

The Evening Herald.

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KLAMATH FALLS, OREGON, THURSDAY, JUNE 24, 1909.

PRICE 5 CENTS.

CRATER LAKE ROAD CASE WILL GO TO SUPREME COURT

While the \$100,000 State Appropriation Will Be Held Up and Inestimable Damage Done This Section

The long-expected condition in which the road now is comes in the decision of Judge Galloway, who has handed down an opinion making permanent the injunction restraining the construction of the Crater Lake road. He claims it is unconstitutional. "Well, it may be, but if it is unconstitutional, the cradle of the nation has won the first case of its kind in its history. If it is unconstitutional, then practically all of the laws of the State, the Attorney General and United States Senator claim have been mistaken. It is taken to the Supreme Court where it may be hoped that the construction of the law is secured, and where it is certain that the right to construct a highway will be recognized. Judge Galloway's legal opinion might be possible to construct a highway without making a road, but it is hardly to be believed that the same rule will prevail in the Supreme Court. This is the best of the decision. Judge Galloway bases his opinion on the grounds that the road is a public highway, which is a public use, and that the State cannot be actuated by a private interest, though much it might be in this case. Therefore there are two questions to be considered in this case as well as in others where a public highway is involved. First, is said law a local and special law, or is it a general law? Second, does it limit the credit of the State in excess of \$50,000 in violation of the said section 7 of the Constitution? In Allen vs. Hirsch, 8 Oregon, 412, the court held an act appropriating public money to be paid out of the internal improvement fund in aid of a wagon road known as The Dalles and Nandy Wagon road, and another known as the Eastern Oregon and Winnemucca road, to be constitutional, upon the following principle as to what constitutes local and special laws, announced on page 425: "The general principle to be deduced from all the authorities seems to be this: That whenever an act of the legislature authorizes any public road or other internal improvement to be made or other act to be done which in its nature is more beneficial to the community at large than to the inhabitants in the immediate locality of the road, or other internal improvements, such act is to be considered a public, and not a special or local law."

The present act appropriates \$50,000 conditional upon Jackson county raising a like sum, to aid said county to build a public highway from the city of Medford to the west boundary of the Crater Lake National park and not to Crater Lake, as some imagine. Also, \$50,000 conditional upon Klamath county contributing a like sum, to aid said county to build a county road from Klamath Falls to the eastern boundary of said national park, and not to Crater Lake within said park, for our State is without jurisdiction, and can do no work or exercise any authority within the national park including Crater Lake. The present act nowhere provides for aiding in the construction of a continuous highway from Medford to Jackson county to Klamath Falls, Klamath county, as there is an intervening segment of more than 12 miles which is to be made, if at all, by the federal government. Jackson county has raised or appropriated the amount required. Hence, under the provisions of chapter 191 of the laws of 1909, \$50,000 becomes available for use in Jackson county only, and upon a certain specified county road leading from Medford in said county to the western boundary of Crater Lake national park. The court is not informed that Klamath county has made any appropriation as required by this act. Hence the \$50,000 appropriated exclusively for Klamath county is not available and may never become so.

"The present act is clearly local, as it applies to only two counties. It is also special because it is limited to a specified section and for special purposes only, that is, the proposed appropriation can be used only in the counties of Jackson and Klamath and for a special purpose, viz: The building of a certain specified highway in said counties.

"The act is therefore local and special and comes clearly within the inhibition placed upon such measures by section 23, article 4 of our Constitution. The complaint will be sustained and the injunction made permanent and perpetual."

REAL ESTATE TRANSFERS.

Klamath Falls Land and Transportation Company to W. C. Gordon, lot 4 blk 6, Buena Vista add to K. F. \$10.

Cora Mitchell et al to H. H. Low, lot 5 blk 8, Klamath add to K. F. \$2,500.

Schallack & Daggett Company to W. T. Shive, part lot 4 blk 16, Klamath Falls, \$6,500.

J. H. Hamilton et al to Frank Marrow, SE 1/4 sec 21, tp 27, r 9 e, \$3,000.

Sophia S. Henley to Alex. Martin Jr., one-half interest in SE 1/4 of SW 1/4 sec 15, tp 40 s, r 10 e, \$10.

L. E. Latourette to W. P. Deveroux, W 1/4 of SW 1/4, SE 1/4 of SW 1/4, SW 1/4 of NW 1/4, sec 22, tp 25 s, r 9 e, \$10.

J. W. Siemens et al to R. H. Dunbar, part lots 2 and 6, blk 29, Klamath Falls, \$1,500.

Antonio DeFrato to Matilda C. Barrows, lots 2, 6, 7 and 8, blk 11, Merrill, \$1,000.

J. S. Evans to D. G. Horn, parts lots 8, 9 and 10, blk 5, Bonanza, \$10.

J. B. Adway et al to C. E. Worden, NE 1/4 of SW 1/4, E 1/2 of SE 1/4, sec 22, tp 29 s, r 9 e, \$10.

C. E. Worden et al to J. B. Adway, SE 1/4 of NW 1/4, E 1/2 of SW 1/4, SW 1/4 of SW 1/4, sec 20, NW 1/4, sec 31, tp 22 s, r 7 e, \$10.

R. S. Brigham et al to B. B. Dunbar, lot 10 blk 47, First add. to K. F. \$10.

G. N. Bryant et al to F. A. Tostler, lots 19 and 20, Bonanza add to Bonanza, \$10.

L. H. Jackson et al to R. G. Brown, SW 1/4 of NE 1/4 and SE 1/4 of NW 1/4, sec 27, tp 29 s, r 9 e, \$10.

D. Y. Gray et al to Chas. E. Drew, NW 1/4 of SW 1/4, sec 1, N 1/4 of SE 1/4, SW 1/4 of NE 1/4, sec 2, tp 25 s, r 11 e, \$10.

N. S. Merrill to R. C. Anderson, blk 16, Merrill, \$10.

Robert Laughlin to Chas. Carlson, SE 1/4 of NE 1/4, N 1/4 of SE 1/4, sec 13, tp 34 s, r 11 e, \$14.00.

J. W. Gilman to Abel Ady, SE 1/4 sec 30, NE 1/4 sec 31, tp 40 s, r 9 e, \$10.

Sophia S. Henley to Sarah E. Harshberger, lots 1 and 2, W 1/4 of NW 1/4, sec 17, tp 40 s, r 10 e, \$10.

J. F. Nowlin et al to Fredericka Cunningham, lots 9 and 10, blk 25, First add. to K. F. \$125.

Klamath Corporation to Wash Hughes, lots 7 and 8, blk 212, Mills add. to K. F. \$10.

Wash Hughes to Klamath Corporation, lots 15 and 16, blk 212, Mills add. to K. F. \$10.

N. S. Merrill et al to M. F. Irvine, lots 1 and 2, blk 30, Merrill, \$100.

Mary M. Clepton to G. W. White, lot 4 blk 77, Klamath add. to K. F. \$1,300.

Stella Orr to C. E. Worden, SE 1/4 of SE 1/4, NW 1/4 of SE 1/4, SW 1/4 of NE 1/4, sec 10, tp 27 s, r 10 e, \$10.

K. F. Land and Transportation Co. to Frederick Merritt, lots 4 and 5, blk 2 Buena Vista add. to K. F. \$10.

O. D. Cravens to A. S. Bennett, parcel of land in lot 3, sec 10, tp 28 s, r 8 e, \$500.

K. F. Land and Transportation Co. to E. H. Renzel, lots 7 and 8, blk 9, 10 and 11 blk 10, and 25 blk 10, \$10.

G. W. White and P. L. Fountain to H. H. Van Valkenburg, NW 1/4 of NW 1/4, lots 1, 2 and 3 sec 26, lot 1 sec 23, tp 29 s, r 9 e, \$4,000.

Glen Johnson to J. H. Clements, N 1/4 of NE 1/4, sec 25, tp 29 s, r 9 e, \$10.

C. H. Withrow et al to J. J. Rahm, lots 6 and 7 blk 23, Buena Vista add. to K. F. \$250.

Hot Springs Co. to W. A. Kinney, lot 5 blk 2, Hot Springs add. to K. F. \$10.

F. H. Mills et al to Benj. Guthridge, part lots 1 and 12 sec 22, tp 23 s, r 9 e, \$1,500.

Abel Ady et al to R. E. Cantrell, SE 1/4 of sec 30, NE 1/4 sec 21, tp 40 s, r 9 e, \$5,000.

H. A. Willis to Frank Moorland, NE 1/4 of SE 1/4, SE 1/4 of NE 1/4, sec 29, W 1/4 of SW 1/4, sec 28, tp 27 s, r 9 e, \$10.

Chas. Donart et al to Thos. Hampton, SE 1/4 of SW 1/4, NE 1/4 of SW 1/4, sec 1, SE 1/4 of NE 1/4, sec 11, SW 1/4 of NW 1/4, NW 1/4 of SW 1/4, sec 12, tp 28 s, r 9 e, NW 1/4 sec 27, tp 28 s, r 10 e, \$4,000.

Annette Robinson et al to F. Wilmet, SW 1/4 of NW 1/4, sec 2, SE 1/4 of NE 1/4, sec 2, tp 35 s, r 14 e, \$10.

F. Wilmet et al to Weyerhaeuser Land Co., SW 1/4 of NW 1/4, sec 2, SE 1/4 of NE 1/4, sec 2, tp 35 s, r 14 e, \$10.

Ernest M. Bubb to Weyerhaeuser Land Co., lots 2 and 3, E 1/2 of NW 1/4, sec 7, tp 35 s, r 14 e, \$10.

Chas. Degan to Bruce Gaddis, lot 5 blk 63, Nichols add. to K. F. \$10.

C. E. Worden et al to Wm. Sondergard, lots 10 and 11, Fairview add. No. 2 to K. F. \$10.

Hot Springs Co. to Chas. Degan, lot 11 blk 11, Hot Springs add. to K. F. \$400.

Norman Nichols et al to Ira S. Sperry, W 1/4 of SW 1/4, NE 1/4 of SW 1/4, SE 1/4 of NW 1/4, sec 20, tp 39 s, r 11 e, \$10.

W. W. White and P. L. Fountain to G. W. Ager, SW 1/4 of NW 1/4, SW 1/4 sec 23, tp 29 s, r 8 e, \$6,000.

Roy Hamaker et al to E. E. Jamison, part lot 4 blk 64, Nichols add. to K. F. \$10.

W. S. Slough et al to Estella Harris, lots 6 and 7 blk 24, First add. to K. F. \$650.

K. F. Dev. Co. to G. W. Kanavel, SE 1/4 of SW 1/4, W 1/4 of SW 1/4, sec 15, N 1/4 of NW 1/4 of NE 1/4, sec 22, tp 39 s, r 9 e, \$10.

Guy Byford et al to A. F. Forber, blk 5 First add. to K. F. \$1.

K. F. Land and Transportation Co. to B. F. Gould, lot 13 blk 9, \$10.

C. E. Worden et al to Thomas Drake, lot 4 blk 5, Shippington add. to K. F. \$250.

MAKING INVESTMENTS.

The desire to make money easily and quickly is uppermost in the minds of most people. Very few are willing to acquire a competence by the sure and slow method of working and saving. This leads people to invest in every imaginable scheme of chance, and is the chief reason why so few accumulate and why estates become worthless, or nearly so, when the head of the household dies. Any scheme for gain which requires monthly payments from the survivors even after the original investor is dead is most dangerous for any person to go into unless an adequate amount of life insurance is carried alongside of the other investment to take care of the payments which will be required month after month, notwithstanding the fact that the income of the survivors has been curtailed. It is generally conceded by the shrewdest investors that as a whole, when everything is considered, no other form of investment compares favorably with an insurance policy in a regular life insurance company, providing that the policy has a terminal period and is convertible into cash at any period of its existence. Such an investment is sure to grow in value year by year, and matures at once without further payments from the survivors if the investor does not live to realize on the fruits of his labor.

The Monarch Mercantile Company's phone number has been changed from 111 to 1051. Order your ice from O. K. Transportation Company. 6-12M

Klamath County Real Estate Dealers Ass'n

Organized for the Protection of the Buyer and Seller of Real Property and the promotion and improvement of Klamath County. Members—

- D. B. CAMPBELL.
- P. L. FOUNTAIN.
- GREGORY & McLELLAN.
- HALL-SHEPHERD CO.
- MASON & SLOUGH.
- T. W. STEPHENS.
- FRANK IRA WHITE.
- WILBUR WHITE.

Transactions with any of the above dealers insure protection.

**MANY RESIDENTS
NOT SATISFIED
WITH SCHOOL SITE**

Believe City Would Be More Benefited By Acceptance of Moore Bros. Offer-Save District Over \$5000

There seems to be considerable dissatisfaction over the proposed location of the new school building. At the time of the election only two sites were mentioned for consideration, and neither one seemed to meet the approval of the voters. A few hours before the election some one suggested block 9 as a suitable location, with the result that a majority of the votes were cast for that block without the voters having any knowledge whether the property could be secured or what the cost would be. Since the election there has been considerable discussion of the matter, and the people are now more familiar with the question. The contention has already been made that the election was not legal, and an expression made in favor of calling another election by petition.

C. S. and R. S. Moore have agreed to donate to the school district a block on the west side of the river, a short distance from the bridge. With the building located there, it would give the city two schools—one in each end of town. They would each be well located for the accommodation of the scholars, and the district would have more money for building and equipment.

FARMER WILSON TO RETIRE.

Secretary of Agriculture Will Quit Office at the End of Present Year.

It is rumored that James Wilson of Iowa, Secretary of Agriculture, will retire from public life at the end of this year.

While no authoritative announcement of the selection of a successor to the veteran secretary has been made, it is understood that the name of Charles E. Scott of Kansas is receiving serious consideration. Scott is the representative from the Second district of Kansas, and is serving his fifth term in the house.

ALOHA CHAPTER NO. 61, O. E. S.

Special communication Friday evening, June 25th. Conferring degrees. By order of the Worthy Matron. LULU STRAW, Secretary.

Man and wife want two furnished rooms with board, near Upper Lake preferred; state price. Address C. M. C. G., this office. 24-6

LADIES' ATTENTION.

Mrs. L. E. De Hay will act as my agent and will carry complete stock of Perfumes, Massage and Shampoo Creams, Extracts, etc., at her grocery opposite the Livermore. 24-6 CHAS. E. WILDEY.

New potatoes, potatoes, potatoes! We have them. Monarch Mercantile Company. 24

A. W. Orton and wife arrived in the city last evening from Portland en route to Lakeview. Mr. Orton is the newly-appointed register of the land office who will succeed J. N. Watson.

Found—By J. C. Smith, a purse, containing some money. Owner can recover same by proper identification and paying for this advertisement.

The Margaret Hies Company returned this afternoon from Fort Klamath, and will appear in their farewell performance at the Opera House to-night.

BARBER EXAMINED.

R. M. McDonald, one of the Lakeview barbers, arrived in the city last evening to take the State examination. He was examined before a board consisting of Deputy Examiner J. E. Swensen, F. M. Rolfe and Ky Taylor. Two others are expected to arrive from Lakeview before the first of the month to take the examination. Since the recent appointment of J. E. Swensen as deputy examiner, it is not necessary for barbers to make the trip to Portland to be examined.

SOCIAL IN COURTHOUSE PARK

Series of Meetings Held By Mrs. Harford Drawing to a Close.

The meetings held by Mrs. Helen D. Harford will close with a social in the park to-morrow night. The children will have the afternoon from 2:30, in which the Loyal Temperance Legion will have the right-of-way. Ladies interested in the advancement of temperance are invited to assist in the social interests and are requested to send cakes to be served with ice cream during the latter part of the afternoon and in the evening. Volunteers to assist in the music are invited. The proceeds of this will be used to further the work.

Last night an attentive audience greeted Mrs. Harford in the Presby-



**THOROUGHbred
HAYS**

The Hat with a Pedigree and a guarantee
Some new, snappy styles just received

K K K STORE

Package Candies

When you want a nice package of Candy and one that you can rely on to be fresh and in prime condition, come to us.

We have Nannally's—the best Eastern candy made—expressed direct to us from the factory. We also carry Bishop's famous Coast Chocolates in packages from 5c up.

Large line of FRUIT TABLETS, true to fruit flavors.

The ROSE CREAM for Chaps and Tan.

Star Drug Store

"They Have It"