter bill passes merchants will have to be careful that they do not make false claims in their advertisements.

### WINEMA ALL RIGHT.

The report that the Steamer Winema had sunk during the heavy wind on the Upper Lake, has been proven false, and the story apparently was without the least foundation. The steamer came down the lake yesterday and remained during the night at the upper landing. A trip was recently made from Odessa with a load of freight to Williamson River but at no time was the boat in danger nor did it receive the slightest damage.

The attorneys in the case of the State vs. Joseph Coburn spent the entire day in examining and selecting jurors. The regular panel was exhausted and a special venire of five summoned. At 3:30 eleven jurors had been secured and the special venire exhausted. The Court ordered two more men summoned from which to select the last juror. The trial of the case will be commenced in the morning.

Dave Alexander was arraigned this morning and asked for time in which to procure a lawyer. He was given until tomorrow.

I. Wright, who was indicted by the Grand Jury on a charge of perjury, arrived this evening from Grants Pass and went to the sheriff's office to have the warrant served. Mr. Wright was notified by telephone of the indictment and informed the officers that it would not be necessary to send after him. He asked how soon he was wanted and asked to be allowed until Monday or Tuesday. He was told that that would be in plenty of time, and he arrived this afternoon as promised.



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