

## SUIT IS BROUGHT C. & N. E. Seeks Right of Way CONDEMNATION ACTIONS Too Many Stipulations Attached to Abel Ady's Proposition

Negotiations for the right of way across the swamp lands controlled by Abel Ady have come to naught, and suit has been commenced by the California-Northeastern for the condemnation of the property. It depends on Mr. Ady how long this suit will remain in court, for if he is willing an effort will be made to have it attended to at a special term to be held during this month, when the Judge is on his way to Lakeview.

The general opinion is that this suit has been withheld too long. The people of this city and county are extremely anxious for the railroad, and while they want every man to get a square deal, they also would like to see the railroad assisted in every reasonable way. The talk that this suit has anything to do with the bonus proposition is all moonshine. The only question at issue is the right of way, and when this is settled then it will be up to the railroad to make good by a speedy construction into this city.

The following letters are self-explanatory:

KLAMATH FALLS, Or., April 6, 1907.

Mr. William Hood, Chief Engineer Southern Pacific Co., San Francisco, Cal.—Dear Sir:

I offer to convey to the Southern Pacific Company a right of way upon all that certain strip of land, 300 feet wide, being 150 feet on each side of the center line of the California-Northeastern railway, between survey stations 2712 and 2974; and a certain strip of land 110 feet wide, being 50 feet on each side of the center line of said railway between said survey station 2712, and the westerly limits of lot 6 in section 27; and a certain strip of land 100 feet wide, being 50 feet on either side of the center line of the said railway between the said survey station 2974 and the northerly and easterly limits of lots 6 and 7 in section 1; all being in Tp. 40, S. R. 8, E. W. M., and through which the said California and Northeastern railway is to be built; these said described lands aggregating 181 acres of land more or less, and the said right of way to be conveyed free and clear of all incumbrances as to title, and upon the following conditions:

First—That for the purpose of livestock protection your Company shall construct hog-tight fences along either boundary of said right of way, and shall continuously thereafter keep said fences in proper repair. Said fences to be immediately constructed upon written request from any owner of adjacent land.

Second—That for the purpose of public and private travel and transportation, your Company shall, upon my written request, immediately construct, either under or over grade, five crossings across said right of way, and at such places as shall be stated in said request, suitable and convenient for all manner of travel and transportation that may be beneficial to public and private use, and shall continuously thereafter keep such crossings in proper repair.

Third—That for commercial purposes a proper siding shall be constructed on the westerly side of the main line of said railway and immediately south of the channel that connects the Klamath river and the Lower Klamath lake, and whenever request shall be made for cars upon said siding for the purpose of delivering or receiving freight, sufficient cars for the use of all persons making such a request, shall be immediately placed upon said siding without switching charges.

Fourth—That for reclamation purposes, levee embankment may be constructed across said right of way and joined to such railroad embankments as shall hereafter be constructed by your Company upon said right of way, and each of said embankments be used as levees for reclaiming adjacent lands. Drainage and irrigation ditches may be constructed across said right of way and through said railroad embankment.

The water levels may be changed on both sides, or upon one side, and not on the other side of said right of way, according to such plans as shall be deemed suitable for the reclamation of any parts of the adjacent lands; provided however, that the construction and maintenance of all said levee embankments and drainage and irrigation ditches shall be constructed and maintained without expense to your Company, and without interference or hindrance to the construction and maintenance of railroad embankments, and without interference with the operation of train service upon said right of way.

Fifth—That in consideration of said right of way your Company shall pay \$30 per acre.

Yours truly,  
ABEL ADY.

Mr. Hood's reply follows:  
SAN FRANCISCO, April 11, 1907.—  
Mr. Abel Ady, Klamath Falls, Ore.

Dear Sir:

I have yours of April 6th, in which you agree to make a fee deed to the Southern Pacific Company, conveying right of way over lands owned by yourself and associates, they to convey also all of their right, title and interest in and to the land in question, for the sum of \$30 per acre. This conveyance to be as follows:

A strip of land 300 feet wide from survey station 2707x00 to survey station 2974x00.

A strip of land 100 feet wide from survey station 2707x00 to the westerly limits of lot 6, section 27, this being at or about survey station 2705x00.

A strip of land 100 feet wide from survey station 2974x00 to 2975x55, this latter being the northerly limit of your land in section 1, and being the intersection of the southwesterly line of lot 1 with the center line of the California Northeastern Railway.

I am willing to pay you this \$30 per acre, but I do not like the conditions attached to the payment, for instance I am willing to have a clause inserted in deed as follows:

First—That for the purpose of livestock protection, we will construct hog-tight fences along either boundary of right of way conveyed and maintain same in proper repair. Said fences to be constructed upon written request as soon as practicable after track is laid over the land in question.

Second—That for reclamation purposes, levee embankments may be constructed and maintained across said right of way and joining such railroad embankments as shall be constructed upon said right of way. Said levee embankments to be used for the purpose of reclaiming adjacent lands.

Your second proposition, having reference to crossings, is rejected.

The third proposition, having reference to a siding for commercial purposes, is rejected.

That portion of the fourth proposition, relating to construction and maintenance of drainage and irrigation ditches across right of way conveyed and through railroad embankments is rejected.

You will notice that I am endeavoring to get at some practicable basis for settlement of this whole matter and am really meeting you more than half way.

Yours respectfully,  
WILLIAM HOOD.

### J. W. BRANDENBURG Well Known Citizen Dies After a Brief Illness

After an illness lasting but three days, John W. Brandenburg died at his home in this city at five o'clock Wednesday morning. Death was due to blood clot at the base of the brain.

Mr. Brandenburg has been a resident of this city for the past twenty years, and during that time has always commanded the highest respect and confidence of its citizens. He is survived by his wife and four children, who have the deep sympathy of the large circle of friends who join them in mourning the loss of a loving husband, a kind father and a staunch friend. The children are Mrs. M. E. Cox of Nevada, Mrs. M. E. Pogue of Salem and C. K. and Floyd of this city.

The funeral will be held at 2:30 this afternoon from the Baptist church, under the auspices of the A. O. U. F. W.

### Another New Store

This city is to have a new furniture store. It will be located in the American Hotel block, corner of Main and Seventh streets and will be opened in about ten days by E. D. Bolter. Mr. Bolter returned from San Francisco last Saturday, where he had been purchasing his supplies. It is his intention to establish one of the largest furniture houses in the southern part of the state. He will find that the business men of this city will extend to him the warm hand of friendship.

### Street Car Soon

J. L. Buell is going to carry into effect his promise to give this city a street car service at an early date, and in accordance therewith a car is expected to arrive in this city one day this week. It was purchased in San Francisco when Mr. Buell made his last trip down there. He went to San Francisco Monday for the purpose of investigating the merits of a gasoline car. These are a recent creation and are made in two sizes. It is his intention to purchase one with a capacity of nine passengers, provided the representations of the agent were correct. In the meantime the car that is to arrive this week will be placed in service and when the gasoline car arrives it will be placed on the line for the purpose of giving quick service between here and the lake.

Plans and specifications are being prepared for a forty-foot suspension bridge across the government canal at the headgate. As soon as this is completed the car line will be extended to the docks and then all excursion parties and other travel will have a quick, easy and inexpensive way of reaching this beautiful body of water.

Mr. Buell is exerting himself with the Southern Pacific people and other Californians to bring the advantages of the Upper lake prominently to the front. That he is going to be successful is certain, and once this section of Klamath County occupies a point of vantage in the vision of the powers that be, there will be something doing in the way of advertising.

### Made Local History

Col. C. A. Cogswell, who is here as the attorney for the California Northeastern, is not a novice in these parts. He was state senator from this district when the town of Linkville was incorporated and the name was changed to Klamath Falls. And it was he who introduced the bill in the State legislature bringing about both these events. He also drew the bill creating the County of Klamath. While residing in this section he always took an active part in affairs and has always a spare moment to discuss the early history of Southern Oregon. Since going to Portland he has become prominent as an attorney and enjoys a large and lucrative practice. He is at present a member of Mayor Lane's executive committee and in that capacity takes an active part in the municipal affairs of the chief city of the State.

The Colonel expects to return to Portland in a day or two, but will be back here at an early date for the purpose of hastening to a conclusion the condemnation proceedings he instituted this week.

### Rock Crusher Starts

The rock crusher that is to furnish the material for the macadamizing of the streets in the Hot Springs addition, began operations Wednesday morning. The first thing to receive the attention of Manager Campbell will be the new county road, and this will be coated as fast as the rock can be delivered. After this will come the Esplanade, and then will follow the other streets.

All of the shade trees in the addition have been boxed, and the bridge across the canal has been finished. The fine weather that has prevailed here has had a stimulating effect on all improvements in this addition, and the next few days will see an increase in the force of men employed.

Brick is being hauled for the two-story office building that is to house the various departments of the companies identified with this addition and other townships, and it is expected that it will be ready for occupancy within two months.

### Austrian Held On Serious Charge

An Austrian giving his name as Mike Ketric was arrested last Thursday evening by Sheriff Obenchain on the charge of assault on the 16-year old daughter of T. H. Welch, near her home on the Whitline ranch. At the preliminary hearing the evidence went to show that Ketric, who was on his way to the railroad, met the girl on the road and grabbed her. After a resistance lasting over five minutes the girl broke away from her assailant and ran to her home, where she notified her father. The latter immediately notified the Sheriff, who captured Ketric near R. A. Emmitt's place that evening. The accused man does not seem to realize the seriousness of the charge placed against him. At the preliminary hearing before Judge Nicholas he was represented by attorney C. F. Stone. The only evidence adduced was that of the girl. Ketric was bound over to await the action of the grand jury in June.

### Clark-Mitchell

One of the most elaborate weddings in the history of this city occurred last evening at the home of Mr. and Mrs. Fred Schallock when H. N. Mitchell and Miss Ethel J. Clark were united in marriage, Rev. A. N. Jacquemin officiating. A large number of guests were present as the bride and groom entered the parlor, Miss Clark leaning on the arm of Mr. Schallock. The bride wore a white silk dress and long bridal veil and carried a large bouquet of white roses. Miss Ada Wilhelm and Herbert Baldwin acted as bridesmaid and best man, Miss Marion Mitchell as maid of honor, Miss Gladys Schallock as flower girl and Miss Hortense Hogue as ring bearer.

The wedding march was played by Miss Lizzie Houston. Prior to the ceremony Miss Leta Nickerson sang "Oh! Promise Me."

Both Mr. and Mrs. Mitchell are well known in this city and have a large circle of friends who extend congratulations. Mr. Mitchell came here about a year ago and since that time has taken an active part in the business circles of the city. Through his energy and push he has forged rapidly to the front until he has built up a business of considerable proportions.

### New Realty Company

The Holcomb Realty Company of Oakland will open an office in this city within the next few days, and their coming here will mark the beginning of one of the big advertising campaigns that will make this country famous. This firm is well known from one end of California to the other, and has sold more realty than any other firm in the Golden State. They will act as the special agents of the Klamath Development and Hot Springs Improvement companies.

### Additional Briefs

Closing out sale at the Boston Store.

R. C. Spink was down from the Agency this week.

James Pelton and L. C. Sisemore of Ft. Klamath were in the city Friday.

The members of the 500 club and their husbands were entertained by that organization Monday night.

E. E. Fitch last week sold to C. H. Hadley the 160-acre ranch belonging to C. W. Renfro for \$3000. The property is located northeast of Merrill.

Alexander Davis of Silver Lake was in the city Monday on timber business. Mr. Davis is one of the big cattle men of the marsh country.

Mason, Davis Company have secured a contract on the new electric line between Salem and Portland and are preparing to ship their outfit to that point.

Major Wilson of the Agency returned Friday from Portland, where he had been on the Ralph Jackson case, appearing as a witness before the grand jury.

The Lowe Opera Company is expected to arrive here on May 13. Mr. Lowe states that he has a good troupe and that he will be able to give the theatre some good plays.

Mr. and Mrs. William Dunham are expected to arrive here this week. They have traveled extensively since their marriage, and are now on their way back from British Columbia and Alaska.

Mr. and Mrs. Alex. Martin and Mr. and Mrs. George T. Baldwin left yesterday morning for Los Angeles to attend the meeting of Shriners in that city. They met the special train from Portland at Thrall.

Neil Campbell has purchased H. M. McCall's interest in the American Hotel barber shop. Neil is an expert with the razor and shears and will undoubtedly receive a visit from many of his old customers, as well as new ones.

W. O. Huson of the Long Lake Lumber Company went to San Francisco Wednesday for the purpose of closing an important contract for that company. When he returns he will have an important announcement to make.

Contractor Jacobson is hard at work removing the city hall to its new location. As soon as it is in place he will remove the Methodist church onto the ground vacated by the city hall, when the Women's Club will begin to get it ready for the library.

Dr. Francis J. Fluno of Oakland, California, will deliver a lecture on Christian Science in the Hanston opera house this evening. Mr. Fluno has a wide reputation as a lecturer of ability. He will also deliver a lecture on the same subject in Merrill Saturday evening.

John Ellis, wife and son arrived here from Long Beach, Calif., Monday night. Mr. Ellis is an old Florida friend of D. B. Campbell and comes

here to stay. He has traveled all over the northwest country and made three trips over the Klamath Basin, and he returns satisfied that there is no better place on the coast. He expects to begin next week the construction of a home on Pacific Terrace in the Hot Springs Addition.

W. H. Wise of Wise & Maxwell was in the city Tuesday. This firm is reported to have the contract for the delivery of 400,000 feet of lumber at the site of the rumored power station near Spencer station, but when questioned about the matter Mr. Wise refused to deny or affirm it.

Earnest Harding had the misfortune of breaking his wrist last Saturday evening, due to his efforts to save his dog from drowning. He had taken the pup to the lake front and was teaching it to swim. The dog was taken with cramps and Harding dove in. He miscalculated the depth of the water and as a result sustained a broken wrist. He saved the dog.

### A Clear Title

In our vault at our offices we have a complete transcript of the records of every deed and mortgage ever recorded in Klamath County. We have completed a perfect system of indexing and transcribing these records at a cost of several thousand dollars, and if there is a flaw in the title to a piece of land an abstract prepared in our offices will show it. If an abstract prepared in our offices shows a land title to be good the title is good and you can bank your money on it. We are prepared to guarantee our work.

5-2-2t MASON & SLOUGH.

### KENO

Keno is situated in the Southern part of Klamath County, on the Klamath river, at the terminus of navigation. Two steamers land here; mail, express and passengers are transferred from the stage to the boat at this point. Adjoining Keno on the west is a large belt of timber, and on the east is a large body of marsh lands. Near Keno, on the river, is immense water power. Telephone connections with all parts of the country. Has a good school, two stores and two saw mills.

Charles Way is visiting Geo. Way. Geo. Otev, from the desert, made Keno a visit Tuesday.

J. L. Pagett is moving his property to Keno from the ranch he sold.

Mr. Holeman is putting in the electric plant for Thomas McCormack.

Mr. Hanson is going to move onto the Pagett ranch, which he lately purchased.

George Morgan has just returned from Coos Bay. He is well pleased with that country and expects to move there as soon as he can get ready.

### MERRILL.

Merrill is situated in the southern part of Klamath county, very near the center of the Klamath Project. It has a population of 600. Is well supplied with good business houses. Has many fine homes. Telephone, long distance and home. Will soon have water works. Will be located on a branch of the California Northeastern, now being built into Klamath Basin. Will be one of the best towns in the county. Has a fine public school.

N. S. and Ralph Merrill left Sunday for Grass Lake, after a night.

C. T. Oliver was in Merrill for a couple of days. He brought down a load of machinery.

Frank Bloomincamp has been in Merrill for several days purchasing large horses and mules.

The Merrill Record has changed hands. G. R. Carlock has purchased the plant and will run a first-class paper.

C. H. Merrill and son sold two large mules to Frank Bloomincamp. The price paid was \$600. They will be used in a logging camp.

The citizens of Merrill held a meeting Tuesday night at the opera house and appointed a committee to see if money enough can be raised to celebrate the fourth of July.

Martin Bros. purchased six head of broken mules from C. H. Merrill and son Tuesday, and will do their own freighting in the future. Henry Cox will be the driver.

### Sales Made B. E. E. Fitch

of Merrill during the past week:

C. W. Renfro to W. H. Hadley 130 acres near Merrill. Consideration \$3000.

Whitney Mercantile Company to Frank Bloomincamp: Mint saloon property. Consideration \$6000. It

## RAILROAD IS NEAR

### Will Reach Orrs Lake By July 4th

### MT. HEBRON BY SEPT. 1st

### Seven Hundred Men at Work and Work Progressing Rapidly

Thirty-five miles from Teter's Landing by July 4! That is where the terminus of the California Northeastern will be. Already heavy steel has been laid five miles north of Grass Lake, and work towards Orr's lake is being pushed as fast as possible. The contractors are satisfied that they will reach this point by July 4. Orr's lake, or Bray's, as it will be known after the railroad gets there, is nine miles south of Mt. Hebron. Grading outfits are at work all the way to the latter station and it is expected that Mt. Hebron will have railroad connections by September 1st.

Seven hundred men are employed now and this force is being added to daily. The deserts are not so frequent as they were last year and the contractors are beginning to figure with some degree of certainty since the doubtfulness of getting labor has been eliminated.

The question of whether a temporary track or a tunnel will furnish passage over the divide has not yet been settled, but the indications are that a tunnel will be bored.

### Through Service

The "stop over at night at Pokegama" part of the trip from here to Thrall has been abolished, the summer schedule going into effect Wednesday morning. While the hour of departure is a little disagreeable, the delightful weather makes it something of a pleasure, especially since it will be possible to go right through without stop. The schedule is as follows:

Leave here by boat at 3 a. m.; arrive at Keno, 5 a. m.; leave Pokegama 10:30 p. m.; arrive at Thrall, 12:30 p. m. The schedule from Pokegama remains the same.

For those who object to the early hour, sleeping accommodations are furnished on board the steamer Klamath. The capacity in this respect is limited, but the service is splendid. Breakfast is served after reaching Keno.

The transportation sky is still overcast with a haze of uncertainty, although it is fast clearing. For a while it looked as if there were going to be lively times, but a trace has been patched up to last until May 10, when matters will be settled definitely. Until that date the steamer Klamath will remain on the Keno run, and it is quite probable that the service will be made permanent for the balance of the summer.

### Church Services

M. E. CHURCH  
Sunday school at 10 a. m. Preaching at 11 a. m. Junior League at 3 p. m. Epworth League at 6:45 p. m. Preaching at 7:30 p. m. Strangers and all will receive a hearty welcome. P. Conklin, pastor.

BAPTIST CHURCH  
Preaching services next Sunday at 11 o'clock a. m. and 8 o'clock p. m. Sunday school at 10 o'clock and B. Y. P. U. at 7:15 p. m. Everyone invited.

### South Midland

A beautiful tract of land, platted in town lots, located adjacent and to the south of the town of Midland and within five minutes walk of the railroad depot site. Lots sold for cash at reasonable discount, or on terms to suit purchasers' title perfect. South Midland is situated upon the main line of the Southern Pacific, now under construction from West, California, to Klamath Falls, Oregon, and is located in the center of one of the largest districts in Southern Oregon. A few choice lots left and now on sale as low as fifty dollars. This is your time to get in on the ground floor and invest in a town destined in the near future to be one of the largest commercial centers in Klamath county.

Call upon or address all communications to, South Midland Town Site Co., PIERCE EVANS,  
Corresponding Secretary.  
MARK L. BERSS,  
J. F. NOWLIN,  
Local Agents.