

COUNTY IS RESTRAINED

Cannot Sell any Grant Lands for Taxes

AN INJUNCTION IS ISSUED

Claim Advanced that 1906 Assessment is Exorbitant

A complaint has been filed in the Circuit Court in this county by Noland & Smith, attorneys for the California & Oregon Land Grant Company, and Oregon Military Land Grant Company, against Klamath County, relative to taxes for 1906 on the holdings of these companies in this county.

The complaint sets forth the fact that these lands were assessed for the year 1906 on a valuation of from \$3 to \$5, and that each and every parcel of said lands is assessed beyond its cash value, taking into consideration the fact that the country where said lands are situated is wild, uncultivated and unsettled, and that the greater portion of said lands are arid and of poor quality, and far removed from any transportation lines, public roads, and that there are no local advantages of any kind or description whatsoever.

That lands of a similar character in other adjoining counties are valued on the assessment of fifty cents per acre. That this assessment was made by the assessor fraudulently, conspicuously and arbitrarily, said assessor not having visited said lands or having taken means to ascertain their true value, as required by law, but that said lands were assessed at fully six to ten times their true cash value.

"That the Board of Equalization refused to correct said error in valuation of said lands, and well knowing that the lands in the same locality, and of like or greater value, were not assessed more than one-fourth of the value put upon the lands of said California & Oregon Land Co., entered an order in the County Court Journal, refusing to put a fair valuation upon the said land, and confirming the said valuation of the assessor."

That the said lands for this year (1907) were assessed and equalized at the sum of seventy-five cents per acre, and that the assessments prior to the year 1906 placed a valuation upon said lands lower than the valuation of 1906.

That the sheriff has advertised the said land for sale for taxes on the 28th day of February.

"That for the year 1907, the said Board of Equalization valued said lands, at the average valuation of \$75 per acre," and "that the sum of \$1120 is a reasonable sum as tax with penalty, interests and costs in said amount, to be paid said 28th day of the year 1906."

That on the 20th day of February 1908, the plaintiffs tendered and offered to the sheriff, the said sum of \$1120 as payment of such tax etc.

"That plaintiff now brings said sum into court and deposits the same with clerk of the court for the defendants."

Wherefore the plaintiffs pray that the

sheriff be temporarily restrained and enjoined by an order of the Court from selling the property described in the notice of sale, and that upon final hearing said restraining order be made perpetual.

That said sum of \$1120 be decreed as a reasonable tax, the same including penalties, etc., for the year 1903, and that the county by decree, be perpetually enjoined from the collection of any further tax for the year 1906, than that paid or tendered herein.

Judge Benson Thursday issued a temporary injunction restraining the sheriff from selling for taxes the property of the California & Oregon Land Company, which was advertised to take place today in the sheriff tax sale. This injunction will be in force pending a final hearing.

Big Real Estate Deal

One of the largest real estate deals ever consummated in this city was put through Tuesday, when L. Jacobs purchased from G. W. White the property at the corner of Main and Sixth street. It has a frontage of 130 feet on Main and is 116 feet deep. This deal has been under consideration for some time and so certain was Mr. Jacobs of purchasing it that he had plans drawn for the structure that is to be reared thereon.

This building will be modern in every respect. The ground floor will be divided into five storerooms. Upstairs will be a hotel, with a ground floor office. Each room will have hot and cold water and several will have private baths. It will be a hotel that will have few equals in the state outside of Portland and will be an ornament to the city.

The price paid for the property was \$15,000, and is a fair indication of the manner in which business property in this city is increasing in value. This is the first step in the movement looking towards the upbuilding of a greater Klamath Falls and one that will this year be followed by many other enterprises of equal importance.

K. of P. Lodge for Dorris

Members of the K. of P. report that a lodge is being organized at Dorris, and it is planned to have the instituting ceremonies take place at the time of the arrival of the first train into that town. The drill teams from the Yerka and Klamath Falls lodges have been asked to assist in instituting the lodge, and the members of the local lodge are now busy drilling, so as to have a crack team to take to Dorris to put on the work. They are going to show the Yerka boys that they know something about ritualistic work.

Notice

Bids will be received by the undersigned for 75 cords of 4-foot pine wood, cut live pine, to be delivered at the public school grounds by August 15, 1908, corded up, 10 per cent of the amount of bid must accompany bid. Privilege is reserved to reject any and all bids. Bids will close at 1 o'clock, March 7, 1908.

By order of the board of school directors, District No. 1, Klamath County, Oregon. J. W. SIEMENS, Clerk.

The Klamath Oil Co.

Owing to numerous inquiries, for information, and a place to purchase stock, have made arrangements to provide such a place at Heitkemper's jewelry store. Stock can be bought and any information regarding the company can be obtained by calling on Mr. Heitkemper at any time. It

City Council

At the meeting of city council Monday evening City Attorney C. F. Stone handed in his resignation and requested that it be accepted as he was unable to give the office attention on account of his private practice and office work. The mayor thanked Mr. Stone for the efficient manner in which he had conducted the office and regretted his resignation. He appointed D. V. Kaykendall as his successor, and the appointment was immediately confirmed by the council.

A petition by the residents and property owners along sixth street, was presented by Frank Ward, asking that the law covering the killing of animals and the keeping of hog pens within the city limits, be enforced. The petition cited the case of C. D. Willison, who had an enclosure and sheds, used for slaughtering purposes, on sixth street. The marshal was ordered to notify Mr. Willison and see that the nuisance was abated.

Dr. Merryman, Special Health Officer, presented his report for February, which showed that at the present time there was only one case of quarantine in the city. The report was very complete and stated every case visited and when quarantine had been established for scarlet fever and when removed, also places that had been disinfected. The Council was very much pleased with the completeness of the report and it was suggested that the health officer make monthly reports in the future.

Mr. Ward also called the attention of the council to the fact that certain property on eighth street was being used as a dumping ground, also to the condition of the property at the corner of Klamath and Eighth street, where a barn has recently been torn down. The matter was quite thoroughly discussed by the members of the Council as to the advisability of securing a city dumping ground. The Mayor stated that he would take the matter up later and probably call a special meeting in a few days.

Liquor licenses were granted I. P. Taber, at the American Bar and Ballard & Stahlman, at the Bank Exchange. The application of J. R. Melton, of the Standard saloon, was read the first time. Building permits were granted L. F. Willis for an office building on lot 4, block 37, on Fifth street, and to Chas. Biehn for a residence on Walnut street between Fifth and Sixth.

On request of W. H. Mason, an ordinance was presented by Councilman Schallcock, asking for a franchise for the Inland Electric Company for a street railway line from the Eastern end of Main street to Seventh, to connect with the present terminus of the K. F. Land & Transportation Company's line. It is the purpose of the company as explained by Mr. Mason to construct and operate a line from Merrill, and they desire an entrance into the city. The ordinance was laid over until the next meeting for correction, which Mr. Mason offered to make.

The surprise of the evening was sprung when the Mayor read a letter from the Gamewell Fire Alarm Co. enclosing the following communication from Harry Caden, secretary of the Civic Federation:

Klamath Falls, Ore., Feb. 24, 1908. The Gamewell Fire Alarm Co., Oakland, Cal.

Dear Sirs: For your information and in order to save you a possible money loss, I beg to state, that at the last meeting of the Civic Federation of Klamath Falls, February 18th, the following resolution was adopted:

"Whereas, it appears that the Common Council of the city of Klamath Falls, has, or is about to, enter into a contract for the purchase of a fire alarm system for said city; and Whereas, it further appears that said Common Council exceeded its authority in taking such action without sanction of the tax-payers of said city; Be it therefore, resolved, that it is the sense of this meeting that the issuing of warrants for the payment of said alarm system should be enjoined."

The resolution was referred to the executive committee for action. This committee has full power to act. The contract referred to is illegal in several ways. The Civic Federation is composed of a hundred of the substantial citizens of Klamath Falls.

Very respectfully, (Signed) HARRY CADEN, Secretary Civic Federation.

After discussion by the members it developed that it was the sentiment of the Council to stand by their action. The matter will be taken up at a special meeting after consultation with the city attorney. Councilman Schallcock stated that at first he was opposed to the purchase, but was induced to vote for it when he learned that practically all the property owners in his ward favored the proposition. He felt that he represented the wishes of the citizens of his ward in voting as he did.

The following bills were allowed:

K. K. K. store, supplies for Fire Department	33.25
Don J. Zumwalt, city engineer	20.87
Underwood & Heitkemper, wood	59.00
Underwood Pharmacy, material for disinfecting	25.10
Glass & Prudhomme, warrant books	22.00
Geo. T. Baldwin, apples	24.75
Zim Baldwin, plumbing city hall	135.00
Chas. Adams, labor	11.25
E. B. Ramsby, labor	11.75
A. E. Gillett, police	75.00
C. C. Low, marshal and express charges	100.75
Jesse Hart, police	75.00
E. E. Jamison, police	85.00
G. W. Messner, labor	11.25
O. K. Transfer Co., hauling	7.60
Herald Pub. Co., advertising	1.90
J. C. Morsold, labor	27.50
K. F. Lt. & Water Co.	126.30
J. W. Siemens, treasurer	12.50
Pacific Stamp Works, dog tags	4.25
Dr. Merryman, special health officer	75.00
C. F. Stone, city attorney	33.00
A. L. Leavitt, police judge	33.33
Total	\$1,011.18

CLEARED OF CHARGE

Peter Petersteiner is Freed by the Jury

DELIBERATIONS BRIEF

Fifty Minutes after Taking Case Verdict is Returned

When Court convened Thursday the examination of Mrs. Johnson was continued by the state. She was followed by Mr. Hixon and Mrs. Welch.

Their testimony was relative to the injuries received by Johnson, especially bringing out the fact that besides the injury to the eye, there was also a swollen ridge across the head, which caused him considerable pain. This evidence will be used in strengthening the contention of the prosecution that Petersteiner not only ran the cue into Johnson's eye, but first hit him over the head with it.

The prosecution did not introduce the testimony as to the dying statement of Johnson, but it is expected that the defense will use it as evidence.

The first witness for the defense was Court Reporter Richardson, who was used for the purpose of impeaching the testimony of L. Emerson. It was shown that some of his testimony did not agree with statements made at the preliminary hearing and the former trial.

E. J. Hawkins, one of the solo players in the saloon on the night of the trouble, contradicted Emerson's testimony as to the number of persons at the card table.

Wm. McIntire—known as "Blackie"—testified that he was not one of the solo players, as stated by Emerson, and that he was not in the saloon on the night of the trouble, but in another part of the town.

A diagram, drawn by Hawkins, was introduced showing the arrangement of the interior of the saloon, and greatly aided in the descriptions of the occurrences on Christmas eve.

Ludwig Biehn was on the stand when court adjourned for noon. His testimony was along the same line as in the former trial.

At the afternoon session the defense examined Ludwig Biehn, Hawkins, Dr. Merryman and George Biehn, and their testimony was practically as that given in the Corpron trial. Deputy Prosecuting Attorney was then called to the stand and questioned as to the statements made to him by Johnson, relative to who inflicted the wound, at the time that Stone was investigating the case for evidence. The questions were objected to by the State and sustained by the Court.

Attorney Mills took an exception to the ruling and stated that it was his purpose to prove that Johnson told Stone that Corpron was the man who ran the cue into his eye. Mills informed the court that he wished to bring in testimony as to the statements of Johnson after his injury. At 3:45 the Court dismissed the jury until 9:30 in the morning, for the purpose of hearing the arguments and evidence as to the admissibility of these statements.

The continuation of the trial of Petersteiner was delayed Friday on account of the sickness of one of the jurors, Ira Hanson. Mr. Hanson suffered an attack of rheumatism yesterday and this morning was unable to leave his room. He is being attended by Dr. Merryman and it is believed he will not be able to be in court tomorrow.

Peter Petersteiner, who has been suffering from a cold and ill health, due to a certain extent, to his close confinement in the county jail, was allowed to spend Sunday night home, under guard. This was done on the advice of Dr. Merriman, who stated that the jail was hardly the place for a man in Mr. Petersteiner's physical condition.

Although the defendant is far from a well man, it was considered best by both sides to conclude the trial today, as it was so near completion. Juror Hanson, who has been suffering with rheumatism, was able to be driven to the court house.

On convening of Court, Mr. Petersteiner was placed on the stand in his own defense. His story of what occurred and the part he took in the trouble on Christmas eve, was clear and very straightforward, and made considerable impression on the spectators.

He stated that he was playing solo with other parties at one of the tables in the rear of the saloon. The first he heard was someone fall on the floor. He rushed out from behind the partition and saw Schmidt lying on the floor. He thought he was stabbed. He saw Johnson reach for something on the bar and thought he was getting something to throw. He grabbed up a stick lying on the floor to defend himself. He did not know what it was, or whether it was a piece of billiard cue or not. Johnson then rushed out of the door and was followed by Corpron, who had some difficulty getting the door

Chamber of Commerce

Tuesday night's meeting of Chamber of Commerce was one of enthusiasm and was attended by many of our progressive business men. The Chamber, by its sincere efforts for the upbuilding of the city and county, has won the confidence of the people, and the substantial citizens are now giving this organization their hearty support. The Chamber has been without a secretary and R. H. Dunbar was urged to accept the office. Upon his resignation as vice president, he was unanimously elected secretary.

There were many matters considered by the Chamber, the most important being the proposition of requesting the Department of Agriculture to make a soil survey of Klamath County. H. W. Heileman, soil expert of the Reclamation Service, discussed at length the importance of this work, and President Martin, of the Water Users Association, urged that the Chamber and Association work together in getting the Department to undertake the survey. A resolution introduced by Frank Ira White, instructing the secretary to write Congressman Hawley requesting him to recommend such a survey, was passed.

Mr. Morgan, of The Holcomb Realty Company, and Mr. White, both commented on the fact of the impossibility of securing reliable information on the outside, as to how to reach Klamath Falls.

Mr. Bishop addressed the meeting in regard to the Wood River Improvement Fund, which was raised last year by an excursion on the Winema, to be used in opening up Wood River. It was his contention that the money ought either be given to the Fort Klamath Chamber of Commerce or be returned to Capt. Totten. After considerable discussion it was decided that the Chamber had discharged its obligation in the matter.

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