

A STATEMENT OF FACTS

Last Monday in our statement to the readers of the Herald we said we would not discuss any phase of the questions arising out of our contract with the Record Publishing company until the matter had been settled by the courts in the regular, orderly way that such matters should be handled. It is to be deplored that circumstances have arisen that force us to deviate from that course and once more make a statement to the readers of this paper, so that they may understand the events that have occurred and know that we are acting within the rights of any citizen, and not a violator of the law as certain individuals would lead you to believe.

Having received reliable information that it was the intention of certain parties interested in the affairs of the Record Publishing company to make a vital change in the assets of the company and thus jeopardize our interests, we had issued an attachment for the property of the corporation and turned it over to Sheriff Low to serve. If he had done his duty the incidents occurring during the past ten days would not have happened, the rights of citizens violated, justice trampled under foot and the premises of The Herald Publishing company invaded by law-breakers under the guise of officers of the law.

Sheriff Low did not make a legal service of the attachment, so far as the property in dispute was concerned. He never visited the office of the Herald, as the law directs he should do; he never took the property in question into his possession, as was his duty. The demand of our attorneys, Onelli & Irwin, and of ourselves, that he do so, was ignored. When the re-delivery bond was put up by the defendants, Sheriff Low then came to the Herald office for the first time and "released" the property and "returned it to the same status as it was before the attachment was issued." It will thus be seen that even if the sheriff had attached the property, which he never did, his action in releasing it, which was also wrong, would again have put us in possession of it just as we were before attachment proceedings started.

A few hours afterwards the sheriff discovered his mistake and admitted it to us. When we refused to sacrifice our interests in the matter there was started a conspiracy for the violation of the law of the state that terminated in the episode of yesterday, when Deputy Sheriff Hawkins, seeking to hide behind the authority of his office of deputy sheriff, sought to smash through the door leading to the room wherein the property was stored.

When Sheriff Low found that failure to do his duty was destined to make him liable for damages, he appealed for help and evidently he has secured ample assistance from sources that should have been the first to uphold the laws of the state and stand unflinchingly for the rights of its citizens.

Application was made to the circuit court for a writ of mandamus directing the sheriff to remove the property and deliver it to the Record Publishing company. This was issued by Judge Kaykendall. It was issued on gross misrepresentation. We refused to recognize it because it was not directed against us. We carefully explained our attitude to the officers and suggested that if we were wrong, they had the remedy of arresting us for contempt of court.

No further action was taken until the 17th, when a pre-emptory writ of mandamus was issued by Judge Kaykendall, directing the sheriff to do what he had failed to do under the former writ. This writ was brought to our office by Deputy Sheriff Hawkins and met with the same reception as the first writ. We urged him to bring us into the circuit court for contempt, so that we might have an opportunity to present our side of the case. We were then informed for the first time that he was acting, not under the advice of any attorney or other interested party, but upon the advice of those whose plain duty it was to see that the law should be impartially enforced. Mr. Hawkins returned to the courthouse with the determination of having us arrested for contempt of court, but this procedure was abandoned when it was discovered that we were in the right in our stand and consequently could not be held for refusing to recognize a writ that had no authority in law.

We suggested to Mr. Hawkins that he had two remedies—force and revulsion. If he used the former we (Continued on page four)

CHRISTMAS DINNER FROM HEAVENS LAID BEFORE MAIL CARRIER

What virtually was a Christmas dinner from the heavens this morning was laid at the feet of L. E. Emery, one of Uncle Sam's carriers, whose route carries him over Link river bridge, when a duck flew against the telephone wires and dropped to the ground, stunned. While Emery's mail sack was filled with overflowing with Christmas cheer, he did not hesitate to add to the burden, particularly as he was then carrying a highly desirable present home to his own family. Carrier Emery now thinks that packing mail through the snow drifts of Linkville is not without its compensation.

DEER SLAYING IN MODOC LAVA BEDS GIVEN HARD JOLT

Trapper Found With Carcasses of Eight Gets \$250 Fine and 150 Days in Jail

DORRIS, Calif., Dec. 22.—Illicit deer slaying in Siskiyou county, and particularly in the vicinity of the Modoc Lava Beds, suffered a severe jolt upon two occasions during the past fortnight. Justice Harrison Wilkins of Dorris and game wardens Courtwright and Miller administered the jolt.

The latest victim brought into the local justice court by Courtwright and Miller was J. C. Kreigh, a trapper, who was arrested Monday in the Lava Bed region with the carcasses of eight deer in his possession. These animals had been slaughtered recently and their flesh dried. Kreigh was fined \$250 and sentenced to 150 days confinement in the county jail at Yreka.

Justice Harrison Wilkins intends to give every offender of the game laws the limit from now on if brought before him.

Last week W. E. Hall was tried in the local court for complicity with E. M. Heppa, a trapper in the Lava Beds, in illegal deer slaying. He was convicted and sentenced to serve 150 days in the county jail. Heppa has not come to trial, but Warden Geo. W. Courtwright is confident that he can do nothing but plead guilty and accept his punishment.

Game wardens have been conscious of deer slaughtering out of season for several years, but owing to the rugged territory in the Lava Beds region, apprehension has been extremely difficult. However, this year, Courtwright and Miller determined to rout the offenders even as the government soldiers routed the Modocos. It is the general belief that deer have been slaughtered on a big scale and sold in Klamath Falls and elsewhere.

AMERICAN ACE HERE

Captain Sam H. Harris Has Twelve Boche Planes to Credit

Klamath is entertaining an American ace today in the person of Captain Sam H. Harris, who is appearing at The Strand theatre tonight. Not only is Captain Harris an ace, but he is a double ace, with 12 Boche planes to his credit, nine of which are official, and is the wearer of the Victoria Cross and the Croix de Guerre, the Legion of Honor and Distinguished Service Medal. Captain Harris was one of the first airmen to be sent across as a result of his training as a testing pilot for the Curtiss plant. For nearly a year he was with the British Royal air force and was a member of the Second French Escadrille before being attached to an American unit. He served later with the Ninetieth-Sixth squadron.

The aviator vaudevillian was twice wounded on duty, once being shot by a German plane machine gun which sent him to earth from a height of 6000 feet, and once in the foot from anti-aircraft fire.

SUIT FOR RECOVERY OF \$3,841 IS SETTLED

Suit for recovery of \$3,841 instituted in the circuit court by James Givan against Lawrence Horvay, Anne B. Horvay, W. T. Garrett and Mary B. Garrett, has been settled out of court and the suit withdrawn.

HOUSE PASSES GASOLINE TAX FOR 1925 FAIR

Measure Is Passed by 45 to 14 Vote Late Last Night

SALEM, Dec. 22.—House joint resolution No. 3, proposing a constitutional amendment creating a 1925 exposition committee, and providing for a gasoline tax to raise \$3,000,000 for fair purposes, passed the house late last night by 45 affirmative to 14 negative.

Speaker Bean made a plea for an income tax, and predicted that the gasoline tax bill would be killed in the senate.

One cent more to the gallon would be added to the present 2-cent gasoline tax, making a total of 3 cents per gallon. One million a year for three years would thus be raised, which would be given to the exposition fund as the contribution of the state in general for financing the fair.

The plan was advanced by a group of Portland business men, headed by Franklin T. Griffith and James B. Kerr of Portland.

TRUCK BRAVES SNOW

Trip From Medford Is Made in 11 Hours Despite Storm

Harry Hart, a young man who has been employed in this city for the past year, arrived in town yesterday from Medford with a large truck, making a record of eleven hours over the mountains. He expects to be one of the three truck drivers who will start out at daylight tomorrow morning on a return trip. It is reported that several touring cars are going to follow in the trail made through the snow by the trucks in an attempt to reach the Rogue River valley.

STORES OPEN NIGHTS

Merchants Decide Not to Close at 6 P. M. Tonight and Friday

Merchants may keep their stores open Thursday and Friday evenings if they so desire, and will not be obligated to close at 6 o'clock, as previously decided, according to the decision of the Merchant's bureau at a meeting in the Chamber of Commerce rooms last night.

A comparison of notes at the meeting revealed the fact that business is good in practically all lines, and that despite the heavy snow-fall Christmas shoppers have been out in large numbers. This is believed due to some extent to the price reductions over last year prevailing in many lines of goods.

SANTA CALLS FOR LETTERS; WINNERS ANNOUNCED FRIDAY

Old St. Nicholas Is Busy All Day Reading Messages From Little People

In spite of all the obstacles that have been placed in the way, the Christmas spirit still reigns supreme in the Herald office; and the whole force is lending itself to the occasion to help Santa Claus and his assistants. The old fellow called late last night, (the weather being ideal for sleighing), and collected all the letters from little people, who were trying for the sled, camera and skates.

Old Santa and his Brownies will spend today reading the Yuletide epistle aloud to a group of good fairies, who will judge the winners, and whose decision will be made public in tomorrow night's Herald. The lucky boy or girl can call for his or her gift any time after Friday night's paper comes off the press.

H. WATTERSON PASSES

Famous Journalist, Speaker and Author Dead at 81

JACKSONVILLE, Fla., Dec. 22.—Henry Watterson, famous journalist and former owner and publisher of the Louisville (Ky.) Courier-Journal, died in a local hotel this morning at the age of 81. Death was due to heart failure, superinduced by congestion of the lungs.

Moulded Public Opinion Henry Watterson was one of the last of the old-time personal journalists. More than half a century his editorials, with their brilliant, original and phrase-making composition, attracted wide attention. They were commented on and copied by the press of the nation. Besides his power in molding public opinion through his editorials, Watterson's influence is credited with having shaped the platform of the democratic party in more than one presidential campaign.

Spoke on Platform

As effectively as he wrote Mr. Watterson spoke on the public platform. His reputation as an orator reached its climax when he delivered an address at the dedication of the Columbian exposition when he appeared as the government's official spokesman.

Among the several books he wrote or compiled were "Oddities of Southern Life and Character," a volume of Southern humor; "The Spanish-American War," written concurrently with the events, and his latest work, "Compromises of Life," a compilation of his lectures, addresses and numerous editorials from the Courier-Journal.

He was born in Washington, D. C., on February 16, 1840.

GUN EXPLODES, MAN'S HAND IS BADLY INJURED

J. A. Goodreau Is Victim of Painful Accident While Duck Shooting

While duck shooting near Keno bridge yesterday afternoon, J. N. Goodreau, 231 North Seventh street, a bridge contractor, met with a painful but not serious accident when his shotgun exploded, almost tearing away the thumb of the right hand, and badly lacerating the hand.

Goodreau said he was unable to account for the accident. He had just fired two shots, he said, when the explosion occurred, completely shattering the barrel of the gun. That the explosion was not due to snow in the barrel was certain because the explosion was in the breech, he said. The gun was of the 12-gauge pump type.

KLAMATH HAS "KICK"

Former Resident Declares This is Only Place to Live

"For a place to live, give us Klamath Falls, where curfew doesn't ring at 7 p. m. and where there is enough going on to give one a 'kick' out of life."

These, in effect, were the expressions of Mr. and Mrs. B. A. Deyo, who in September left here to make their home in Ashland. They returned here on Monday, driving through after a trip to California.

"What's new in the courthouse row?" was Mr. Deyo's first question.

SAW SOLDIERS HUNG

Overseas Veteran Testifies Before Senate Committee

WASHINGTON, December 22.—George H. Taylor of Philadelphia, who served overseas, told a Senate committee that he saw twelve American soldiers hanged near Is-Sur-Tille, France, from April to June, 1918, but was unable to say whether any of them had been convicted by court-martial.

One of the soldiers hanged, he declared, was tried for assault on a French girl by a French court-martial at which one American officer was present. Taylor gave the name of the soldier and said he was a sergeant from Detroit, Mich., but the committee decided to omit the name from its records.

HENRY FORD REPURD RATE CUT ON HIS ROAD BY COMMERCE COMMISSION

WASHINGTON, Dec. 22.—The Interstate Commerce commission today refused permission to Henry Ford to cut coal rates 20 percent along the line of his railroad, the Detroit, Toledo & Irons, on ground that the cut would discriminate against other mining territory, the coal product of which is sold in cities along the Ford railroad.

40,000 ACRES MAY BE IRRIGATED IN BUTTE VALLEY DIST.

Plans Up to California Bonding Commission for Approval; J. D. Hammond President

DORRIS, Calif., Dec. 22.—Irrigation of 40,000 acres of otherwise arid land in Butte Valley will be made possible during the coming year if plans of the Butte Valley Irrigation district are approved by the State Bond Certification board.

Survey Is Completed Under the supervision of Engineer C. T. Darley of Klamath Falls, the district has been surveyed, and completely mapped preparatory to construction of reservoirs and mains. J. D. Hammond and W. F. Hipes of Madocel are president and treasurer, respectively, of the district. Hipes has nearly completed collecting the first assessment of \$3.85 per \$100 valuation against the land of the district. As soon as the project is approved by the state engineer, bonds will be floated for a sufficient amount to complete construction.

In Lower Butte Valley

The district comprises approximately 40,000 acres of extremely fertile sandy loam soil in the lower end of Butte Valley. The fertility of this land has long been recognized, but insufficient precipitation has retarded its development agriculturally. However, recent experiments have demonstrated its adaptability for all crops that are able to survive occasional frosts in June.

Water will be secured from three mountain streams known as Butte, Antelope and Bear creeks. Winter and spring run-offs will be caught and conserved by a system of dams diverted into cemented ditches, to be carried to the fields as needed. Total cost of the project will be approximately \$1,000,000.

LAW AFFECTS BOUNTY

New Bill Before Legislature Makes Provision for Tax Levying

STATE HOUSE, Salem, Dec. 22.—A bill introduced into the house by Gallagher provides that the county court of each county shall, on the first Monday of January each year, decide by resolution whether or not it shall levy the tax for bounty on certain wild animals. Under the present law this tax may be not less than one tenth of a mill and not to exceed one mill, and the levying is optional.

The Gallagher bill requires that if the county resolves to levy the tax it shall go into county general fund.

WATKINS DAVIS BOND REDUCED TO \$3,000

Upon the recommendation of the district attorney, Watkins Davis' bonds were this morning reduced from \$5,000 to \$3,000, and were forthwith taken up by the following bondsmen: Ed Bloomingcamp, Asa T. Miller, William Thompson, R. W. Finley and J. H. Driscoll. The defendant was then released from jail on the order issued by Judge Gaghagen.

BONANZA AND HIGH SCHOOL PLAY TONIGHT

The Bonanza and local high school basketball teams tonight will meet on the Klamath Amateur Athletic association floor, Fourth and Klamath, for the first game of the season here. For the high school the line-up will be as follows: Forwards, Grove, Peyton; guards, Goetz, Montgomery; center, Werler, Suba, Hogue, Landis, Nelson, John Houston.

CHRISTMAS TO BE OBSERVED IN CHURCHES

Special Music and Entertainment—Trees for Young Folks

The churches of the city—Sacred Heart, Christian Science, First Baptist, Christian, Presbyterian, Methodist Episcopal, Salvation Army and the Emmanuel Baptist—all have their calendars pretty well filled up this week in preparation for their Sunday services. Most of them are preparing special entertainments for their Sunday schools, as well as for the regular church services, to celebrate the birth of Christ. The churches are also doing a great deal of charity work for less fortunate students of the city.

The Sunday school of the Christian church is planning to carry out the Christmas spirit in a practical way by giving a program entitled, "White Gifts for the King," at the close of which gifts for the needy and an offering for benevolences will be given. The exercises, which will consist of drills by the school assisted by the choir, will be given in the church on Friday evening.

At the Presbyterian church on Christmas Eve the little folks will be entertained with a tree and "Living Pictures from the Life of Christ," besides several readings and musical numbers. On Sunday the Children and their elders will be invited to witness a religious play, "Why the Chinese Rung." There will be special music at this time also.

High mass will be held at 10:30 on Sunday morning in the Sacred Heart Church. Beautiful music will typify this service, several special solos having been arranged for. Rev. Father Hugh J. Marshall will deliver the service.

The First Baptist Church will have a tree on Christmas eve for their Sunday school classes and other children of the city, and on Christmas morning, Rev. A. F. Shimmick will deliver a special sermon.

Tree For Old and Young Saturday night the Methodist Episcopal church will present an elaborate program and Christmas tree for young and old alike. In the morning, besides the usual Sunday sermon, there will be special music, and in the evening there will be a Sacred concert.

Plans of the Salvation Army were not learned, outside of the large amount of charity work that they are doing here.

Themanuel Baptist church is having a tree and program for the little folks at the regular Sunday school time, but aside from this there will be no special service.

SALEM TAX PROPOSED FOR VETERANS FUNDS

WASHINGTON, D. C., Dec. 22.—Representative Lester Volk (Rep., N. Y.) has introduced a bill in the house to provide adjusted compensation for veterans of the world war, the funds to be obtained through the imposition of a sales tax.

SHERIFF'S JURY ACTS TO DETERMINE OWNERSHIP

A sheriff's jury presided over by Deputy Burt Hawkins, acting in the absence of Sheriff Lloyd Low, heard evidence this morning in a case to determine the ownership of a car, which was attached by R. A. Emmitt as property belonging to E. D. North, but which W. O. North claims as his. In the final decision, about noon today, the car was awarded to the claimant, W. O. North.

WEATHER PROBABILITIES

The barometric pressure, as registered by the Cyclo-Stormograph at Underwood's Pharmacy, has slowly, but steadily, fallen since the report of yesterday. This is certainly no indication of clearing weather, although if the high temperature continues rain will take the place of snow.

Forecast for next 24 hours: Unsettled weather, with snow or rain.

The Thermograph thermometer registered the following maximum and minimum temperatures today: High..... Low.....

SOMETHING NEW TO HOWL AT. 4 POWER AGREEMENT. HERE LIES THE LEAGUE OF NATIONS. SENATE UNREASONABLES.