

Klamath Falls' First and Best Daily.

# The Evening Herald.

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THIRD YEAR, No. 946

KLAMATH FALLS, OREGON, SATURDAY, AUGUST 28, 1909.

PRICE 5 CENTS

## DOESN'T LIKE THE OUTLOOK

E. T. REHFELD HAS OPINIONS ON LAKEVIEW COUNTRY

### WRONG IMPRESSION IS GIVEN

Oregon Valley Land Company Comes in for Scolding by Prominent Man Who Investigates.

E. T. Rehfeld, attorney and newspaper man of Guthrie, Okla., who recently passed through here on his way to Lakeview to make an investigation of that section of the country which is now being put on the market by the Oregon Valley Land company, returned last night, in speaking of the methods employed by this company to dispose of this land, Mr. Rehfeld stated as follows:

"It is one of the most gigantic frauds ever perpetrated on the American public, and it is my intention to go to Portland for the purpose of consulting with the United States District Attorney and if possible have this concern enjoined from continuing any further with this swindle—for such it is. The literature that has been put out by this company is full of misrepresentations, and the foregoing statement of mine is based on what I saw from a personal investigation on the ground. For instance, in the Oregon Valley News, which was published last June in Kansas City by this concern, it states: 'The rainfall in Eastern Oregon is well distributed. Grain is sown in the autumn, about the time the rain begins, remains in the ground during the period of greatest precipitation (usually in the form of snow), matures and ripens with the decreasing rainfall of early spring and summer, and is harvested from July to October, the driest part of the year.' This is not true, as grain is sown in the spring, and they have not harvested there yet, as the grain is not ripe. This same circular states: 'People are beginning to realize the wonderful possibilities in diversified farming, and that no section of the Union offers a safer or surer reward for this industry than does Oregon, thousands of acres heretofore devoted to the raising of wheat and other cereals have been seeded to orchard and meadow grasses, and the feeding of cattle, sheep and hogs has, in many cases, taken the place of extensive grain farming in whole or in part.' It will be noted that this ap-

parent is misleading as regards this particular proposition. As far as hogs are concerned, I never saw any on my journey over there, except at Bly, which is in Klamath county, and farmers told me over there that alfalfa gets badly frost-bitten and for a commercial plant does no good.

"The above are only a few of the misrepresentations which have been sent by this company in their literature, of which I have copies. I made an inspection of the irrigation ditch with which it is proposed to put this land under water, and the very manner in which it is constructed thus far stamps it as a poor makeshift, and in my opinion, it will never hold water. I might add that this same paper also states, as follows: 'Irrigation is not necessary for ordinary crops, nor is it necessary for the growing of fruits or berries, but greatly increases the value of the land should the owner desire to engage in what is known as intensive farming, the raising of sugar beets, vegetables, etc. To any one acquainted with this section the palpable misrepresentation is apparent.

In conclusion, I will say that the people of Lakeview and Lake county in general are in no way responsible for any of the foregoing conditions. It is simply the work of this company, its hirelings, who are found in evidence around Lakeview. The people of Lakeview and Lake county, as a matter of fact, are not advised as to the kind of literature that has been sent out by this concern, and when Dr. Daly was shown these misrepresentations by me he was perfectly surprised, as it was the first time he saw them. The people of Lakeview, as a whole, are composed of first-class people, and if they did but understand the bad effect that this despicable scheme will have on the future of Oregon, they would rise up in a body and stop it, for I am sure from what I saw of them they are not of that kind.

"Another disgraceful feature in connection with this matter is the selection of the auctioneer, who, according to the first literature sent out, was to be selected by the contract holders, but it now appears from a conversation which I had with Mr. Martin that the company has arranged for all of this, and they will appoint the auctioneer themselves, or to put it in his own words, 'We have to have a man who understands the business; we have the man already here.' This man is Charles A. Muler of Harper, Kan., who is one of the tools of the company, and the boasting of this man for the place by the Lake County 'Examiner' in their is-

sue of August 19th is only one proof among many that they are on the pay roll of this concern. It will also be noticed that all of the money paid in on this land is deposited at Kansas City, not Lakeview, due doubtless to the fact that people who are there on the ground will make a demand for the return of their hard-earned money after looking the situation over.

"One of their folders says about the climate as follows: 'Mild, balmy, healthful, invigorating, free from malaria. Winters mild, always moderate, cool in summer, pleasant in winter, etc., etc.' As to this feature I can say that during my recent trip there this week, one morning water was found frozen in a pail which was left out.

"It is my intention to notify all of my home papers immediately to send warning to all probable investors in this scheme to stay at home. One thousand dollars cash is offered and all expenses of inspection if conditions are not as good as represented in the literature of this concern. I am the holder of two contracts, and am going to lay claim to the \$1,000, but the expenses of my trip will be borne by myself, as I feel I am well repaid if I can save good, worthy people their homes and money by staying away and keeping out of this scheme."

For a cup of coffee that makes life worth living, come to the Oregon House.

Peter O. Applegate, State land agent, and H. P. Jones, U. S. special agent of the general land office, arrived last evening from Salem to look up some matters wherein the titles are unsettled between the State and United States. Both these gentlemen have been here before, though not for several years, and they find improvements in and about Klamath Falls are far greater than they expected. Both are quite well informed in regard to the natural resources of the Klamath Basin and anticipate rapid development from this time on.

The saw mill of C. S. & R. S. Moore on the west side of the river, will make its final run for this season commencing Monday, August 30. They have about 1,000,000 feet of choice fir and pine logs on hand, which will keep them busy until October 1. All orders for lumber should be placed at an early date. Special orders for fir will be given prompt attention.

Be at "The Portland Store" tonight at 10 p. m. Four prizes.

## CRATER LAKE ROAD CASE

APPEAL FROM THE DECREE OF JUDGE GALLOWAY FILED IN SUPREME COURT

Allegation Is That Act of the Legislature Regarding the Appropriation Is Unconstitutional.

The brief of the appellants in the case of J. K. Sears vs. George A. Steel as treasurer and F. W. Benson as secretary of state, commonly known as the Crater Lake road case, an appeal from the decree of Judge William Galloway, has been filed in the supreme court. The brief is very comprehensive, filling sixty-two pages printed matter, and is full of quotations to sustain the points of authority and arguments of the appellant.

The allegation that the act of the legislative assembly making the \$100,000 appropriation is unconstitutional for the reason that it is in violation of section seven of Article 11 of the constitution in that it attempts to create a debt against the state for more than \$50,000, is alleged to be nothing more than a naked allegation of a conclusive law. A statement of respondent's construction or interpretation of the act of the legislature complained of and nothing more. Facts, it is stated, not conclusions of law, must be pleaded.

The second act upon which the respondents predicate their right for relief is that the legislative act is unconstitutional because section 23 of article 4 of the constitution provides that the legislative assembly cannot pass special or local laws for laying, opening and working on highways. Appellants allege that the complaint of the respondent does not state facts where said act is unconstitutional and void or where it contravenes the constitution.

The brief states that by the terms of the act this road is to be a state road from the Pacific ocean to the Idaho boundary via Crater lake, and the fact that a portion of it passes through Jackson and Klamath county does not change its character from a state road to a local road or make it a local or special law.

There is absolutely nothing in the constitution, states the appellants, prohibiting the legislative assembly from appropriating money for the construction of a state road and the case of Allen vs. Hirsch is cited to sustain the contention, as are numerous other cases out of Oregon. Reference is made to the case of Maxwell vs. Tillamook in which it was held the act of appropriating \$10,000 to aid Tillamook in the construction of a wagon road was void for the reason that it applied to and operated in the county of Tillamook entirely and had no force or effect in any other portion of the state. "It seems therefore to be the settled doctrine of this state that the legislative assembly may appropriate money to aid in the construction of a road which does not operate wholly within one county, and which is not limited to a particular county for a special purpose.

"Our constitution has no provision in prohibiting the legislature from passing a law granting aid for the purpose of internal improvements, nor has it a provision requiring all law to be general and uniform in their operation."

Attention is called to the fact that the respondents introduced no evidence, while the appellants introduced testimony showing that this act of the legislature was a general application to the entire state of Oregon, and that the state road mentioned in said act if constructed as

contemplated therein will be a benefit to the whole people of this state and aid in the development of the entire state. Parts of the testimony of witnesses is given, and this testimony stands uncontradicted and conclusively shows that the act of the legislative assembly is a general law of general application and will result in lasting benefit to the people of the entire state.

The brief is signed by William P. Lord Jr., Coivig & Reames, W. W. Cotton, William D. Fenton, L. R. Webster and James E. Fenton, attorneys for the appellants.

### AT THE IRIS TONIGHT

The "Black Aristocrats" will make their last appearance in Klamath Falls tonight. Everyone should see them in their side-splitting comedies. They have scored a hit and won the opinion of theatergoers that they are the most talented artists in their line ever seen here. Besides them, there will be four films of pictures: "The Son's Return," "The Daughter of Erin," "Saul and David" and the beautiful colored film "The Bohemian Girl." "Hunting Hippopotamus on the River Nile" will be repeated.

### PASSION PLAY AT OPERA HOUSE TONIGHT AND SUNDAY NIGHT

The Passion Play, a wonderful presentation of the life of our Savior Christ, is enacted every tenth year by the peasants of the village of Oberammergau in Bavaria in fulfillment of a vow made in gratitude to God for the cessation of a terrible plague which devastated the country in 1663. In presenting this version of the Oberammergau play it is the intention to give as near an exact reproduction of the original as possible, and the highest point in the art of life-motion photography has been reached. You have but to ask some one who has witnessed the play, and it is confidently assumed that you surely will be advised by them to go and see it yourself, for in no other way, short of a personal visit to Bavaria at the time of this stupendous enactment, can so lasting a realization of the crucifixion of Christ be gained. Clearly and distinctly does it

### For Sale - August Only

A Summer Resort on Klamath Lake That is Unsurpassed in America

This is a sporting proposition for men of wealth—it is not a farm. Unequaled trout fishing June to November. Deer hunting on the premises August 1 to November 1. Duck shooting superior to any in the State over thousands of acres of wild celery and rice September 1 to February 1. Game and pheasant shooting on the place October 15 to November 15. Best starting place in county for a bear hunt. Crater lake automobile road will run through the place for a mile and a quarter. Navigable water to the property, unsurpassed drinking water and power to develop the property. More bottom land and fine garden land than any place on the lake. Thousands of pine and fir trees and thousands of quaking aspens. More varieties of wild flowers and natural grasses and vetches than any place in the county. If you develop this property as it can be developed there is no resort in the county that can compare with it. No amount of talking will describe it; let us show you. We have been offered more than twice what it cost, but have a price at which you may take it; below which, we will keep it.

J. G. PIERCE at office Buena Vista Addition, Corner Adams, or W. T. SEIVE At Home Bank, 21st St.

unfold the scenes and incidents of His early life, portraying it so plainly, so beautifully, that the smallest child shall know and understand this beautiful story.

The price of admission to-night and Sunday will be 10 cents for children and 25 cents for adults, as this is an extra high-priced film and only put on at great expense.

Tonight is the best time to enter your child's photo in the baby contest, as there are but a few more days in which your baby can be entered in competition for the beautiful prizes offered by Mr. Heitkemper Jr. Remember there is absolutely no expense and all have an equal chance, as the audience are the judges, each casting a vote for his or her favorite.

### SERVICE AT THE CHURCHES.

Services will be held in the several churches of Klamath Falls Sunday as follows:

Grace Methodist Episcopal Church—10:00—Sunday school. Classes for all ages. Parents and children cordially invited.

11:00—Morning worship. At this service the general rules of the church will be read and commented on.

7:00—Epworth League. Subject, "Relief in Sorrow." Leader, Mr. Edwin L. Forker.

8:00—This will be the last of the union services. Rev. R. E. Dunlap, district superintendent, will preach.

On Monday the fourth quarterly conference will be held in the vestry at 8 o'clock.

J. W. PRICE, Pastor.

Baptist Church—10:00—Large Bible class for men. Mr. DeLap leader.

11:00—Morning service. Subject, "What Baptists Stand For."

Union meeting in the M. E. church at 8 p. m. Rev. Mr. Dunlap will preach the sermon. Young people will meet at 7 p. m. in the M. E. church. The Methodist young people will lead the meeting.

M. M. BLEDSOE, pastor.

Christian Church—The Christian or Disciple church will hold their regular services in the Methodist church on Lord's Day afternoon at 3 o'clock. A cordial invitation is extended to all who wish to attend this service.

Christian Science Church—Christian Science services will be held in the Murdoch building, Sunday at 11 a. m. Subject of lecture: "Christ Jesus."

Church of Sacred Heart—Mass daily at 7:30; Sundays at 10:30 a. m.

## WHO WILL CONTEST IT?

DISTRICT ATTORNEY MULKEY SAYS HE IS TOO POOR

BINGER HERMANN MIGHT DO

Hawley's Political Position Is Anything But Bright If Right Man Should Come Out.

"I have not yet made up my mind whether to contest with Congressman Hawley the nomination for representative from this district," said District Attorney E. F. Mulkey, whose candidacy was recently announced in a Portland paper. "I have been urged by many friends to make the race, for there is great dissatisfaction with Mr. Hawley's course. If I were a wealthy man, I could answer offhand, but being poor, I do not know as I can afford to run. But 'Barkie is willin'."

The only other probable candidate against Mr. Hawley at this time is W. K. Newell, president of the state board of horticulture, and a former member of the lower house of the Oregon assembly. Mr. Hawley has managed to antagonize the state grange, and it is evident that they will largely support anyone who makes the race.

Congressman Hawley is reported to have met with a frost at Coos Bay, where he made a speech at the development congress. After telling about the tariff and glories of Oregon, he was asked what he had done to deepen the harbor at Coos Bay, and his reply was not very satisfying. Some one told what Binger Hermann had done in congress and Mr. Hermann received an ovation.

Should Mr. Hermann decide to contest the nomination with Mr. Hawley the latter would have hard sailing.—Medford Tribune.

Ladies' and children's fall and winter coats now on display at K K K store. Some stunning styles.

### AT COST FOR ONE WEEK

Cedar screen doors, 2x2x3, with hinges, screws, handle, hooks and eyes, all complete, for \$1.25.

Adjustable window screens, 24 to 37 inches, 50 cents each.

Come at once or be too late—only have a few left. Klamath Builders' Supply House, corner Seventh and Main sts. C. W. Harlow, proprietor.

Be at "The Portland Store" tonight at 10 p. m. Four prizes.

Newest Creations in Ladies' and Children's Fall and Winter Coats



Some Swell Styles

See East Window

**K. K. K. STORE**

It Is Tried and Tested!

We do not take the manufacturer's word for the purity of

## Our Olive Oil

We test each and every lot that we get by the most approved methods. We are giving away a ten-dollar Electric Stand Lamp with Olive Oil purchase.

See our window for particulars.

## Star Drug Store

"They Have It"

ROSE CREAM FOR SUNBURN