

KEELER CLAIM IS REJECTED BY COUNCIL

Straborn Ready to Pay His Half of Judgment

FIRM ASKS FOR \$2,500

Herald's Publication of News Cause of Intimation That Someone Was Trying to Bulldoze the City—Coffer Quarry is up for Investigation by a Committee From Council—Stone Asks for Information

There was variety at the city council last evening, inasmuch as the entire session did not consist of the usual routine. One of the interesting high lights of the session was the claim of Keeler Brothers for their \$2500 fee for handling the Municipal Railroad bond issue. Attorney Wiles, representing that firm, was there, as was also his local representative W. B. Duncan. Mr. Duncan called the attention of the council to the contract and urged the recognition of the claim of the bonding firm, R. C. Groesbeck, who was city attorney at the time the contract was made, was also there as the representative of R. E. Straborn, who entered into a gentleman's agreement with the members of the city administration at that time to pay one-half of whatever the city may pay. Mr. Groesbeck stated that Mr. Straborn would still carry out that agreement. There seemed a disposition to "crab" over the fact that The Herald had published the news about the Keeler claim, as well as the information about the gentleman's agreement and it was intimated that it was the result of a desire on the part of someone to "bulldoze" the city that the facts published were given out. At this point Mr. Wiles stated that he had no part whatever in the publication of the information contained in The Herald and did not wish to have his case prejudiced by any such charge. At this point City Attorney Carnahan arose and stated that he was the one who furnished The Herald with the information in question, and did so in response to inquiries from that publication as to the merits of the Keeler claim and the facts leading up to it. His clear, unequivocal statement seemed to immediately clear the atmosphere. The council rejected the claim, and the next move will have to come from Keeler Brothers, which will no doubt be in the nature of a suit to collect.

Another very interesting subject of the session was the request of residents in the vicinity of the Coffer Quarry that the city withdraw its permit to this firm to blast rock within the city limits. Mr. Groesbeck appeared on behalf of Coffer Brothers and proposed the revocation of the permit, stating that it was simply a move to force the use of explosives, since some of the parties asking for the suppression of the blasting were interested in the sale of this material. City Attorney Carnahan asked Mr. Groesbeck if it were not a fact that the city would be liable for damages in case of the death or injury of anyone as a result of the blasting and the latter replied that it would not. The whole matter was referred to a committee of the council for further investigation.

The fifth street grade proposition was started on its way rejoicing by the passage of a resolution changing the grade from 159 to 154 1/2. The matter of this grade has been a subject of some bitter controversy, on account of its having been changed from that heretofore established, and it is not likely that the grade here established will prove satisfactory to all of the interested property owners. The garbage question, which has been a bone of contention between City Scavenger Hunter and Fred H. Grennon, bids fair to be amicably adjusted. Mr. Grennon asked the council to stop interfering with him for one day, when he believed it would be possible for him to reach an agreement with Mr. Hunter, or

else pay the license of \$1,000 required by the city. This the council readily assented to, as it recognized the fact that Mr. Grennon has at all times endeavored to be fair to the city.

The bond ordinance, with an emergency clause attached, was passed for the following streets:

Pine and Payne Alley; Pine from 3rd to 8th, including intersections to Main; Crescent, Canby and East Spring.

Attorney C. F. Stone appeared before the council and asked what had been done towards securing information as to the cost of operation of municipal light and water plants on the Pacific Coast. It was stated that no move had been made to get this information, and the council passed a motion directing the Police Judge to get this information forthwith. This will be done and will likely be at the disposal of the council at a meeting in the very near future.

ARTIST CAN PAINT LANDSCAPE BEFORE YOU CAN BLINK EYE

Give him a brush, oil and paints, a canvas, and fifteen minutes time and he will paint you a landscape, that breathes the life and color of the beauties about Klamath Falls.

A Firbal, artist, is an interesting man. If you chance to pass Brandenburg's store on Main Street, take a minute or two and hurry up the side stairs, turn to the left when you reach the landing, and in a tiny front room you will find the little man. He will be busy with his paints you can be sure. But not too busy to answer your every question and show his most recent landscapes. Firbal talks rapidly. His quick fingers paint much faster—many believe he is the world's fastest artist.

Portland and San Francisco have held Mr. Firbal for the past ten years. But the beauties of Klamath Falls were enough to bring him here. He intends to remain permanently in town.

His paintings of Crater Lake are vivid in color and tone. He loves to view a landscape, hurry back to his studio and place it on the canvas in less than half an hour. The fire in the nearby hills toward Bonanza, sending its red glare over the lakes, caught his eye the other evening and now it is on canvas. It took him but five hours to complete the painting of General Pershing that is on exhibition in the window of the K. K. K. Store.

BOLSHEVISM AT WORK IN ITALY

PEOPLE MARCH THROUGH THE STREETS CRYING "VIVE SOVIET"—FORCE DEALERS TO REDUCE FOODSTUFFS—EIGHT KILLED AT LACERA

ROME, July 15.—Italy experienced another outbreak of Bolshevism today with bloodshed occurring in several districts.

Eight persons were killed and 30 were wounded at Lacera. Two anarchists were also killed in a fight with a carabinieri. The general strike, that spread rapidly began at Caltanissetta, Sicily. People marched thru the streets crying "Vive Soviet," and forced dealers in foodstuffs and other necessities to reduce their prices fifty percent.

SEVEN MEN KILLED AS MINE EXPLODES

WASHINGTON, July 15.—One officer and six enlisted men were killed today in the destruction of the American Minesweeper Richard S. Buckley, by the explosion of a mine in the North Sea July 12. Two other officers were injured. The ship sank in six minutes, and but 18 men were rescued including two officers.

Commander Frank King remained on the bridge all the while in directing the efforts to save the crew. He went down with his ship. Many were trapped below the decks when the vessel turned on her side after the explosion of the mine.

Earl Hilton returned to Chiloquin this morning after a month's illness at his home. He is in the employ of the Modoc Lumber company.

OREGON LEADS IN SURVEY OF LANDS GIVING HER SONS VERY DIFFICULT

Figures confirmed officially in the U. S. Statistical Abstract, which has just been issued show that Oregon led the Union in contributing her sons to our country.

Oregon furnished 34,426 men for the armed forces during the war. 18,272 are credited as volunteers, or 53.07 percent. Our state led Massachusetts, Rhode Island, California, and Washington—the next four states listed in enlistments with the colors.

A strong general average was attained by Oregon in the Army, Navy and Marine Corps. Nevada alone led Oregon in voluntary enlistments in the Army in proportion to its total increment. In the Navy, Oregon was fourth to Rhode Island, Massachusetts, and Washington; while in the Marine Corps Oregon was fifth to Utah, Colorado, Washington, and Montana.

EXCAVATION WORK STARTS ON \$70,000 BUILDING AT O.A.C.

OREGON AGRICULTURAL COLLEGE, Corvallis, July 15.—Excavation has started for the \$70,000 engineering laboratory building at the college authorized by the legislature. The contract having been let to Hoover and McNeil of Albany, at approximately \$70,000. J. V. Bennes of Portland, is the architect.

It will be a two-story structure with basement, 220 by 63 feet in size, and of brick and concrete construction resembling a modern industrial plant. The main laboratory room will be finished with lang, steel, sash windows furnishing plenty of light for any work conducted. The basement will be so arranged that it will be possible for trucks loaded with materials and supplies to drive inside the building to unload. Over the main floor will be a mezzanine floor extending around the entire room and above this will be a five-ton traveling crane for moving the heavy machinery on the first floor. The second floor will be used largely for class and lecture rooms with the automotive laboratory at one end of the building. The interior of the laboratory will be of reinforced concrete.

The building will furnish facilities that compare favorably with large institutions of the east. As soon as the new equipment is purchased and installed, the college will have what is expected to be the best engineering laboratory on the Pacific Coast.

BEST STORY ABOUT A CHILD TO WIN PRIZE

Soldiers, sailors, marines, men and women who were in France during the war in any capacity, or their sweethearts or friends, are invited to compete for the \$500 offered by the committee directing the campaign for the Fatherless Children of France.

Literary ability is not required. Simple unaffected telling of little incidents that happened overseas where a little waif or orphan of France was concerned are wanted, and will be considered in awarding the 178 cash prizes. Some little incident told simply in a letter may win a prize. Conditions of the contest may be secured by writing "The Fatherless Children of France, Room 634, 410 S. Michigan Avenue, Chicago."

WOMAN KILLED IN ACCIDENT.

PORTLAND, July 15.—Mrs. Ethel Hughes was instantly killed, and Mrs. Nora Bollman, Ralph Bedon, and Leroy Massey were slightly injured today when a motorcycle on which these four were riding collided with a milk wagon. Belen was arrested on a charge of reckless driving.

LEAVE AFTER VISIT.

E. L. Sutton, who has been in the city for the past few days visiting Mrs. Sutton's parents, Mr. and Mrs. M. Matt, left this morning for Portland and Seattle.

TULE LANDS UNDER DISPUTE LAY BELOW HIGH WATER MARK—ORIGINAL PROPOSITION TO IRRIGATE BY MAIN CANAL

(This is the second installment of Mr. Wetzel's article on the settlement of the lake bottom lands of Lower Klamath Lake)

He stated that it was impossible to make such survey until the water had frozen. This is a showing that it is Lake bed land. These admissions of the County Surveyor and the records from time to time show that surveys have been impossible and impracticable on account of these lands being covered with water and a dense growth of Tule. All of these Tule lands which are under dispute in the Lower Klamath Basin lay below high water mark and Lower Klamath Lake was a navigable body of water, so in accordance with the decision of the California Supreme Court which have always upheld this principle in the many cases brought before it, there is no Swamp or Overflowed land in the Lower Klamath Basin.

Sovereign State Land

It is only sovereign land of the State which is open to settlement and purchase from the state since the waters have receded from it, and the lands became uncovered, and then it is subject to sale in tracts of 160 acres to actual settlers only. This is indeed one of the very best features of the California law, as it is a well known fact from the past history of the settlement of the land that the wealth, strength and power and wealth of a community depends upon the actual settlers owning the land who make their living direct from the soil.

Act is Conditional

The question has been raised several times recently that these lands passed from the State of California to the National Government under the Session Act of 1905. It is a well known fact from the history of this Act that it was conditional and that only such lands would pass from the State of California to the National Government as were uncovered. Has any portion of the Marsh land, as they are termed, in the Lower Klamath Basin been uncovered? This question is fully answered in the releases of all private lands in the Lower Klamath Basin and the recommendation of those releases by the Army Board in 1910. The lands of the State of California bear the same relation to the National Government that the lands of any private individual would bear. I quote the extracts from the Report of the Board of Army Engineers in relation to the Reclamation Fund:

Page 122, paragraph C:

"Marsh Lands—It was proposed originally to irrigate the reclaimed marsh lands by means of the main canal which was given sufficient capacity for the purpose as far as constructed. The drainage was to be effected primarily by the construction of the Keno Cut and tunnel, involving excavation in the Klamath River to lower its level, the improved channel to lead to a tunnel cutting through the bend below. Power was to be developed at the lower end of the tunnel. As these plans proved, on more detailed investigation, to be too costly, they were abandoned. The construction of the embankment and trestle of the California & Northwestern Railway across the marshes will, when the embankment is made continuous, divide the marshes and necessitate separate treatment of the two portions. Several plans for the reclamation of these marsh lands have been considered by the Reclamation Service.

Parties Make Request

Inasmuch however, as the efforts of the Agricultural Department at its experiment farm near Ady to cultivate these marsh lands after being drained have been unsuccessful, the board does not consider it advisable to expend further money on the reclamation of these lands until the agricultural possibilities are better known. In connection with the marsh land subproject, request was made by parties interested, that the

Government require the railway to close its embankment across the marshes and install the gates for the control of the inflow and outflow of Lower Klamath Lake in the concrete structures provided for the purpose; that the connection of the Adams and Van Bremmer canals with White and Lower Klamath lakes be severed and the lands under these canals receive water from the main canal as contemplated in the final completion of the project; and that the Government make a small amount of excavation, estimated to cost \$50,000, in the upper part of Ankeny Falls, Klamath River. The parties then desire to be released from their subscriptions and be allowed to experiment with reclaiming their marsh lands which lie south and east of the railway embankment. In view of the conclusions of the board with regard to their subdivision, any work in connection with these lands involving additional expense to the United States is considered inadvisable. It is recommended that private lands in this subproject be released from their obligations."

Page 123, Paragraph 11. Water Supply, Line 9, as follows: "Lower Klamath Marshes, if reclaimed, will derive the necessary water from Link River, diverted at a point below the power plants on the Keno Canal."

Ground Hard to Work

Page 125, Paragraph 11, reads as follows:

"The marsh lands around Lower Klamath Lake are about half public and half private. So far experiments with this land have not given favorable results. It appears to be very necessary before the soil can be reduced to a cultivable state capable of growing any crop."

Page 127—Paragraph (e) and Paragraph (7), reads as follows:

(e) "The development of the marsh land subdivisions around Lower Klamath Lake should be postponed until it has been shown that the lands can be made productive when cultivated."

(7) "Keno Canal power should be developed as needed by the project; the excess power should be developed in cooperation with the water users' association in such manner as to insure return of cost to the United States."

It will be seen from the recommendation of the Army Board that all of the privately owned lands in the Lower Klamath Basin were released and excluded from the project. The following is an extract from a Release of the private lands:

"WHEREAS, the conditions existing at the time of the creation of said trust and the purposes and objects for which said trust was created have ceased to exist without any exercise of the powers conferred by said trust deed, and

WHEREAS, the said trust is no longer necessary or proper, but should be terminated, the trustee relieved of its said trust and the said lands reconveyed.

Releases Quit Claim

NOW THEREFORE, the Klamath Water Users Association, a corporation, organized and existing under the laws of the State of Oregon, and being the Trustee under the said Excess Land Trust Deed above described, for and in consideration of the sum of One Dollar, and the premises above set forth, does hereby release, remise and forever all of the right, title, and interest acquired by it by virtue of the said Excess and Land Trust Deed in and to the following described premises, to-wit:

"The execution of the release for the above described lands from the excess trust deed contract is hereby approved by authority of the Secretary of the Interior, Klamath Falls, Ore., April 11, 1912. (Sd) W. W. Patch, Project Engineer."

(Continued tomorrow)

ROAD FROM ASHLAND TO KLAMATH BEING FIXED.

Workmen are busily engaged in getting the road from Klamath Falls to Ashland in condition for the heavy tourist travel that passes over it each summer season, according to Tom Dixon, county road superintendent.

Travel this summer is exceptionally heavy, with many easterners motoring from their homes to Crater Lake. Complaints over the condition of the road have been heard from many sources, and especially on the stretch leading for 15 miles or more from Ashland. Mr. Dixon hopes to have the road in good shape by early August.

JAPAN'S PLEDGES WITH POWERS BARED IN SENATE

Senator North, Nebraskan Republican, Reveals Agreement

TREATY BEING READ

Japan Charged With Having an Agreement in 1917 With Four Big Powers for Possession of Shantung in Peace Treaty—Foreign Relations Committee Hostile Toward Conferring With President

WASHINGTON, July 15.—Ratification of the Peace Treaty, with the agreement that Japan had with four of the big powers concerning Shantung would write "the blackest page in this nation's history," said Republican Senator North, of Nebraska today in the discussion of the League of Nations and Peace Treaty in the Senate today.

The agreement that Senator North referred to is the alleged pledges secured by the Japanese Secretary from Great Britain, France, Italy, and Russia in the early months of 1917, to the effect that in the peace settlement Shantung would be turned over to Japan for certain considerations.

Senator Underwood, democrat from Alabama, characterized the League of Nations as practical step toward world peace involving no sacrifice of National sovereignty. The Foreign Relations Committee began the reading and discussion of the Treaty deferring until a later date the consideration of the League Covenant. It is certain that the reading of the entire Treaty will require several days.

During the heated debate, Senator Lodge of Massachusetts, charged that the Shantung agreement was a price paid for Japan's signature to the League of Nations, with the robbing of China as a consideration. "There is no statute of limitations that runs against a great wrong like that," declared the Republican Senator.

Administration headquarters received the intimation today that President Wilson would not be asked to appear before the Senate Foreign Relations Committee for the discussion of the Peace Treaty. The majority of the committee apparently are hostile to even the suggestion that Wilson be asked to appear, or that the committee confer with him as a body at the White House. It is probable that this might cause the President to begin his speaking tour in behalf of the League earlier than planned.

WASHINGTON, July 15.—The prohibition enforcement bill was again the storm center in the House discussion. Speaker Gillett ruled that Representative Gallivan, Democrat from Massachusetts had not transgressed the House rules in declaring that he had heard that several congressmen had stored away enough Whiskey to last them for years. Blanton, the Texas Democrat, attacked Gallivan's speech.

COMPLETE SURVEY OF HISTORIC SPOTS TO BE UNDERTAKEN

For the purpose of making a complete survey of the Lava Beds, Alice Leslie Walker, of Athens, Greece, accompanied by her companions will leave tomorrow morning at 7 A. M. Miss Walker connected with the American School of Classical study and Archeology.

Captain O. C. Applegate, who knows the country they are to explore from alpha to omega, will accompany the party and will begin his talk on the points of historic interest, and volcanic attractions as soon as the party reaches the top of Gillem's Bluff. This spot overlooks the area where most of the fighting took place in the Modoc War.

Those who are interested in the investigations conducted by the party are welcome to make the trip in their machines, and enjoy the lectures given by Captain Applegate.