

WATER USERS MEET DIRECTORS. Ask That They Rescind Their Action and Get Work Started.

A large number of the land owners of the Klamath Project met Saturday afternoon with the directors of the Water Users Association, and a general discussion was entered into in regard to the directors' action and the recent order of the Reclamation Service to stop work. The land owners present asked to be made acquainted with the communications between the Association and the Secretary of the Interior, and on motion of Mr. Stephenson, the secretary read the correspondence on the subject. The letter was dated Washington, Jan. 2, 1909, and is as follows:

Warned By Garfield.
Sir:—Your letter of Dec. 7 has been received referring to public notice of November 18, 1908, copy of which is enclosed. You state: "I am instructed by said board to respectfully inform you that under existing conditions and representations made by Reclamation officials and the Board of Directors of this Association at the time subscriptions were secured of land to the Association from individual land owners, which representation put the maximum price for water right at \$20 per acre, including maintenance, and which price induced the land owners to subscribe for stock, the Board of Directors at this time does not feel that the Association is obligated to ask for, nor attempt to force payment for more than \$20 per acre on land subscribed."

I am not clear as to what you have in mind in the matter, but assume that reference is made to section 5 of the contract executed by my predecessor, Hon. E. A. Hitchcock, on February 23, 1906, with the Klamath Water Users Association to the effect:

"That the said Klamath Water Users Association hereby guarantees the payment of that part of the cost of irrigation works, which shall be apportioned by the Secretary of the Interior to each shareholder, and will promptly collect or require prompt payment thereof in such manner as the Secretary of the Interior may direct, etc."

There is no reference to maximum of \$20 per acre in this or any matter on file in this department. I am, of course, not personally informed concerning conditions which prevailed precedent to the signing of this agreement, but have had careful search made of the records to ascertain what facts may be available to cast light on this.

I infer from previous correspondence, notably a letter from the secretary of the Association dated March 2, 1907, that the Water Users Association has taken it for granted that the Secretary of the Interior could not charge more than \$20 an acre. How this opinion arose, I do not know, but it is clearly erroneous. If it is based upon the assumption that statements or letters written by employees of the Reclamation Service should set the limit, a little reflection should show you that this is impossible. A formal contract cannot be varied, and besides it is well established in governmental affairs and is reflected in numerous orders and decisions in every department that the head of the department cannot in any way be bound by the statements of officers of the department except when they are duly authorized to bind him.

If the Association, as intimated by this letter, believed that it is absolved from any one section or requirement of this agreement of February 23, 1906, the question properly arises whether it considers itself bound by any other portion of the agreement, and if not what steps should be taken to have the agreement explicit and binding? Until all such doubts are solved, it may be wise to suspend further work not actually required for the maintenance of the portion now completed.

Kindly give us an early and explicit reply on these points.
Respectfully,
JAMES RUDOLPH GARFIELD,
Secretary.

W. H. Mason, who has been in Portland, returned on the boat Saturday and was present during the latter part of the meeting. He stated that he had gone to see Supervising Engineer Henny, and that Mr. Henny told him that if there were any other Klamath County people in Portland to bring them to the office that he might discuss the matter.

C. S. Moore and Judge Baldwin and others went with Mr. Mason to see Henny. They were told that the government considered the contracts as legal and proper, and that they could do nothing except demand that the cost be paid. If this was not done the work would have to be stopped until the money expended was collected.

Director Stephenson argued that he thought it was not the time to take action in the matter. He believed that they ought to wait until their representative in Washington had returned. Mr. Ruesch, who has opposed the action of the directors, said that he believed that now was the proper time to do something, and wanted some action taken in the matter at once.

The majority of the directors appeared to be willing to consider the requests of the land owners present, and it was decided to take the matter under consideration, and the land owners were asked to meet with them again at five o'clock.

At the appointed time the landowners again met with the Directors. The previous action of the board was discussed at some length, the land owners urging that immediate action be taken to induce the Secretary of the Interior to order a renewal of the work on the project. The majority of the Directors were in favor of waiting until they heard from the representative they had sent to Washington. The land owners then presented the following resolution, which was signed by a large number of the prominent members of the Association:

"Whereas, The discontinuance of work on the greater portion of the Klamath Project is deplored by the land owners, and is about to create a distinct loss of large proportions to many stockholders of the Klamath Water Users Association, by reason of the serious delay threatened in bringing the larger acreage under irrigation; We feel that the stoppage of work is a great injustice to the people of Poe, Yonah and Langell valleys, and parts of the Klamath and Tule Lake valleys not yet under the canal system; We also feel that, should work not be continued this year the completion of transportation lines promised by the Southern Pacific would be endangered, and that in various directions the general advancement of the Klamath Basin would be jeopardized. Therefore, be it

Resolved, That it is the opinion of stockholders of the Klamath Water Users Association, that the Board of Directors of said Association take immediate action to counteract whatever resolution or acts that have tended to bring about the present situation."

At the meeting of the Directors in the evening, the secretary was ordered to wire Attorney Smith in Washington, requesting him to use every effort to induce Secretary Garfield to renew the work on the project. The meeting adjourned with the members agreeing to meet again at any time on the call of the president to consider the matter of the recall of the representative, or any other important action that might be necessary.

WASHINGTON, Feb. 6.—Senator Fulton, of Oregon, and R. S. Smith, of Klamath Falls, held a conference with Secretary Garfield and urged the Secretary to put in operation a new plan for lands under the Klamath Reclamation Project.

Water rights at Klamath have been fixed at \$30 per acre, divided into ten equal payments of \$3 each. Smith wants the department to make the first payment \$1 or \$1.25 per acre and gradually increase the amount so that the last payment will bring the total up to \$30. He says settlers will have difficulty in paying \$3 per acre the first year, but when development is well under way will be able to make much larger payments. Secretary Garfield took the matter under advisement.

Smith is also asking the department to waive the maintenance charge of 75 cents per acre. He contends there is no provision in the reclamation act authorizing the imposing of this charge. He has not yet received an opinion of the department on his requests.

SURVEY COMPLETED. S. P. Engineers Finish Surveys From Alturas to Klamath Falls.

Two of the Southern Pacific engineering crews which have been making surveys for new roads in Klamath County, reached here Saturday. A crew of about fifteen men under Engineer Rankin, completed the survey this morning between this city and the Klamath Marsh, a distance of over 40 miles. The survey was made from a point above the city to near the northern end of the lake. Another survey was made from Klamath Marsh this way. The gap was closed Saturday. It is probable that Mr. Rankin's crew will stop work here for the present, as the snow is too deep to make much progress north of the marsh at this time of the year.

Engineer Knowlton, with a crew of over twenty men, has tied his survey to connect with the yards below the county road at the outskirts of the city. Mr. Knowlton has been working on the Alturas line, and a preliminary survey was made to Midland, and it was expected that that would be the terminus. Immediately upon Mr. Knowlton's return from Salt Lake City, work was commenced upon a survey up the center of the valley and the connection was made with the Southern Pacific yards in Klamath Falls. This would indicate that a change of plans has been made and that the terminus of the Alturas line will be in this city. It is believed that Mr. Knowlton will now commence working south to make locations for permanent survey.

CRUSHER SOLD.
All the castings and iron of the old rock crusher has been sold by the city to the Klamath Falls Iron Works as old iron. There were about 10,000 pounds and the price paid by the foundry was one cent a pound. The foundry people have promised to try and dispose of the trucks and elevator for the city.

The city recently sold the engine to W. W. Masten, and this last sale disposed of Klamath Falls' original \$4000 rock crushing plant. The crusher was so badly damaged from use that it is stated that its only value was as old iron.

AT THE OPERA HOUSE.

The audience at the Opera House last night witnessed some first class vaudeville acts in connection with the moving pictures and illustrated songs. Mr. Hearde, as a darky comedian, pleased all present and Miss Bruce was an able assistant.

Miss Bruce and Mr. Hearde will be seen again tonight in an entire change, consisting of high class singing, dancing and vaudeville acts. The pictures for tonight are: On the Track a bear hunting scene; Watchmaker's Wedding, comic, and Money Mad, a tragedy.

BUYS PROPERTY FOR HOSPITAL.

Mrs. Emily A. Humphrey has purchased the G. W. White residence and property on Fourth street. The house contains fourteen large rooms and is to be used as a hospital building. Possession of the top floor is given immediately, but full possession of the building will not occur until March 5. The consideration was \$5500.

Mr. White will begin the erection of a bungalow early in the spring. He will probably build in the Hot Springs addition.

MASONS ACCOMPANY BODY TO LITTLE SHASTA.

A large number of members of the Masons lodge and a committee of Odd Fellows escorted the body of the late Ernest Soule Friday from the residence to the boat. The body was taken to Little Shasta for burial, and was accompanied by Mrs. Soule and two brothers of the deceased, and a committee of Masons composed of George L. Humphrey, George Chastain, George Grizzle and E. B. Henry.

VIRGINIA APPLGATE.

Virginia, the seven year old daughter of Mr. and Mrs. Glenn Applegate, died at 5 a. m. Tuesday of inflammation of the bowels. The family moved here about two weeks ago from Portland, Mr. Applegate coming here for the benefit of his health. The funeral was held at 2 o'clock Wednesday. Services were conducted in the Methodist church.

A MODERN HOTEL. Harriman Backs Big Hostelry on Hot Springs.

Col. W. H. Holabird on his recent trip here made the statement that Klamath Falls would have a modern hotel and sanatorium the coming year. The hotel is to be built on the Hot Springs.

Mr. Holabird stated that E. H. Harriman had guaranteed \$20,000 toward the building, if an additional \$30,000 was raised and lease was secured to put in \$50,000 to furnish the rooms. Mr. Holabird has the additional \$30,000 and expects to close the deal with a prominent hotel man for the leasing of the building.

Col. Holabird is also promoting the establishment of a big club house in the northern part of the county, which will probably be located on the Fort Klamath peninsula, which is the property of Mrs. M. McMillan, of the Lakeside Inn.

Col. Holabird has been the instrument of bringing many good things to the Klamath country and he has never yet made a failure in any of his promises. He firmly believes that Klamath County is destined to become one of the most famous summer resorts on the coast, and he usually is able to find men with money to back up his judgment.

FISH AND GAME TRAP. Inventor Southworth Has Devised a Very Ingenious Affair for Catching Mink and Other Animals.

P. B. Southworth, the Klamath Falls inventor, has devised an apparatus for catching mink and other animals and which also can be used on a smaller scale for catching fish.

The device is an oblong shaped affair smaller than a lead pencil, which is inserted in the minnow or whatever bait is used. It contains an air chamber which will float the minnow so that it would appear as alive. After the minnow or bait is swallowed by the fish, any strong pull on the line would release a spring which would force two needle like prongs into the fish and hold it fast. The fish can be released by pushing on a small rod connected with the line.

The device is particularly designed for catching mink and other animals of that nature, and it is claimed that it would be a much better method than the old style trap in that it would in no way injure the hide. It is also much more humane as the animal would choke to death in a few minutes, and would not be left to suffer for hours as is many times the case when it is mangled in a trap.

TO BUY ROAD MACHINERY.

The County Commissioners are still investigating rock crushing machinery, with the intention of purchasing a plant to be used in building and improving the county roads.

Mr. Young, of a San Francisco firm, is here and the commissioners have been in consultation with him today. It is their intention to purchase a rock crusher, engine and roller, and they intend to get only first class machinery.

By saving on other expenses, the Commissioners have been able to more than double the road levy for this year. The road fund has also been added to to the extent of over \$4000 from the state as the county's proportion from the sale of public lands. The Commissioners believe that this is a good time to make a start to secure the proper machinery, which will enable the road commissioner to construct good, permanent roads.

CIRCUIT COURT NEWS.

Monday.
The attorneys in the case of the State vs. Joseph Coburn spent the entire day in examining and selecting jurors. The regular panel was exhausted and a special venire of five summoned. At 3:30 eleven jurors had been secured and the special venire exhausted. The Court ordered two more men summoned from which to select the last juror. The trial of the case will be commenced in the morning.

Dave Alexander was arraigned this morning and asked for time in which to procure a lawyer. He was given until tomorrow.

I. Wright, who was indicted by the Grand Jury on a charge of perjury, arrived this evening from Grants Pass and went to the sheriff's office

to have the warrant served. Mr. Wright was notified by telephone of the indictment and informed the officers that it would not be necessary to send after him. He asked how soon he was wanted and asked to be allowed until Monday or Tuesday. He was told that that would be in plenty of time, and he arrived this afternoon as promised.

Wednesday.

Dave Alexander appeared before the Court this afternoon and entered a plea of not guilty. His case was set for February 23.

The State in the Coburn case practically finished its evidence at noon today, with the exception of J. G. Wight, whom they wished to recall later. By agreement of the attorneys the evidence of Barclay which was given in the former trial, was read to the jury from the copy of the testimony.

Several of the witnesses of the defense had not arrived, particularly Dr. Hemenway, who lives at Yainax. Dr. Hemenway is one of the important witnesses for the defense, and was delayed on account of the storm and the condition of the roads. It is expected that he will arrive before the case is concluded, but if he does not get here in time, his former testimony will be read. The case will probably last another day.

ALEXANDER RETURNS.

Dave Alexander, who was sentenced to 200 days in the Siskiyou County jail at Yreka, arrived in the city last Saturday on the boat. The California authorities must have gotten tired of boarding our friend Alexander and given him his freedom before his time was out.

After leaving the boat Alexander walked down Main street to greet his old friends, and Deputy Sheriff Schallack was so pleased to see him that he insisted that he occupy one of his rooms in the county jail. An "indicement" was returned against Alexander for attempting to shoot an Indian, but the officers did not want him bad enough to go after him, or to lay plans for his arrest when he left the Yreka jail. They were satisfied as long as he remained away from Klamath County, but if he ever did come back they were ready for him.

MANY TAKE EXAMINATION.

County School Superintendent J. G. Swan, assisted by G. R. Carlock, of Merrill, and Prof. W. E. Faught, of Klamath Falls, began Wednesday the teachers' examination for county papers. The examination will last until Saturday and is being held in the Klamath Falls Public School building. There are no applicants for state papers, but the following are taking the examination for county papers:

Rachael Applegate, B. P. Alexander, Bessie Bell, Ernest Burnham, R. H. Dunbar, A. E. Elder, Restora French, Ida Grimes, Cora Griffith, Jane Given, Arched Kirkendall, B. E. Lee, Alice Lytle, Veta Mulkey, Myrtle Pitney, Ruby Nichols and Mona Ward.

FLOAT AT ROSE FESTIVAL.

Klamath Falls is likely to be the first of the communities of Oregon to arrange for the entrance of a floral float in the "all-Oregon" parade of the next annual Rose Festival. Judge George T. Baldwin, one of the leading business men of that region, is in the city and has assured the festival management that he will do all he can to persuade the Klamath Falls Chamber of Commerce to send another float here. Baldwin says he believes the Klamath Falls float of last year was about as good advertising as his district ever had.—Oregonian.

COUNTERFEITING CASE.

It is rumored that Deputy U. S. Marshal Griffith is looking for a number of witnesses in a counterfeiting case. It is the case of Frank Jennings, who is under arrest in Portland charged with making counterfeit money in Jackson County near Medford. Jennings was in Klamath Falls several months last fall, but it is not known whether there are persons here believed to have been implicated with him, or that they are simply wanted to give evidence as to his doings while here.

TO LICENSE REAL ESTATE MEN. BILL WILL BE INTRODUCED TO PROVIDE YEARLY FEE OF \$100.

The City Council of Klamath Falls has discussed at considerable length the passing of an ordinance providing for an occupation tax, and special stress was laid on its application to real estate dealers. It was argued at the time that it would not be legal unless a general license was fixed for every business house in the city. A bill is now to be introduced into the Legislature providing for an annual license for real estate agents, the same to be paid to the county. The Portland Telegram has the following on the subject:

Real estate agents of the entire state must each pay a license of \$100 a year in advance, if the following bill becomes a law. It is in charge of Senator A. A. Bailey, who will have one of his friends introduce it in the House. It was gotten up by M. J. Higley, a Portland real estate man, who is tired of "curbstoners" taking his business away from his door, he says.

"There are 1500 real estate agents in the state of Oregon," Mr. Higley argues, "and so the revenue of the state treasury will be the gainer by \$150,000 if this bill can be passed." The bill reads:

"Be it enacted by the Legislative Assembly of the state of Oregon, and be it enacted by the people of the state of Oregon:

"Section 1. All persons engaged in selling real estate for another person, firm or incorporation, and all persons who shall sell, barter or exchange any real estate or shall offer for sale, barter or exchange any real estate belonging to any other person, firm or incorporation, and any person or incorporation displaying any sign having for its purport the selling, bartering or exchanging of real estate, on any building or store, either directly or indirectly, shall be deemed by this act to be real estate agents.

"Sec. 2. All real estate agents shall pay to the county in which he resides and operates a yearly license of \$100, in advance.

"Sec. 3. Any violation of this act, upon conviction before any magistrate, shall be punishable by imprisonment in the county jail for a period not exceeding 250 days, or by a fine of not less than \$50 nor more than \$500, or both."

MANY WITNESSES SUMMONED.

Deputy U. S. Marshal Griffith has sixteen subpoenas to serve in this county for witnesses before the United States Grand Jury in Portland. The following six have been served: George H. Orr, L. D. Burk, H. G. Wilson, R. M. Richardson, J. O. Hamaker and Earl Whitlock. Most of the men are supposed to be wanted as witnesses in the case against William Barclay, who is accused with murder. In summoning witnesses the Grand Jury does not state for what case they are wanted, and it is believed that there must be other cases under consideration, as so many witnesses would hardly be needed for one case, especially by the Grand Jury.

It is estimated that this bunch of witnesses from Klamath County will cost \$800 for mileage alone, besides their allowance per diem. The witnesses are summoned to appear in Portland on next Monday.

IN MEMORIAM.

To the Worthy Matron, officers and members of Aloha Chapter, No. 61, O. E. S.: Whereas,

The mysterious messenger, Death, has again invaded our Chapter and taken a link from the golden chain of our membership, by the loss of our friend and brother, Ernest Soule,

Therefore, Be it Resolved, That the sympathy of this Chapter be extended to his relatives and while we with them mourn his loss, yet it is with the hope that "In the world where death comes not," we shall meet again.

Resolved, That a copy of these resolutions be sent to his relatives and be also spread upon a memorial page of the secretary's book.

Frank Ward,
Frank E. Ankeny,
Francis E. Boyd,
Committee.

Amberol Records play for four minutes. At Mullers. 1-14f