

The Evening Herald

SUPPLIED BY THE UNITED PRESS NEWS SERVICE

EVENING NEWSPAPERS PRINT THE NEWS, NOT HISTORY

Sixth Year—No. 1,681

KLAMATH FALLS, OREGON, TUESDAY, DECEMBER 12, 1911

Price, Five Cents

COURT HOUSE PLAN TO BE CARRIED OUT

OFFICIAL OUTLINE

COUNTY COMMISSIONERS MAKE KNOWN DECISION TO PROCEED WITH BUILDING OF STRUCTURE ON HOT SPRINGS SITE

December 9th, 1911. To the Voters and Taxpayers of Klamath County:

Gentlemen—The county court, after due discussion and deliberation for almost a year since the beginning of its term of office, is now ready and herein submits its final decision as to its policy of the selection of a suitable site and the construction of an adequate building for a court house thereon.

On March 23, 1911, in Letter No. 1, the court made a resume of the conditions existing at that time, setting forth as follows:

That "during the year 1910 the former county court was tendered the donation of five acres of ground in the heart of the Hot Springs tract, by the Klamath Development company, free of charge, as a site for the new building, and coupled with this offer was made the donation of sufficient hot water from the springs contiguous thereto to heat the building forever." At a later date the former county court conducted throughout the county, in various precincts, a straw vote as to whether or not this offer should be accepted, to gain an expression of the people relative thereto. The result of this vote was a considerable majority in favor of the acceptance of this site. Soon after an application was made to the circuit court for a preliminary injunction restraining the county court from the acceptance of the free site.

As shown by the straw vote and the attempted injunction numerous taxpayers in Klamath county were opposed to the acceptance of this site, while a larger part were in favor thereof.

That the law thereto has been interpreted as follows: That the town of Linkville, containing blocks numbered from 1 to 40, was designated as the county seat at the time of the formation of Klamath county. That the area of the said town of Linkville at that time constituted the blocks numbered as from 1 to 40; that various additions in the way of city plats have been added thereto until the town of Linkville, now Klamath Falls, covers a much larger territory immediately contiguous and surrounding the old town. There is a dispute between attorneys as to whether a county seat grows with the city, in other words while the city of Klamath Falls comprises the old town of Linkville and all the additions which have been made thereto, during the time since it was platted, it is claimed by some citizens that the county seat itself does not grow and increase in size along with the city.

There are authorities to substantiate this view, and there are others upholding the view that the county seat does grow with the city, and that Klamath Falls and any portion thereof is the county seat.

There are two ways in which this dispute can be settled, as follows:

A petition may be secured, signed by three-fifths of the legal voters of the county, and an election held at the next general election, at which the vote cast must carry a three-fifths majority of all the legal voters, or the court may start work on the new site, and in case it is enjoined by any taxpayer, the matter can be thrashed out in the courts.

That the county court is unanimous in that it does not favor the erection of a new building upon the present site, and said further as follows:

"This discussion leads to the question, where, then, shall the court house be built? If the free site offered by the Klamath Development company is not accepted, then there remains the selection of another. Where shall it be secured? If there be any other site available, the county court will be greatly pleased to have it suggested and the terms and conditions under which it may be secured."

And further, "While the people can

not, as was generally considered some months ago, vote upon this important question at a special election, the matter can rest and be put upon the ballot at the next general election at least two years hence, and then settled by the people themselves. It should work be started upon the same citizen could enjoy the court from the completion of the work, and the matter could be thrashed out in the courts, requiring in the neighborhood of from \$25,000 to sixteen months to accomplish the same. The court believes that the people should settle it."

On April 28th, in Letter No. 2, the court wrote as follows: "On March 23d we wrote an open letter setting forth fully the conditions relative to the building of a new court house. In that letter we asked for suggestions as to any other available site for the construction of a new building other than that offered by the Klamath Development company. Up to this time the court has received no suggestions or information leading to a possible solution of this question. Since the conditions are in no wise improved and the court is in earnest, we hereby request that you consider this matter seriously and assist us to secure, if possible, a site equally as good in terms and conditions, and as favorable as the other."

Some days later the Klamath Chronicle published an open article in which it suggested that block 8 in Klamath Falls, known as the Henley block, should be purchased by the county court for the sum of \$20,000, and a suitable court house erected thereon, and that the county should reject the offer of a free site and free heat forever. On May 10th, the court answered as follows:

"The selection of a site for the building of a court house is entirely a county affair. It is not a city affair, and any voter or taxpayer living at Fort Klamath, Merrill, Bonanza, etc., has the same right to consideration in the matter as a property owner immediately across the street from the court house site. The court, in considering it, must, therefore, treat this site consideration, and do what is best for the county at large. The court has gone personally to look over the Henley block, and finds that the following conditions obtain: The thirty-three foot strip on the easterly side thereof belongs to and is occupied by George R. Hurn. This property would have to be acquired and become part of the proposed site, since only a part of the block would not be of sufficient size for the kind of a building which should be constructed. The property is also crossed by what is known as the Ankeny ditch, which belongs to the government, and which up to date it seems has been impossible to remove. It would be impracticable and inadvisable to construct a building with an irrigation ditch running through it. The court feels that in case a building is erected thereon the site should come to the county without cost, and that the obstacles such as the adjacent property of Mr. Hurn and the irrigation ditch should be removed. The Klamath Development company has offered the five acres in the Hot Springs tract absolutely free, and coupled therewith sufficient hot water to heat the building forever. This is an admirable location, and it would be a good stroke of building policy for the county to secure it. Very likely the Klamath Development company feels that by the location of the court house thereon, their property will be benefited. The county court also believes that the taxpayers who are opposed to the acceptance of the Hot Springs site believe that a building on the Henley site would be beneficial to their property, and since it is a county affair the court feels that it should do whatever is best for the county at large, and that it should secure the best terms it can. It does not appear to be right that the county should pay \$20,000 to Mrs. Henley and perhaps \$10,000 more to Mr. Hurn, and relieve the property from the Ankeny ditch if it is possible to do so, simply because some particular persons desire the court house to be contiguous to their property so that they may have the benefit therefrom.

As far as the county court itself is

(Continued on Page 3)

Acknowledgment of Thanks

The ladies of the Episcopal Guild wish to publicly thank all those who assisted in making their recent concert such a social and financial success. Special thanks are due to the Muller Music company for the use of their store, and to every person who assisted on the program and to the newspapers of the city.

H. E. Pointer, who formerly resided in this city, arrived last evening from Ontario, Ore., to be present during the trial of his case against the Klamath Falls Land and Transportation company which was remanded for retrial by the supreme court.

Mrs. McCoslin of San Jose, Calif., who has been visiting her son, Dan McCoslin of Bonanza, for some time, left this morning for Crook county, to make an extended visit with her daughter, Mrs. Harper.

PLUMBERS TELL THEIR POSITION

SATISFIED WITH THE CITY ORDINANCE, BUT MAKE CERTAIN RECOMMENDATIONS THEY WOULD LIKE FOLLOWED

The plumbers and gasfitters' committee which examined the proposed city ordinance is satisfied with it, but, through Councilman G. W. White, makes the following recommendation: All persons in the business to have headquarters and a sign hanging out; examining board consist of master plumber, journeyman plumber and plumbing inspector; plumbing inspector be versed in business; offices of plumbing, gasfitting and sewer inspectors to be combined into one job at journeyman plumber's minimum salary; print and distribute at least 100 copies of ordinance; W. H. Perry be journeyman on board; consider L. A. Will for plumbing inspector.

DAIRY STOCK EXHIBIT IS SUGGESTED, MAY BE HELD

Planned to Gather Prize Animals at Portland in Connection With Annual State Dairy Convention—Room Already Donated

SPECIAL TO THE HERALD. PORTLAND, Dec. 12.—A Northwest dairy stock exhibit has been suggested in connection with the annual state dairy convention.

It is planned to bring prize animals here for display and the management of the Portland Union Stockyards has offered the use of the barns, show ring and pens for exhibition purposes. It is thought such a show could be made of interest to the dairymen of Oregon, Washington, Idaho and Northern California.

Strictly Fresh Eggs Not case eggs; not cold storage eggs, but the finest fresh eggs in the market, 50c per dozen. 12-21 FULTON MARKET.

CARROLL LOSES CASE VS NOLAND

JURY, INSTEAD OF FINDING IN FAVOR OF PLAINTIFF, DETERMINES THAT THE BALANCE IS AGAINST HIM

When the jury in the Carroll vs. Noland and Altamont Investment company went out last night it took it but an hour to return a verdict for the defense in the sum of \$240.40. Defendants are joint owners of the Altamont ranch, in which plaintiff at one time had an interest. He claimed to have sold to the defendants personal property worth \$2,860.

In their defense they set up that they had bought nothing, that the personal property was mortgaged in favor of Martin Brothers for \$3,000, and that Carroll owed them \$250 which they spent at his solicitation and for taxes on his property.

HEAVY FROST IS A LOCAL MANTLE

THERMOMETER DID NOT GO SO LOW LAST NIGHT, BUT THE DAMP, FRIGID ACCUMULATION MADE IT SEEM COLD

Last night's low was 17 at 4 a. m., against 14 the previous night and 15 Saturday. At 8 a. m. the mercury stood at 20, or 12 degrees below freezing, compared with 17 yesterday morning and 15 Sunday morning. Last night at 8 o'clock it was 24, against 25 Sunday night and 28 Saturday night. Yesterday's high was 36 at 4 o'clock, against 35 Sunday afternoon and 39 Saturday afternoon.

Owing to the heavy, damp frost last night the early morning today felt cooler than the actual temperature reported by the government mechanism seemed to justify. Some people were inclined to be peevish on learning that they felt colder than the official figures warranted. But the day may come on which the pendulum will swing the other way, and they will feel warmer than they would if they went strictly according to Mr. Fahrenheit's figures. This will enable them to break even.

FIRE APPARATUS BOUGHT BY CITY

THOUSAND FEET OF FIRE HOSE, CART AND SOME SMALLER STUFF ORDERED BY COUNCIL LAST NIGHT

A. V. Plympton, representing the A. G. Long fire apparatus house of Portland, appeared before the council last night, and got a nice order for fire hose and some ceteras, being willing to take city warrants. The council ordered 1,000 feet of hose at \$1 per foot, a hose cart that can carry 500 feet of hose for \$150, a \$15 hose mender, also some rings for hose at \$2 per dozen, and necessary couplings for hose. The new cart will probably be stationed at city hall when it comes, and the one there removed to the high school residence district.

Mr. Plympton spoke to the council on the advantages of automobile apparatus as against the horse drawn kind, but council ETAOIN PUN UN his oratory on this line with a sanguinary spirit, as the city has not the price to buy the equipment until the bonds for the same are paid for.

NICHOLAS MAKES POSITION PLAIN

IN REGARD TO BOND HOUSE ASKING FOR PROCEEDINGS LEADING UP TO BOND ISSUE, SOME BEING MISSING

Just whether the E. H. Rollins & Son bond house will pay for the municipal bonds, its bid for which was accepted many moons since, was not settled at the council meeting last night. But the bringing up of the subject gave City Recorder Thomas F. Nicholas a chance to come out flat-footed on the question of what certifications and records are wanted by the legal advisers of the bond house.

"These people have been asking things continually since I've been in office and I've been bothered constantly with the subject," declared the recorder. "It's not my fault that the things they ask for are not here. I've certified to everything that I could. The fact is that this city charter hangs on a thread. There's nothing to it. If it comes to making any false certificate I'll step down and out, and you can get somebody else to do it."

"They've been trying to force me and intimidate me by writing to the mayor. I don't want to go any deeper into this thing. The sending of letters over the country stating that I'm

incompetent has not set well with me, but I don't care now, and you can publish the whole business, if you wish to.

"I'm not able to do any more than I have done. I'm done with it. There is no proclamation by the mayor as to the election on file here, and nothing certifying to the result of the election will not be coerced in this thing. I've been pestered with it ever since I came into office—just simply bothered to death with it."

The council took the statements of the city recorder in a placid spirit, and Councilman G. W. White suggested that the city attorney, Horace M. Manning, could help the recorder check up on the matters the bond people want. On motion of President Marion Hanks it was decided to leave the matter in the hands of the city recorder and city attorney to follow the thing to the end, and either make the bond deal or kill it off.

WATER MEASURE PASSES COUNCIL

MAYOR AUTHORIZED TO APPROPRIATE SPRINGS ON SECTION 30 FOR CITY SUPPLY, AND RESERVOIR SITE INDICATED

Last night's council proceedings included the passage of an emergency ordinance to claim all springs on or near section 30, township 37 S, range 7 E, W. M. Klamath county, for a city water supply, the mayor being authorized to act in appropriating the same. The reservoir is to be located on section 31, 100 feet above Aspen Lake's level, and the pipe line is to run southeasterly to Klamath Falls. The name of the municipal concern is to be the Klamath Falls Water Supply and Pipe Line.

FINE DAIRY PRODUCTS IN OREGON EXPERT FINDS

This State's Creamerymen, He Says, Need Not Take Second Place in the Manufacture of Butter, Cheese and Like Things

SPECIAL TO THE HERALD. PORTLAND, Dec. 12.—That Oregon creamerymen need not take second place in the manufacture of dairy products was stated on undoubted authority at the recent convention of butter and cheese makers in Portland.

Prof. John Sollie of Albert Lea, Minn., chief judge of the exhibits, said he was surprised at the high quality of cheese and butter he found here.

He said the butter shown would rank with any he has judged in New York and the Eastern states.

Mrs. W. H. Dulaney has returned after a visit of six weeks in Portland and various Washington points, visiting relatives. She returns much improved in health, and is pleased to be back again.

YADEN SEEKING ANOTHER TRIAL

MOTION TO SET ASIDE VERDICT IN MAIL CASE IS ARGUED BY ATTORNEYS E. L. ELLIOTT AND FRED H. MILLS

Before Judge Percy R. Kelly in circuit court the motion for a new trial in the case of J. A. and J. L. Martin vs. Yaden, which had been decided in favor of the plaintiff, was argued by E. L. Elliott, attorney for the defendant, who had made the motion, and Fred H. Mills, attorney for the Martins.

The motion was based on the allegation that the facts did not justify the verdict, as well as that there had been misconduct on the part of the jury in its not remaining together and by one of the plaintiffs mingling with the jurors before the close of the case. According to Mr. Elliott's argument

COUNTY SCHOOLS ARE PROGRESSIVE

Judge Kelly had noticed one of the jurors apart from the rest, standing by the stove in the court room when he should have been with his fellows, and had called the juror's attention to his duty.

One decision read by Mr. Elliott showed a case to have been reversed because four of the jury went out to a saloon with one of the parties to the case, and then and there did, improperly, and with intent to slake thirst, wilfully and joyfully hoist life-savers into themselves at the expense of said party to said case, all of which was contrary to the peaceful and dignified course of justice.

It appears that the court in this particular case declared that it was not its duty to be governed in its action by the weight of decisions, and that such weight was only to be given due regard when there was doubt in the court's mind as to what was the proper course to pursue. The conduct of the jury, said the court, was so manifestly improper and out of keeping with the rightful course of justice that he would set aside the verdict rendered, regardless of the fact that the jurymen testified that the treating had no influence on their verdict.

Attorney Fred H. Mills argued among other things, that the supreme court in this case had decided, regardless of the decisions in other states, that the judge had no right, because he disagreed with the jury as to the preponderance of the evidence, to set aside the verdict of the jury.

He also contended that the alleged irregularity or misconduct of the jury was within the knowledge of the defendant and before the return of the verdict, without any protest or objections on his part, and that such motion, having been filed after verdict, came too late.

The court took the motion for new trial under advisement.

ROAD BUILDING INCREASES THROUGHOUT THIS STATE

About One Thousand Miles a Year Constructed During the Past Five Years, and Expenditure Has Multiplied Several Times

SPECIAL TO THE HERALD. PORTLAND, Dec. 12.—Great advances in road building throughout this state are shown by figures of county judges.

In 1905 Oregon has 35,000 miles of road and spent \$80,000 in repairs and construction.

In 1910, with 40,000 miles of roads \$2,000,000 was spent.

ALL EYES ON OREGON IS DEMONSTRATED BY TRIP

More Curiosity Manifest About This State Than Any Other Represented on Governor's Special, Now in the East

SPECIAL TO THE HERALD

PORTLAND, Dec. 12.—Eyes of the Eastern people have been fixed on Oregon during the past two weeks. The governor's special, carrying an exhibit of state products, has been visiting the principal cities of the country and has attracted great attention everywhere. Oregon has been favored with more interest than any other state, judging from the great number of inquiries asked of those on board.

At the Chicago Land Show, too, this state has played a prominent part. Oregon day, December 7, was marked by a very large attendance of interested people who were eager to learn more of Oregon. At St. Paul's Land show, which opens this week for eleven days, Oregon will also be represented by delegates and an exhibit. These big features will do much to point land hungry people to this state, where agricultural opportunity awaits them.

SWAN'S INSPECTION

SOME SLIGHT CHANGES NEEDED, HEALTH REGULATIONS BEING GIVEN INSUFFICIENT ATTENTION IN PLACES

County Superintendent John G. Swan returned Sunday evening from a week's trip, visiting schools and aiding in the promotion of school matters. While gone he visited the schools at Olene, Poe Valley and Tule Lake vicinities. He found, in general, a good interest existing, teachers doing good work and patrons and taxpayers willing to do anything to promote the good of their schools.

Since the county court has allowed a deputy for his office he is free to remain away from the office, and he is spending a day or more, as the case requires, in each school.

On last Monday he visited the school at Olene. During the past year the building, although a comparatively new one, has been remodeled. The building was built on the old style, with a row of windows on either side, thus causing a cross light, and according to authorities, very likely to injure pupils' eyes.

Last year the superintendent called the attention of the board to this condition, and they, with commendable promptness took measures to correct the lighting. The windows were entirely removed from the west side and a series of six casement windows were placed in the north end of the building. The windows on the east side were rearranged so that they are all as far toward the rear of the building as possible. By this arrangement most of the light is at the student's back, with the remainder coming over the left shoulder. This makes ideal lighting. The interior of the building has been repainted in soft colors that are restful to the eyes and make the building look clean and neat. The floor has been oiled with floor dressing, and no dust was noticeable in the air.

There was not quite enough attention paid to ventilation and the regulations of the state health board in regard to individual drinking cups were not being well followed. A board meeting was held after school, and this matter will receive attention. Otherwise the condition was excellent.

The teacher, Miss Porter, has her school under excellent control, and shows a commendable interest in her work. She reported that at a local basket supper the school raised over \$60, with which she has purchased two beautiful pictures for the walls, kindergarten work for the little folks, a new stove and several other things needed to make the school attractive and homelike. During the coming year the board plans to fence the grounds, set trees and sink a well.

On Tuesday Mr. Swan visited the school in District No. 16, in Poe Valley. Clyde Van Meter the teacher, is an energetic young man, and is doing good work. The conditions in this district will bear some improvement. Here, too, there is a lack of conformity to the rules regarding drinking cups. The heating is poor, and there is need of some new furniture. These matters will probably receive attention soon. As it is quite likely that the government ditches will be extended to this valley this coming year, the farmers are expecting much development, and many new settlers are expected to buy some of their fertile lands. To secure the most desirable settlers school conditions must be made as good as possible.

The school in the upper end of Poe Valley was visited on Wednesday. Miss Gladys Horn of Bonanza is teaching in this school. This district had the misfortune to lose its building by fire last spring. The school is being taught in a residence that is vacant. The district has not yet been able to supply new school furniture, and conditions in this respect are rather primitive. However, the people in this district are alive to the need of a good school, and no doubt a new building will be erected soon. They

(Continued on Page 4)