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LET US MAKE 1926 THE BANNER YEAR FOR THIS SECTION

Eighteenth Year—Number 5806

KLAMATH FALLS, OREGON, TUESDAY, APRIL 13, 1926

PRICE FIVE CENTS

TRUMP CARD OF MAYOR LOSES IN STREET CLOSING

Goddard Veto Overridden by Four Fifth Majority of City Council

WALNUT ST. CLOSED

Long Fight Extending Over Year Finally Ends at Meeting Last Night

Mayor Goddard last night played his last trump card in his fight against the street closure ordinance, and lost.

His fiery worded veto of the ordinance, which had passed by the second reading, was overridden by the council by a vote of four to one.

The street closing fight has lasted for over a year. By the ordinance, Walnut street between Third and Fourth and adjacent alleys will be closed to allow an industrial development by the Lorent Plumbing company and other industrial concerns.

When the question first came before the council, a protest from citizens of the district supported by the mayor and Powell, resulted in the council deferring action.

Following is Mayor Goddard's message:

I am returning Ordinance now numbered 748, disapproved, for the following reasons:

First—The citizens residing and having property in the immediate vicinity of the streets and alleys named in this ordinance have expressed themselves as being opposed to the closing of said streets and alleys.

The wishes of approximately 100 citizens have been stated in a petition asking the Common Council not to close these streets. I hold the wishes of these citizens should not be ignored.

I further contend that it is the duty of every public official to protect the interest of each property owner, so that the citizen who can ill afford it will not be forced to spend considerable sums protecting his just and vested rights in courts of law.

Further, no street or alley should ever be closed excepting in case of public necessity, and only then after each person who suffers a loss thereby has been reimbursed.

Second—Walnut Avenue is rapidly becoming one of the principal streets. With prospective development the traffic condition in all the streets of our city will become more congested and the city will have urgent need for every route granting relief.

At the present time we have several examples of traffic conditions causing constant inconvenience to the public, among them being Klamath Avenue at Eighth street, Main

INDIAN DECISION MAY BE APPEALED TO HIGH COURT

Deny Motion In Bankrupt Case

In an appeal from Klamath county to the supreme court of the state of Oregon today denied the motion of Garrett K. Van Riper, trustee in bankruptcy, who sought to impeach transfers made by W. C. Davenport, the defendant, his wife and other defendants.

The opinion was written by Chief Justice McBride. The suit was filed to expedite closing the accounts of the late W. C. Davenport, former local jeweler.

Steigers Sued In Auto Crash

Suit for \$3,084 damages against Mr. and Mrs. Jacques Steiger was brought this afternoon by Arthur L. Fortson, local restaurant man. Fortson in his complaint alleges he was struck by an automobile driven by Mrs. Steiger, on Walnut avenue, January 14. He states that he suffered a broken collar bone, four dislocated ribs and that the hearing of one ear is impaired as a result of the accident.

street at Ninth street, and Main street at Tenth street.

The traffic conditions at the above mentioned streets should cause serious reflection.

Third—In more ways than one, all streets and alleys serve a useful purpose in fire protection.

For example (a) The open street as a convenience in making all property easily accessible to the fire department, is self-evident.

(b) The open street as a break in the continuity of building or other inflammable material, make all fires relatively self-limited.

After considering the nature of the proposed structure to be erected, especially on blocks 74 and 87, to close these streets would increase the fire risk to all adjacent property and probably to a considerable portion of the business section of our city.

To my mind such additional fire hazards are out of all proportion to any alleged public benefit set forth by the applicants for the closing of the streets and alleys named in this ordinance.

While there is no question whatever as to the enormous gain to be enjoyed by the applicant through a generous and free gift of valuable city property, now dedicated as public streets and alleys, the time is long past when any individual or corporation can consider the city of Klamath Falls as a God-father who gives magnanimously any valuable property which the covetous person may desire, and the public official who so far forgets the trust placed in his hands by a confiding constituency should be dealt with swift and sure by a suffering public.

I am, therefore, returning this ordinance to your Honorable body, disapproved.

Dated, April 12, 1926, Klamath Falls, Oregon. FRED R. GODDARD, Mayor.

Agency Superintendent Says Law Enforcement Will Be Greatly Hurt

Tribal Court Altogether Insufficient to Try Cases, Arnold's View

"It throws us out of gear in law enforcement work. I do not feel that we can let the matter rest with the judge's decision. We are now discussing an appeal to the state supreme court."

This was the comment today of L. D. Arnold, superintendent of the Klamath Indian reservation, on the decision handed down yesterday by Judge Leavitt by which all state and county officers are barred from arresting an Indian within the confines of the reservation.

"The court of Indian offenses is inadequate to serve the reservation. It is composed of three Indians appointed by the superintendent, whose decisions are revocable by the superintendent."

"As it now stands the situation is really serious. Federal statutes dealing with Indian offenses on the reservation deal only with the more serious crimes; murder, larceny, the more serious of liquor cases, assault with a dangerous weapon and the like."

"Such cases as drunkenness, gambling, moral delinquency, assault and battery and other minor offenses are not on the federal statute books. Therefore the way the matter now rests, there is no law to restrain Indians from committing these offenses."

"I am urging the presentation of a bill to congress whereby this matter of jurisdiction can be straightened out. I take the position that the state and county officers are within their rights in arresting Indians on the reservation. The United States district attorney's office in Portland and the Indian service take the same view."

"The case may be appealed. We have, in the Scotchman case, an ideal test case that will settle once and for all the question of jurisdiction."

Judge Leavitt's decision was handed down in connection with the release of Guy Scotchman, Beatty Indian, on a petition for a writ of Habeas Corpus on the ground that he was arrested by state officers and sentenced by a county officer, both of whom had no jurisdiction over him.

Mr. Arnold and District Attorney Elliott conferred for several hours on the case. Mr. Elliott now has under advisement the question of appeal to the state supreme court.

State Prohibition Agent L. L. McBride contends that state officers have the right to arrest Indians on the reservation.

"They are voters, just the same as we are, and they help elect county officers," he pointed out. "Therefore, inasmuch as they help elect the sheriff, we have the right to enforce the law on the reservation. Also, before state officers make arrests on the reservation, they always get the permission from the superintendent."

Definition Of "Democrat" Is Finally Found

Winner in Contest is New Mexico Health Officer

WASHINGTON, April 13.—(AP)—The answer to the question "what is a democrat?" has been found, the Pathfinder, published here, announced today on the basis of findings by Senator Robinson, Arkansas; Morrison, Mississippi, and Edwards, New Jersey, as judges of a contest in which 30,000 participated. First prize went to Dr. M. D. Taylor, county health officer of Aztec, N. M., who submitted this definition:

"A democrat is one who believes in the fullest freedom of speech, press and religion; the separation of church and state; laws that bear equally upon all classes without special privilege or monopolistic advantage; right of states guaranteed by the constitution and less national paternalism."

Pinehurst Girl Ends Own Life

Body Found Late Yesterday in Lone Ranch Home

Disappointed in love and tired of living, Josephine Pokorny, aged 16, step daughter of Mr. and Mrs. Charles Elliott of Pinehurst, shot herself through the right temple at the ranch home on Monday afternoon about 3 o'clock.

Her body was found in her bedroom in an upstairs room of the Elliott home shortly after 5 o'clock last evening when her stepfather and two step brothers returned home from their day's work at the sawmill. She was alone all day, her mother being employed at the Pinehurst Inn.

In a letter which she left to her mother she intimated her disappointment in love and it was known by the family that she and her young lover, who is employed in one of the sawmills near Pinehurst, had quarreled.

Miss Pokorny graduated from the eighth grade Pinehurst school last spring and for some time had been employed at the Helms Service station near Ashland.

The body was taken in charge by the coroner at Medford and is now at the Storey undertaking parlor in Ashland. Funeral arrangements will be announced later.

DIRIGIBLE HAS SLIGHT MISHAP

Los Angeles Breaks Mooring Cable, Causing Injury to Camera Man

LAKE HURST, N. J., April 13.—(AP)—The dirigible Los Angeles was taken from her hangar, this morning in preparation for her first flight since the loss of the Shenandoah last fall. After several hours at the mooring mast she was to cruise in this immediate vicinity, returning before night.

The main cable attaching the dirigible to her mooring mast broke as the craft was being pulled into the steel tower.

Several hundred feet of cable whipped around the mast, striking Jerry Frankel, a motion picture cameraman, and inflicting severe lacerations.

The dirigible was drawn to the ground by the two other cables and Lieutenant Roland Mayer, construction officer, made an inspection of the break.

Oregon Avenue Repair Ordered

Council And County Court to Work Together in Move

With co-operation of the county court and city council assured, immediate work will be begun in an effort to alter the present outrageous condition of Oregon avenue, before the flood of tourists begins to again spread abroad in the land tidings that Klamath Falls has some of the worst roads in the United States.

Funds will be supplied by both county and city and county equipment will be used.

Paving is out of the question for some time, due to the great cost, in the opinion of property owners.

NEW GAME PRESERVE PORTLAND, Ore., April 13.—(AP)—Twenty thousand acres of land around the Oregon caves in Josephine county were set aside as a game refuge today by the state game commission. The reserve includes national monument and national forest land, which comprises summer range for deer and other game animals. The reservation is for five years.

COCKTAIL COURT MARTIAL WITNESS FAVORS ACCUSED

Naval Surgeon Says he Talked with Officer on Trial and Smelled no Rum

Hotel Guest Says Colonel Williams Complained of Having Been Ill

SAN DIEGO, Calif., April 13.—(AP)—Defense testimony in the cocktail court martial of Colonel Alexander S. Williams opened here today with Lieutenant Commander Harold Fillet, a navy surgeon on the stand as the first witness for the suspended commander of the Fourth Regiment of marines.

Commander Willitt stated that he saw and spoke to Colonel Williams at the hotel Del Coronado on the night in question; that he smelled no liquor on the colonel's breath and noticed nothing which would justify classifying the colonel as intoxicated.

"Are you qualified by experience to recognize the symptoms of intoxication in a man by looking at him?" he was asked.

"I don't think anyone is qualified to say a man is intoxicated on the grounds of casual observation alone. One can only say a person appeared intoxicated, appeared sick, or appeared 'doped.'"

"Would you say from your observation that Colonel Williams was intoxicated?"

"No."

"What was the condition of his eyes?"

"Normal."

"Did he stagger?"

"No."

"Did you see him leave the hotel?"

"Yes."

"Did he stagger as he went out?"

"I have already stated he did not stagger."

Walter O. Poor, a guest at the hotel on March 6, said he saw and spoke to Colonel Williams as the latter entered the hotel on the night of March 6, and that in response to his "how are you, Colonel?" the colonel replied, "as well as could be expected of one who has not been feeling well for several days."

Plane Found; Aviator Goes Home On Foot

British Flyers Locate Craft of Missing Spaniard

CAIRO, Egypt, April 13.—(AP)—The missing airplane of Captain Rafael Martinez-Esteviz, leader of the Spanish aerial expedition which has Manila, in the Philippine Islands, as its objective, has been found intact about 100 miles from Ammans in Palestine. Esteviz and his mechanic had abandoned the craft, but they left a note attached to it, saying they would make their way on foot through the desolate region to Ammans.

Esteviz has been missing since Sunday, when he became separated from the two other fliers of the expedition, Captain Lariga and Captain Gonzalez Gallarza, on a flight from Cairo to Bagdad. Lariga and Gallarza reached Bagdad safely. The absence of Esteviz from his squadron was noticed shortly after it passed over Jerusalem. British planes immediately set out from Ammans to search the desert for Esteviz. They found his plane this morning near the air route from Cairo but about five miles north of the actual mail route. Esteviz had flown about one third the distance between Cairo and Bagdad.

The British airmen examined the plane and reported that they found no trace of damage. They are of the belief that Esteviz landed owing to some minor engine trouble. They express the opinion that no anxiety need be felt for the safety of Esteviz and his mechanic.

BUILD HANGARS. MEDFORD, Ore., April 13.—(AP)—Bids for the building of hangars for air mail planes will be awarded this week by Verne C. Gorst, and construction started soon at Barber Field, according to an announcement this morning. The hangars will be built so units can be added.

Brown Upheld By High Court

Decision was rendered today by the supreme court of the State of Oregon in the case of Tim Brown vs. J. W. Siemens in an appeal from the Klamath county circuit court, the finding being in favor of Brown. According to E. B. Ashurst, attorney for Brown, the case hinges on the deposit of money in the First State and Savings bank just prior to the time it was declared insolvent.

Schaupp Now In Attorney Office

A. W. Schaupp, local attorney, was appointed deputy district attorney this afternoon by District Attorney E. L. Elliott.

The appointment was made for an indefinite period, and it is believed that Mr. Schaupp will act in this capacity during the remainder of the district attorney's term of office.

Departure of W. A. West, deputy district attorney, for Washington D. C., impelled the appointment.

Hiland Wins Court Battle

Spink Prejudiced, Leavitt Finds in Reviewing Case

George Hiland, charged with possession of intoxicating liquor, will be tried in Klamath Falls justice court.

This was the decision this afternoon of Circuit Judge A. L. Leavitt following a hearing on an alternative writ of mandamus.

The decision is a decisive victory for Hiland, who since his arrest two months ago, has been seeking to have his case transferred from Justice of the Peace R. C. Spink's court in Chiloquin to the Klamath Falls court.

Judge Leavitt in his decision held that Justice of the Peace Spink was prejudiced against Hiland and his attorney William Marx, and that in justice to Hiland the case should be tried before Justice of the Peace Emmett.

Clerk's Office Open Evenings

To serve the 1500 citizens in Klamath who have not registered for voting at the May primaries, the county clerk's office will remain open tonight from seven to nine o'clock. Deputy County Clerk DeLap announced this morning.

"We will remain open until April 21, if the people take advantage of the extra hours and come in and register," Mr. DeLap said. "If they do not show interest in registration then we close down again."

Rough, black surfaces absorb heat quickly, but do not retain the heat very long.

Peggy Hopkins Joyce Lands Another One; Rich Realtor Selected As Fifth Husband

MIAMI, Fla., April 13.—(AP)—Peggy Hopkins Joyce, whose four internationally known matrimonial ventures have been terminated in the divorce court, will marry again.

Announcement was made here today by the stage and screen star that she was engaged to marry Stanford E. Comstock, wealthy Miami real estate operator and member of a prominent Chicago family.

Miss Joyce did not announce the date of the intended wedding, but intimated it might be before she sailed for Europe May 1 to make her next picture.

S. P. EARNINGS IN DROP; DIVIDENDS \$10.18 A SHARE

Total Revenue Largest in History of Company; Big Increase Shown

EXPENSES KEEP UP

Cost of Operation Climbs in Proportion to Money Coming in, Report

NEW YORK, April 13.—(AP)—The annual report of the Southern Pacific company for 1925 made public today, shows net income of the transportation system and of all "separately operated solely controlled affiliated companies," amounting to \$37,916,316, a decrease of \$2,374,611 compared with the year before. This is equivalent to \$10.18 a share on the average amount of capital stock outstanding during the year, against \$10.24 a share in the previous year, when earnings of separately operated roads, which are combined for the first time in the 1925 tabulation, were excluded.

Net railway operating income of the transportation system was \$50,213,759, an increase of \$2,212,442. Gross income was \$62,613,263, a gain of \$3,418,738.

Total railway operating revenues were the largest in the history of the company, reaching \$293,974,563 an increase of \$1,347,633 over 1924. This resulted, the report said, from the large volume of freight traffic.

This increase in operating revenues, the report emphasized, was more than offset by an increase of \$796,854 in operating expenses. An increase of \$398,237 in taxes, and an increase of \$423,695 in equipment rates, the result being a decrease in net railway operating income of \$161,727.

Court House Echo Is Heard

Architects Sue For Money Alleged Due On Old Survey

Klamath county was made defendant today in a suit brought by the architectural firm of Clausen & Clausen of Portland, to recover \$1267.92 alleged due for a fine day survey of the partially completed Hot Springs court house in 1920.

"The county court authorized a survey of the Hot Springs court house in 1920 to determine whether the building was in good condition," County Judge Bunnell said today. "The report of the architect stated that the building was in good condition. At that time there were no funds available to pay the bill. There is room for a compromise with the Portland architects as the court feels that inasmuch as \$75 a day was charged for the survey that it should not shoulder the incidental expenses of the architects."

TRIAL FLIGHT

LOS ANGELES, April 13.—(AP)—Five planes of the Western Air Express, incorporated, fleet which will carry the mails between Los Angeles and Salt Lake City starting Saturday, hopped off here today for a trial flight over the route.

As she told of the engagement, Mr. Comstock stood by her side and nodded assent.

"Yes, I'm engaged," she said, jamming her hands deep down in the pockets of her red skirt, but not before a brilliant diamond flashed on the engagement finger. "And here's my fiance, Stan Comstock. I don't see why my engagement should be of any interest to the public, but we have managed to keep it secret up to now, haven't we Stan?" Comstock blushed and nodded but continued to allow his fiancee to do the talking.

Wets Produce Many Maps To Show Drunkenness Greater As Dry Law Enforcement Fails

WASHINGTON, April 13.—(AP)—A phalanx of statistics was marshaled before the senate prohibition committee today by the wets in an effort to show that drunkenness has increased under the bone dry law.

Resuming their side of the case after a day's interlude devoted to dry testimony, the wet leaders put on the stand Stanley Shirk, research director of the Moderation League, who produced scores of charts, maps and statistical tables from which he deduced that in 467 cities and towns, arrests for drunkenness lagged from 268,974 in the first

year of prohibition to 565,026 in 1924, four years later. In 350 places, according to these figures, arrests for drunkenness totaled 506,737, in 1914 and 498,762 in 1924.

"When we consider that drunkenness generally has already increased to the pre-prohibition level, and that drunken drivers and drunken children have increased far above anything ever known before in this country," said Shirk, "we cannot escape the conclusion that the Volstead act has utterly failed to do what it was intended to do, namely, promote temperance and sobriety."