

A Classified Ad Will Do It

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Price Five Cents

Dougan Wins Suit

Gets Judgment in Full Against Klamath County

Supreme Bench Unanimous in Reversing Decision of Judge Hamilton

(By Associated Press)
SALEM, Nov. 30.—Reversing the decision of Judge Hamilton in the circuit court of Klamath county in the courthouse litigation of J. M. Dougan against Klamath county, its county court, and others, the state supreme court today handed down a decision awarding Dougan a judgment of \$92,674.

The decision was unanimous, all five justices concurring, it was announced by Judge Johns. Dougan was allowed the full amount that he sued for.

The decision, it was said here, would have the effect of legalizing the courthouse on block 35, Klamath Falls—the Main street building.

The other building in controversy is an unfinished structure on block 10, Hot Springs addition.

GIST OF OPINION

In the concluding part of the lengthy opinion, the supreme court says:

"After careful consideration of the numerous questions presented in the able and exhaustive briefs of opposing counsel, we hold that all of the money which was in the special courthouse fund on March 20, 1918, or in process of collection could be used and applied in the construction of a new courthouse on block 35; that the county had the power and authority to and that it did, legally make the Dougan contract; that he entered upon its performance and completed the building in accordance with its terms; that it was never terminated by the county; that there is now justly due and owing Dougan under that contract \$92,674.95; that Dougan should have a decree against the county for the full amount of his claim, and for the costs and disbursements of this suit, which costs and disbursements shall be charged against the county and payable out of its general fund.

Pay Dougan From Fund
"That the whole amount of the special courthouse fund for block 35, as defined in this opinion, shall be applied upon the payment and pro-rata satisfaction of \$92,674.95, the amount of Dougan's claims.

"The decree of the lower court will be reversed, with costs to the appellant, and one entered herein in accord with this opinion. Pending such application of the fund the existing injunction will remain in force and effect."

DECISION WILL SETTLE LONG STANDING DISPUTE

Twelve years of controversy over the site for a courthouse bids fair to be settled by the decision of the supreme court in the Dougan case. As the litigation contains no points of contract with federal statutes, there can be no appeal to the United States courts. A re-hearing in the state supreme court seems improbable in view of the unanimous decision of its members in the contractor's favor.

In this particular suit, which was started more than a year ago, culminated the preceding decade of courthouse dispute and on it hinges the entire controversy.
Dougan's claim arose out of the building of the Main street courthouse, the \$92,000 being the unpaid balance on the \$137,000 contract. The present county court refused to sanction payment on the ground that the contract was unauthorized and illegal.
It is generally assumed that a man-

Attorney Asserts Decision Accords With Sound Law

C. F. Stone, local member of counsel for the contractor, when informed today by The Herald of his client's victory, expressed no surprise, although naturally gratified with the outcome.

"I have maintained throughout the case," said Mr. Stone, "that the decision of the lower court was not based on sound legal principles and I was so confident that the law would be rightly construed by the supreme court that the decision does not surprise me. I am glad, indeed, as every other citizen must be, to have the litigation ended.

The attorney said that he assumed a mandate would be forwarded with the decision, instructing the county court to pay over to Dougan the amount of judgment. This will leave the special courthouse fund practically empty, he said. If nothing else does, further work on the Hot Springs building.

TWO ARE SAVED OF BARGE CREW BODIES FOUND

(By Associated Press)
SEATTLE, Nov. 30.—Two surviving members of the crew of the W. J. Pirrie, which cut loose from the towing schooner Santa Rita Wednesday night in a gale, were found by an Indian searching party near Cape Johnson today, according to a telegram from Clallam bay, Washington.

The dead body of a third member of the crew was found by the same searching party, the telegram said. There were 23 persons aboard the Pirrie, including the wife and baby of Captain Jensen, when it went adrift.

Indians said that the two surviving sailors came ashore Friday night on lumber from the Pirrie's cargo after the barge sank off Cape Johnson. They said they saw the bodies of Captain Jensen and the first mate but knew nothing of the fate of others of the crew.

Searching parties are keeping up a patrol of the coast seeking more bodies.

Wilson's Relative Denies Shipping Board Charges

NEW YORK, Nov. 30.—Denial that he ever took money for influencing the disposition of contracts or machinery by the United States shipping board, as charged by T. K. Sands, was made before the Walsh congressional committee, which is investigating shipping board affairs, by R. W. Bolling, brother-in-law of President Wilson today.

Bolling, who is the treasurer of the shipping board, made formal request that all of his transactions with Sands be fully investigated.

CITY COUNCIL WOULD EFFACE STATE BOARD

Failure to Get Relief from Recent Water Hearing Said to Be Cause for Caustic Condemnatory Resolution

Here's a situation. For a whole week the public service commission of Oregon has been under serious accusation and attack and no one knew about it. At least, outside the members of the city council of Klamath Falls, who bought their batteries to bear in menace upon the state board to regulate the price common folks pay for water, light, telephone service, etc., and a few city hall attaches.

The adoption of a resolution designed to lift the scalplocks of the public service commissioners was the final act of the council at its meeting last week. The lynx-eyed reporters had departed under impression that the meeting was adjourned when the momentous entry was spread upon the record. Though it has slumbered for a week, it is as full of life as a sleeping rattler. In fact its sting will be felt, if at all, at the next general election, when it is proposed that a proposition to abolish the public service commission be put upon the ballot.

Lack of action in the matter of local water rates by the commission is said to have been the chief reason for its condemnation. The resolution rejecting the commission and all its works was introduced by Councilman Brandenburg and reads as follows:

Whereas it is the sense of the mayor and common council of the city of Klamath Falls that the public service commission of Oregon is not functioning in such manner as to protect the general public in the matter of the regulation of the rates and practices of public utilities in Oregon.

And whereas it too often happens that rates are advanced when in the opinion of the general public such rates should not be advanced.

And whereas it is the belief of the mayor and council of said city that the matter of regulation of rates and practices of public utilities could be better regulated in the courts as they were regulated prior to the creation of the public service commission.

Therefore, be it resolved by the mayor and common council of Klamath Falls, Oregon, that we favor and recommend the abolition of the public service commission of Oregon, and to that end we favor the placing upon the official ballot at the next general election a proposition to abolish said commission.

Mayor Struble said today that no decision had been received from the commission in connection with the water hearing held here last spring. He had written to them, he said, in regard to the matter. In one reply it was indicated that the installation of an additional pumping plant by the power company was a remedy for existing deficiencies in the service, but the mayor said that the new pump did not provide a remedy.

LOCAL FOLK IN AUTO CRASH

An auto accident occurred last night about 9 o'clock at the corner of Main and Eleventh streets when A. E. Whitman, druggist, who was driving east on Main, attempted to turn into Eleventh. Witnesses said he went on the wrong side of the turn post, crashing into L. R. Helm, of Helm's Fish Market, who was driving west on Main. W. Hulso, an employee of the Helm fish market, who was riding in the Helm car, was thrown through the wind shield and sustained cuts about the face and body. His condition is not serious. Both cars were badly damaged. Hulso was given immediate medical attention and is able to be around today and gave a Herald representative the following version of the accident.

"We were driving west on Main street and were running about 15 miles per hour. We noticed Whitman coming in our direction but had no idea he intended to turn the corner for the reason that he was traveling at what I would judge was about 35 miles per hour. We reached the opposite corners of the street at about the same moment and the next thing I knew was when Whitman shot across the street without going around the turn post and we crashed into the rear end of his car.

Chief of Police Wilson was asked this morning whether he had made any arrest in connection with the case and stated that he had not as yet heard of the accident, and that no arrests had been made.

Mr. Whitman stated this morning that he was unhurt by the collision but that both the front and rear fenders had been torn from his car. He was driving a Haynes touring car and was accompanied, it was said, by Mrs. Whitman.

SOME SEATS LEFT FOR ELKS ENTERTAINMENT

A few tickets for the Elks entertainment tonight—the first of the Menely lyceum series—remain and will be on sale at the door. The entertainers tonight are a feminine quartette, "Uncle Sam's Nieces," in musical and dancing specialties. They are said to be an exceedingly clever and graceful group.
The curtain will raise at 8:30. All Elks are invited to bring a friend. The season seat sale has been very good, reports the committee, but remaining seats can be had at the door as long as they last.

MARKET REPORT

PORTLAND, Nov. 30.—Cattle firm, \$5.25 and \$8.75; Hogs steady, \$12 and \$12.50; sheep weak, \$5 and \$9; eggs lower, buying price 61 and 62 cents, selling, candled, 63 and 70 cents, selected eggs, 73 cents.

"Both Senator Chamberlain and Congressman Sinnott saw the crops," says the statement, "and can advise regarding the wonderful productivity of this area."

COUNTY FARM AGENT QUILTS

E. H. Thomas, county agricultural agent, in an interview this morning, confirmed the report current on the streets for several days that he had filed his resignation with the Oregon Agricultural college to take effect upon his appointment of his successor.

Mr. Thomas said that for some time he has been considering offers to engage in commercial agricultural work, and while not prepared to divulge at present the exact nature of the work, he said that it offered considerably greater chance for advancement and financial compensation.

During the two years that Mr. Thomas has been in charge of the county's agricultural work, great progress has been made along several lines. The greatest agricultural achievement was the organization of the county farm bureau, now one of the strongest and most advanced in the state, although little over a year old. Encouraged by the agricultural agent, the farm bureau has placed the breeding of pure blooded livestock on a firm basis, inaugurating a business that will mean new millions of wealth to Klamath county in years to come.

Rodent control work, alfalfa sulphuring, the use of sunflowers for ensilage, which has resulted in the building during the past year of several silos in a county that was entirely without silos, with a number more contemplated for another year, mark big strides in agricultural progress.

A successor to Mr. Thomas will be chosen by the state agricultural college officials and the county court. The law provides that neither the court or college may select an agent alone. Both must be satisfied with the man who is to fill the position.

Mr. Thomas last evening, he said, apprised County Judge Bunnell that he had forwarded his resignation to the college.

Fred Ford, Forger, Sentenced in N. J.

Fred Morley, detective, received word today that Fred Ford, alias Don M. Smith, alias George Wright, wanted here in connection with forgery, has been sentenced to from 2 to 14 years in the state penitentiary at Perth Amboy, N. J. for the same crime. This party was known here by the name of Wright and perpetrated a number of forgeries and bad check deals, but left the country before he could be apprehended.

Timber Workers' Union Nominates; Election Dec. 6th

Local timberworkers held a meeting last night to receive nominations for officers of the union for the ensuing year. The names selected will be voted on at the next meeting December 6. There was a good attendance, it is reported.

Among officers to be selected is a financial secretary to replace W. F. Kay, resigned. Kay's resignation followed the recent election, in which he took a partisan stand that resulted in his arrest on a charge of violating the election law by the distribution of literature on election day.

The charge was dismissed at the hearing. Kay left the city shortly afterward and is still absent.
At a recent meeting of the central labor council, of which Kay was also secretary, his place was filled by the election of Matt Williamson, of the culinary alliance.

Other officers chosen by the labor council were: A. C. Bristow, president, carpenters union; W. J. Morgan, vice president, machinists; F. P. Lewis, treasurer, teamsters; A. C. Wilson, conductor, timberworkers.

Consumer Must Judge the Market Says Marchant

H. N. Moe returned yesterday from San Francisco, where he had gone on a buying expedition for The Woman's Store. "The market is an up and down one and will continue so for sometime, the variations becoming less and less until a settled condition is reached. Undoubtedly many articles are selling lower today than they will in the near future. Some few items may drop below present day figures. It is really up to the consumer to judge just when he is getting an article at the bottom price. The same thing exists with the merchant. He must be in the market all the time, in order to take advantage of his opportunities. I was fortunate in making some wonderful buys, and the same thing may be said of the consumer. He has an opportunity to buy some things far below the market and below what they will be a little later."

date will accompany the decision, ordering the county court to occupy the Main street building as a courthouse.