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Price, Five Cents

HORSES FREE FROM BANK ATTACHMENT

JUDGE MAKES ORDER

SAGS WHICH HAVE LIVED IN ROYAL INDOLENCE FOR NEARLY A YEAR, MAY NOW HAVE A CHANCE TO WORK

In circuit court this morning Judge Henry L. Benson made an order dissolving the attachment of two of Joshua Swindler's horses, which had been in the keeping of Sheriff William B. Barnes since last winter.

This is the case in which the sheriff's bill for sustenance of the pair was cut from \$801.50 to \$510.75.

The attachment was obtained by the First National bank of Kennewick through Attorney E. L. Elliott, while Noland & Crane, for the owners of the horses, obtained the dissolution of the attachment. The bank claims a debt of about \$800 as due from Joshua and Julia Swindler, who when nine of the horses were attached at Merrill last winter, obtained exemption for two of the steeds under the law, which provides that the head of a family can own two horses exempt from attachment.

The seven, while in the custody of Sheriff Barnes, were placed in a livery barn at Merrill, which burned, together with five of the horses. This left two, who have been industriously eating ever since at the expense of the litigants. The attorneys for the owners of the quadrupeds claim that the bill for keep, if they win the suit against their clients, will have to be paid by the First National bank of Kennewick. As five of the horses were burned while in the clutches of the law, there is a chance that the Swindlers will enter a damage suit for their value.

The opinion of the circuit court judge on the dissolution motion reads as follows:

"The basis of this motion is defendant's contention that plaintiff had at the time of the issuance of the writ of attachment, a lien, in the shape of a chattle mortgage, upon the property seized under the writ, and that it appears affirmatively from the affidavit for attachment that such mortgage had not been rendered nugatory by any act of the defendants or either of them.

"The affidavit reads as follows: 'That the payment of said note was by defendants secured to plaintiffs on certain personal property then owned by defendants, and in defendants' possession, near the city of Kennewick, county of Benton, state of Washington, and without the consent or knowledge of plaintiffs, as affiant verily believes, defendants removed said property from the county of Benton and state of Washington, thereby making the said mortgage nugatory, except upon order of this court. That plaintiff has no other or further security or pledge for the amount of its claim.'

"The question for determination, therefore, is, did the removal of the

mortgaged property from the state of Washington, without the consent of the plaintiff, render the mortgage nugatory? The authorities are overwhelmingly in favor of the doctrine that the removal of mortgaged personal property from one state to another does not invalidate the mortgage or hinder the mortgagee from following the mortgaged property into another state, and there foreclosing his lien. (Jones on Chattel Mortgages, 267, 268a.)

"Plaintiff contends, however, that where a creditor's security has been placed in such position, by the act of the debtor that it requires a lawsuit to establish his lien, the security is thereby rendered nugatory and immediately he acquires a right to a writ of attachment. This contention, in a proper place, is correct, but I am unable to discover, in the case at bar, that any such condition has arisen. The doctrine contended for by the plaintiff is very clearly expressed in the case of Watson vs. Lowenburg, 34 Ore., 336, in the following language:

"By this statute the creditor holding such a security is denied the right to the summary process of attachment, but it must be admitted security, and not one the validity of which is denied by the defendant, and which can only be enforced, if at all, at the end of a lawsuit. If the defendant in this case had admitted the claim of the bank, his motion would probably have been well taken."

"I can find nothing in the authorities however, justifying the contention, that in a case like the one at bar, where the defendants admit the validity of the lien and the continued ownership and possession of the property, there is any necessity for any judicial determination of its validity, or the need of any proceeding upon the part of plaintiff other than the proper foreclosure of his lien.

"It is true, as the plaintiff's counsel suggests, that defendants claimed two horses as exempt from attachment under the laws of Oregon, but it does not seem to me that this fact is at all inconsistent with an admission of the chattle mortgage, and is not, in my opinion, a denial of the mortgage lien.

"It follows that the motion must be allowed."

OREGON WILL FARE WELL IN RIVER AND HARBOR BILL

At Coming Session of Congress, if Recommendations of Army Engineers Are Followed—He Is Asking Over Three Millions

Special to The Herald PORTLAND, Nov. 27.—Oregon and the Pacific Northwest will fare well when congress makes appropriations for river and harbor improvements at the coming session, provided the recommendations of the chief of army

engineers is followed. His budget calls for appropriations amounting to not less than \$3,452,250 for the betterment of waterways in this section of the country.

Among the projects for which money is expected to be forthcoming is \$1,000,000 for the Columbia river jetty, while between Portland and the sea channel improvements are estimated to need \$475,000. The Cello canal is listed for \$600,000, and improvements above Cello call for \$30,000 more.

Other recommendations included in the report are: Columbia, Bridgeport to Kettle Falls, \$25,000; Willamette, above Portland, \$20,000; Siuslaw River, \$120,500; Snake River, \$25,000; Coos River, \$3,000; Tillamook Bay, \$5,000; Clatskanie River, \$1,000.

W. O. W. to Have Big Time The Woodmen of the World will tomorrow night initiate a class of candidates, elect officers and enjoy a banquet at their lodge rooms.

IMPORTANT Anyone holding reservations for the opening banquet of the White Pelican Hotel, please call for cards before November 28th, at the hotel office in the Klamath Development building. 25-7t

WATER NOT GOOD, ANALYSIS SAYS

FOURTH TEST OF CITY SUPPLY SHOWS QUITE A PERCENTAGE OF ORGANISMS AND COLON BACILLI

All the efforts to purify the local water for domestic services which is furnished by the Klamath Falls Light and Water company have so far failed to work the impurities down to as low a point as the authorities had hoped.

Dr. R. R. Hamilton, city physician, is in receipt of the result of the fourth analysis of the water, which shows a percentage of impurity rather too high to be pleasant. Four samples were taken, on which the analysis shows approximately the following:

Siemens spring, 300 organisms, no colon bacilli; main spring, 6,450 organisms and colon bacilli; outside basin, 5,400 organisms and no colon bacilli; outlet of outside basin, 6,800 organisms and colon bacilli.

Coyote Catchers Get Bounty C. H. Fuller of Lost River brought one coyote pelt and J. N. Warren, a Langell Valley farmer, two coyote pelts to the office of County Clerk De Lap today, claiming the bounty allowed by law of \$1.50 each.

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Grand Jury at Work This morning the grand jury, of which Marlon Hanks is foreman, met to consider criminal matters brought before it by District Attorney Dell V. Keykendall, and expects to get through by the end of the week. On Monday next a new grand jury will be drawn from the jury wheel.

DARDANELLES BLOCKADE BY ITALY IS EXPECTED

Turkey Believes Move to Extend War Limits Will Compel Powers in Europe to Interfere With Her Adversary

United Press Service CONSTANTINOPLE, Nov. 27.—It is stated at the war office that the government expects Italy to fulfill her threat to blockade the Dardanelles within twenty-four hours.

Turkey believes that the move for carrying the war outside of African territory will speedily compel European intervention.

AFTER FEDERAL BUILDING HERE

MEETING CALLED FOR TOMORROW NIGHT AT COUNCIL CHAMBER BY MAYOR FRED T. SANDERSON

Mayor Fred T. Sanderson has issued a call for a meeting tomorrow night at 8 o'clock at the council chamber to consider ways and means for securing for this city a federal building. The meeting is to be held under the auspices of the city council, county court and Chamber of Commerce, and all members of the three public bodies, as well as the attorneys of the Klamath county bar, and all citizens who have the good of the city at heart, are cordially invited to attend and give their suggestions as to the best way of going about to secure the desired end.

Among the features of this locality which make it necessary to have a federal building and centralize the government forces at this point are: Headquarters for the game district covering five counties in Southern Oregon, with the district supervising warden stationed here; headquarters for the Lower Klamath Lake bird reserve, and also the point at which all federal business in connection with the Clear Lake and Malheur Lake bird reserves is transacted with the head warden; United States forest reserve office, United States court and United States commissioner, reclamation service, Columbia National park, weather bureau, Klamath Indian reservation, a growing United States postoffice, and United States land office, now at Lakeview, which would be much more convenient to the public if located in this city.

The federal game department is already casting about with a view to establishing offices here for the head warden and supervising wardens mentioned above, and the biological survey department, it is said, will aid in the move to secure a federal building in Klamath Falls.

FIRST NATIONAL OFFICERS NAMED

ALEXANDER MARTIN JR. BECOMES VICE PRESIDENT, AND OLD DIRECTORS STAY IN THEIR PLACES

At an election held Saturday to choose officers and directorate for the First National bank as it will be with the absorption of the Klamath county bank, officers were chosen as follows:

President, Alexander Martin Sr.; vice president, Alexander Martin Jr.; cashier, Leslie Rogers; assistant cashier, W. A. Dezell; directors, Alexander Martin Sr., Alexander Martin Jr., L. F. Willits, Charles S. Moore, E. R. Reames.

The above directors are the same who have conducted the First National bank, while the officers, since the retirement of L. F. Willits from the presidency, and until Saturday's election, have been Alexander Martin Sr., president and W. A. Dizell, cashier. Officers of the Klamath County bank have been: President Alexander Martin Sr.; vice president E. R. Reames; cashier, Alexander Martin Jr.; assistant cashier, Leslie Rogers. Directors have been Alexander Martin Sr., Alexander Martin Jr., E. R. Reames, Charles S. Moore and E. P. McCornack.

It will be seen by a perusal of the three lists that in the new bank Mr. Reames changes from vice president of the Klamath county bank to director of the First National, E. P. McCornack, who retired some time ago from the First National directorate in favor of Alexander Martin Jr., is the only director of the Klamath county bank who does not appear in the official list of the First National, in which bank, however, he retains interest as a stockholder.

George E. Bradnack of the Muller Music company, has returned from a trip to Portland.

MULFORD IS WINNER OF VANDERBILT AUTO CUP

United Press Service SAVANNAH, Ga., Nov. 27.—Mulford, in a Lozier, won the Vanderbilt auto race, 289 miles, in 3 hours and 56 minutes.

DePalma, in a Mercedes, was second, two minutes behind.

Wishart, in a Mercedes, was third. Mulford broke the world's record. Hughes, in a Morcer, won the Savannah challenge race.

Whitman, E.-M.-F., won the Tiedeman race.

Miss Agnes Marple has accepted a position in the office of the Western Union Telegraph company, of which E. C. Austin is the local manager.

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LOST—Lady's gold watch 060 size, New England movement, open face, with monogram L. T. H. on back. Finder please leave at Spink's jewelry store and receive reward. 25-3t*

GAVE LIQUOR TO INDIANS, CHARGE

KLAMATH RESERVATION MANAGER ALLEGED TO HAVE SUPPLIED MURDERER AND VICTIM ARRESTED

Eric Bergquist, a laborer who has been working at Fort Klamath and on the reservation, was brought to the city Saturday by J. E. Flinders and E. E. Kinnett of San Francisco.

They are agents of the Indian service, department of the interior, and had arrested Bergquist on the reservation on a charge of selling liquor to William Kolkomish, who is now in jail charged with killing Quimby Chikkaskane, and two other Indians just before the killing. It being claimed that it was the excitement due to the consumption of this liquor which led to the quarreling and the consequent death of Chikkaskane.

Kolkomish, who gave himself up at the persuasion of Garfield Jack and Kilda Chaloupin, asserts that he committed the deed in self defense, and demands a hearing. Deputy Marshal Frank Beatty arrived here Saturday evening from Portland to get Kolkomish, but his return will probably be delayed if the hearing of Kolkomish has to be held before United States Commissioner R. M. Richardson.

Beatty will probably take with him Bergquist.

HOTEL OPENING SATURDAY

It is announced by the management of the new White Pelican Hotel that it will be impossible to receive the public for the inspection of the building on Thanksgiving Day, as the workmen will still be busy putting on the finishing touches. The hotel will be ready for inspection on Saturday when the public is invited to call. 27-2t

FOREST FIRE FIGHTING SUBJECT OF CONFERENCE

Western Forestry and Conservation Association to Meet at Rose City to Exchange Experiences and Suggestions on Subject

Special to The Herald PORTLAND, Nov. 27.—Beyond question the largest gathering for the discussion of the subject of forest fires ever held in the United States will be that held in Portland December 4th and 5th. At the forest fire conference of the Western Forestry and Conservation Association, the Western states from Montana to California will be represented, not only by leading timber owners, but by the

ADY ORIGINATED WATER USERS' MEET

state officials and government forestry men, who will also attend.

"The general object of this conference is the exchange of experience and suggestions in the practical work of fire fighting and patrol, and to develop some systematic and consistent co-operation between private, state and federal agencies," said A. L. Flewelling of Spokane, president of the association. "Our allied associations in five Pacific states have already spent money, hundreds of thousands of dollars per year, in this work, but we want to utilize every means to make it more effective, and to enlist further help from the lumbermen and the people."

The program opens on the morning of December 4th, with the address of the president, followed by a report on the work of the association during the past season by Forester E. T. Allen. Then will follow short reviews of the 1911 experiences and lessons learned by the states, with Montana, Idaho, Washington, Oregon and California reporting.

"Fire Hazard" will be the general topic Monday afternoon. It will be discussed from the viewpoint of the slashing menace, the logging hazard, railroad fires, the camper, settler and hunter. Tuesday morning patrol and fire fighting will be the topic, and organization for this purpose, communication and transportation will be considered. Tuesday afternoon educational matters in connection with the forests will be the subject, and cooperation between public and private agencies to protect the forests, and bring about better fire patrol will be considered. Fire losses, how to make the most of existing statutes and needed legislation along this line will be the closing topic.

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SEVEN HUNDRED JAPANESE TROOPS UNDER ORDERS HAVE LEFT NAGOYA FOR PEKIN AND TIENSIN TO REINFORCE THE LEGATION AND CONSULAR GARRISONS.

Wolgast, in Los Angeles, has announced that he would fight "Knock-out" Brown as soon after the Welsh battle as possible, and then McFarland. Wolgast is the favorite here, two to one.

At Los Angeles Colin Collins, McNamara case salesman, declared his personal observation of the Times ruins convinced him the plant was dynamited, so he was excused.

When the California Legislature convened at Sacramento, Governor Johnson urged harmony as a means to speedy accomplishment of desired reforms.

Concrete Work On Lost River Dam Finished Saturday By Builders

On Saturday George C. Clark & Co., contractors for the new Lost River diversion dam, finished the concrete work on the big structure, after much strenuous work in keeping forty fires going to warm the concrete before and after laying, as well as erection of canvas ceilings and walls to keep the heat around the work.

There remains to be constructed on the north side of the dam proper the headgate for the main canal as well as the irrigation outlet on the south side of the dam, with headgate for a lateral. This lateral is being put in by the government to take the place of the water wheel which was used to irrigate the Griffiths' land, which wheel was removed when the dam was undertaken.

The wings on either side of the channel, above the dam, which are

FIRST TO SUGGEST

CONVENTION OF REPRESENTATIVES OF USERS FROM ALL PROJECTS, WITH VIEW TO GETTING RID OF RED TAPE

Special to The Herald CHICAGO, Nov. 27.—Receipt here of a telegram from Abel Ady, president of the Klamath Falls Water Users' Association of Klamath Falls, Oregon, that that project would send a delegate to the Chicago meeting of the National Water Users' Association on December 1st, removed the last bit of opposition or conflict, which threatened to rob the meeting of entire success. The meeting will be held at the Hotel Sherman.

Mr. Ady was first in the field with the suggestion for a meeting of water users from all the government projects to be held in Chicago December 1st. President Fulton N. Sears of Fallon, Nev., promptly acted on the suggestion, and coming to Chicago, began making arrangements for the meeting.

Because he feared it would become mixed with the National Irrigation congress, Mr. Ady then suggested a postponement of the water users' meeting until January, and at Salt Lake City. When he found that the Chicago meeting would not conflict with the irrigation congress, and that his project had already obtained delegates to the Chicago meeting, Mr. Ady promptly came out in favor of the meeting here.

Every water users' association on government irrigation projects, where the water users are not yet organized, will be represented at the Chicago meeting. Interest of the water users in the plan to make the national organization thoroughly representative and so powerful that it can obtain effective reforms for the irrigation settlers is at fever heat.

The water users do not want to change the reclamation laws; neither do they want to escape the payment back to the government of one single dollar advanced by Uncle Sam to build the projects. They do, however, want relief from the vast amount of red tape which bureau chiefs have now wrapped about them. They want a voice in additional expenditures on their projects. When a unit of their project is completed and one-half of the cost is returned to the government, they want control of the unit. This, they declare, is in accordance with the law.

They propose to obtain these reforms by creating an organization of such strength that it must be recognized at Washington. Through their organization they propose also to begin a campaign of education and publicity throughout the East to acquaint congressmen and their constituents with the needs of the water users. In this manner they believe they will quickly obtain favorable reply to their demands for reforms.

Wards Enter New Mansion

Mr. and Mrs. Frank Ward have moved into their splendid new brick mansion, which stands high on the northeast corner of Third and Pine streets. There are twelve rooms in the dwelling, which is of modern construction and design throughout, and heated with a hot air system. The view from the location is a splendid one.

Noland Attended By Numerous Sorrowing Friends

Funeral services over the late Virgil Noland were held yesterday afternoon from the parental residence, No. 18 Pine street, a large gathering of friends of the late young man attending.

Among those present was a notable proportion of young men who had known the deceased and attorneys who had practiced law at the local bar while Judge Noland was on the bench, and expected later to have the pleasure of welcoming Virgil into the profession.

The services over the dead were presided over by Rev. Dr. Henry C. Collins, rector of Grace Episcopal church, the ritual of that denomination being followed.

The pallbearers were three fellow students of the deceased from the University of Oregon, Leon Ray, pres-

ident of the student body; Ben Chandler, one of Virgil's roommates in the Sigma Nu fraternity house, where the latter passed away; William Lowell, a prominent senior, and three Klamath Falls young men who had been warm friends of young Noland, Perry O. De Lap, Junior Daggott and Austin Hayden.

Honorary pallbearers were Dr. L. W. Chilton and Paul Johnson.

A large number of the friends proceeded with the remains to Klamath Falls cemetery, where a very brief religious observance preceded the lowering of the casket into the grave by the six young men chosen for this last and office to the dead.

The floral emblems offered were unusually numerous and beautiful, and covered the spot chosen for the last resting place.