

(PAID ADVERTISEMENT)

COUNTY COURT STATES STAND IN CONTROVERSY

All that the present County Court demands of its enemies and critics is that they TELL THE TRUTH.

The County Court will not descend to the level of the Evening Herald and bandy words over the crude, self-contradictory misstatements of fact that have appeared daily. The better element of the county cannot be heard, for The Evening Herald, at present, monopolizes the daily field.

The present County Court offers no defense for its course. It has done its duty. It has used the knife on all useless expenditures, and created dissatisfaction thereby. But, by so doing, it reduced the tax levy for 1929. In spite of the high cost of everything, it rebuilt and repaired the ruined and neglected county roads. It secured for Klamath County 72 miles of Market Roads, viz.: from Klamath Falls to Midland; Olene to Bonanza (up Poe Valley); Bonanza up south side to head of Langell's Valley and back on north side to Bonanza. The expenditure for these roads is under the exclusive direction of the County Court, but the State of Oregon pays over 50 per cent of the cost.

The present County Court challenges its critics on its Financial Statement for the past 30 months, and which is now before the voters. It is a too well-founded belief that public business is not and cannot be run as well as private business. We rest our claim on the financial statement covering the past 30 months to prove that Klamath County is an exception.

However, the wholly false statements appearing in The Herald regarding the location of the State Highway over the holdings of certain landowners in the valley, demand an answer and a warning. The County Court of Klamath County did not locate the highway. The State and the United States pay 75% of cost of construction and all cost of engineering. The location was under control of the State and the Government, and their engineers located the highway. The County Court protested against the location. The State Engineers on the ground refused to entertain the protest. The County Court then appeared before the Highway Commission, sitting in Portland, and again protested the location. The commission sustained its engineers, and denied the appeal of the County Court of Klamath County. In addition, a United States engineer examined the location, and reported that the United States would insist upon the line as located and that unless the County Court of Klamath County should promptly secure the necessary rights of way, the United States would withdraw all aid from Klamath County Highways.

All The Evening Herald's talk of secretive methods, either in insuring the county's interest in a build-

ing in which \$41,548 of the funds of the tax payers were sunk by a former administration, or in relative to this matter of the location of a highway, is food for contemptuous laughter.

How silly it is, with reference to the highway, appears from the letter of E. B. Bishop, Division Engineer of the Oregon State Highway Commission, published elsewhere in this paper.

The plain facts are that a few property owners, who have always opposed the present county court, and were willing to go to any extreme to embarrass it in the courthouse controversy, resorted to the most reprehensible obstructive tactics. All but five land owners accepted a reasonable compensation for rights of way, and the County Court challenges the statement that anyone received any preference in the matter of compensation.

As the opponents of the County Court, and their mouthpiece, have deliberately made a false statement as to the responsibility of the County Court in the location of the highway, it follows, that every other statement that they have made, and their motives for making them, are subject to the gravest suspicion.

In the case of John Macey, the cause of his opposition, is the fact that the highway runs a mile and a half from his ranch. The Dalles-California Highway cannot possibly pass the front doorway of every farm in the valley.

In the case of Robt. Cheyne, Mrs. Sophia Henley, Geo. Echehalt, Con Curtin and Bowman, who are the land owners over whose land it is necessary to condemn rights of way; their ranches are affected only to the extent of the land actually taken for highway purposes, and the county was ready and willing to make reasonable compensation. In each case the highway is located only on a strip along and adjoining the right of way of the Modoc Northern. Their ranches are not cut or divided, or damaged, by the highway any more than they have already been cut by the Modoc-Northern right-of-way.

Twenty-two ranches are crossed by the highway between Klamath Falls and Merrill, and out of that number, Robt. Cheyne, Mrs. Henley, and Messrs. Echehalt, Curtin and Bowman, (5 in all) are the only ones who refused to accept reasonable compensation. They forced the County Court to bring condemnation suits, become Klamath County must furnish the rights of way for this great highway, or lose it altogether. These parties are all forcing delay by condemnation proceedings, and one, namely Mrs. Sophia Henley, is now seeking, by injunction proceedings, to force the United States and the State of Oregon to recede from their position, in the location of the highway, (whereas the laws of the state furnish an ample remedy for any possible damage she can have sustained,) or else play dog-in-the-manger and thus deprive the 20,000 inhabitants of Klamath County forever, of the enormous benefit of a system of 250 miles of State and Federal aided highways eventually to be paved.

Merrill, Malra, Bonanza, Sly, Fort Klamath, and the smaller communities and isolated ranches on the route, to be deprived of an inestimable advantage,—for what?

Nobody's rights are invaded. The Circuit Court of Klamath County

has full jurisdiction to award all reasonable damages. What other consideration can there possibly be to that would justify an injunction? There never was a more flagrant attempt by a single person, and for no justifiable cause, to destroy the rights and the property of a vast number of citizens, as in this case. Justice demands at least that a bond should be exacted from this litigant somewhat in proportion to the property rights which she proposes to destroy. That measure of protection the people of the county from the Circuit Court of this County. The County Court of Klamath County is not a party to the action of Mrs. Sophia Henley. She is suing the State of Oregon. However, on behalf of the whole body of our citizens, the County Court hereby enters its protest against this whole proceeding instituted by Mrs. Sophia Henley. Carried on under the forms of law, it is in reality an attempt to invoke law in the commission of a gross outrage upon the entire body of our citizenship.

The circumstances surrounding this attempt to blockade Klamath County, wherein litigants or some of them, resorted to low methods to annoy and impede the contractors in the performance of their duty, is too contemptible for belief. The County Court of Klamath County, hereby gives its solemn warning to the people of this county. Unless some means are found to speedily remove obstructions placed upon the work of the highway construction in this County, both the United States and the State of Oregon will cancel their contracts with the county and with their contractors, and all work on Federal and State constructed and aided highways in Klamath County will cease.

No community can condone such an outrage upon its own people, the people of the state and the nation, and escape the consequences of their act, and the punishment will come, and come quickly. The present County Court had a fight to get these highways located through Klamath County. There was strong opposition to that route. A very strong appeal was made for the routing of the Dalles-California Highway via Bend, Lakeview, Alturas. If Federal and State aid is withdrawn from the Klamath highways the great Highway will probably be located through Bend and Lakeview.

As already pointed out, the location of the highway down Klamath Valley is not chargeable to the County Court, nor is it an issue in Klamath County, although the Editor of The Evening Herald has tied his candidates and his faction to it as part of the courthouse fight. He and they attacked the County Court in the present campaign, and made it part of their platform. Of course, he will protest that his candidates, Chastain and Peterson, will carry out the highway program inaugurated and carried forward by the present county court. But such protest comes too late.

These gentlemen have now loaded their Main street courthouse issue with another of just as foul an odor, namely the suspension of work on, and possible loss of our Great Highway, just to placate and cajole a few supporters for their job to unload the Main street courthouse on the tax payers of the County.

We believe that the contemptible attempt to misrepresent the pre-

sent county court in the matter of the location of the highways will meet with the condemnation from the voters of the county that it deserves.

R. H. BUNNELL
BURRELL SHORT.

(Following is Mr. Bishop's letter referred to above):
Klamath Falls, Oregon.
October 23rd, 1929.
Judge R. H. Bunnell,
City.

Dear Sir:
To refute any statements that may have arisen to the contrary, I wish to state for your information and the information of others, that County Courts have nothing to do with the location of State Highways. These location surveys are made by the State Highway Commission and are approved by the Bureau of Public Roads before any Federal aid is extended. They need not be approved by County Courts.

The customary procedure used in securing State and Federal aid by counties is as follows: The County Court appears before the State Highway Commission and requests cooperation on a certain road, say the Dalles-California highway north from Klamath Falls. The commission send their engineers into the field to make a survey. These engineers decide whether the route shall follow the east or the west side of the lake, whether it shall go by way of Chilcoquin or Fort Klamath. They also decide the width of the roadbed, degrees of curves, and rates of gradients as well as the kind of surfacing material.

Plans, estimates, etc. are prepared and the State Highway Commission in turn ask the government for Federal aid. An engineer from the bureau of public roads is then sent into the field to inspect the location and if he desires any changes, they have to be made before any Federal aid is extended.

On the present contracts in Klamath County, the Federal government contributes 50% of the cost and the State and County 25% each. In addition the State furnishes the engineering costs which generally amount to about 10% of the total amount of the contract.

To sum everything up it might be said, that the County select the road they want improved, the State make the location survey, and the government pass final judgment on it and any changes upon which they insist, are made by the State.

These are the methods which have been used on all Federal aid projects in this County.

You ask me to give the reasons why the present location from Klamath Falls to Merrill was adopted by the State Highway Commission. This location was adopted and approved by the Bureau of Public Roads as well as contracts awarded prior to my arrival in this territory. However I would say that some of the reasons why the location might be said to be justified are as follows:

It happens that the road from the city limits of Klamath Falls to the junction to the Dairy road is designated as the Klamath Falls-Merrill Section. We know that this is the logical route for travel going to Dairy. Hence it appears that this

Political Advertisement



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was a necessary improvement. Now supposing that instead of calling this portion of the road, the Klamath Falls-Merrill Section, we had called it the Klamath Falls-Dairy Section. We now want to locate a highway to Merrill and it behooves us to use the one common road as far as practical. We figure it is practical to the junction for the two roads, so we start our survey of the Klamath Falls-Merrill Section at this point and follow the present road for a distance of 6.3 miles. Very little grading and no bridge construction is needed on this stretch and no right-of-way has to be purchased. At this point we encounter to right-of-way of the Modoc Northern railway and between this point and the Wilson property there are 11 right angle turns in the present road. To follow the present road and use our standard curvature around these right angle corners, it will require nearly as much right-of-way as though we leave the present road at this point and follow Modoc northern railway Co., right-of-way to the Wilson property. In case this railroad is built and we follow the old road we will have nine railroad crossings. The old road is also 2.15 miles longer than if we follow the railroad right-of-way. Using the table as adopted by the American Association of Highway officials and figuring the average number of vehicles per day passing over this road to be 100, the saving to the owners per year on the shorter route is \$7,847.50 and the saving capitalized at 5% equals \$156,950.00. We therefore decide to leave the present traveled road at this point and parallel the railroad property to the Wilson place. We also observe that this will not be cutting any property in two fractions but will simply take a portion off one side.

Now from the Wilson property to the town of Merrill, the old road is of a fairly good alignment and has cinder surfacing as well as a recently constructed bridge. We decide that in order to get some value out of the recently placed cinders and the recently constructed bridge we stop our improvement for the present at the Wilson property. We also decide however that sometime in the future, probably when the cinders are worn out or the bridge, needs repairs or at least when the railroad is constructed that we will continue our survey to parallel the railroad into the town of Merrill, thus eliminating two more railroad crossings and shortening the now traveled distance.

This I imagine is probably the line of reasoning followed by Earl Withcombe when he selected the present location for the State Highway Department.

I know that it is the department's intention to continue the improvement at some future date from the Wilson place into Merrill following the railroad right-of-way.

Very truly yours,
E. B. BISHOP,
Division Engineer.

(Above Advertisement paid in full)

Wednesday and Thursday Specials

Heinz' Pork and Beans, Reg. 20c
Special 14c
Heinz' Red Kidney Beans, Reg.
20, Special 14c
Buckwheat Flour, Special, lb. 12c

Remember these specials are for two days only.

Watch Thursday's paper for Friday and Saturday Specials.

J. E. Enders & Co.
THE HOUSE OF MEAT

To the Voters of Oregon!

The taxpayers of Portland and Multnomah County are not only willing but anxious to provide the Port of Portland with needed funds for dredging our River Channel to the sea. The Committee that formulated what is known as the Port of Portland and Dock Commission Consolidation Bill under the numbers 310 and 311 on the ballot insisted, however, upon weighting down the measure with an enormously expensive real estate scheme, and by a formal vote turned down the request of taxpayers that the Swan Island scheme and the River Channel scheme be presented as separate measures. Refusing to be forced to swallow something they cannot approve, Multnomah County is expected to vote adversely to the whole scheme by an overwhelming majority. Having done this, they will then be ready to vote for any needed amount for improving our River Channels. A Committee of the City Club has submitted a detailed analysis of the measure showing that it means an ultimate expenditure of at least \$40,000,000.

Our Chamber of Commerce and other civic bodies with all of our river pilots and steamboat owners and others have protested against it. At least twelve former and present members of the Port of Portland and the Dock Commission have declared against it. A majority, if not all, of our City Commissioners oppose it. The Committee of 15 itself that drafted the measure is divided.

The Taxpayers of Portland Appeal to You

In a spirit of fair play to save this county from the imposition upon us of such an overwhelming and paralyzing debt as this measure contemplates. It would be deemed offensive if we gave expression to what we believe to be the selfish and ambitious political motives that have inspired the measure which is submitted with a distinctively deceptive title.

We simply appeal for fair play and a decent consideration of the hopeless plight in which this community will find itself if the measure carries. As citizens of outlying counties who will not have to pay a dollar of the debt imposed, we appeal to you to consider what would be your feelings if Multnomah County should try to impose a similar burden on you. Our interests in a general way are mutual.

It is our sincere judgment that the success of this measure will seriously retard, instead of promoting, the development of this port and that the state at large will in return suffer severely as a consequence.

Vote Measure Number 311 X No

Taxpayers Vigilance Committee

ROBT. J. LINDEN, Secretary