President Sanderson Replies to Mr. Gates.

Editor The Republican:

Mr. Gates on behalf of his company having seen fit to air his supposed grievances with the Common Council in your issue of the 18th, and charging it with repudiation, inaction and dishonesty, it seems proper that a word or two should be said in defense of the Council. One side of a case always looks good until the other side is presented, then it looks different.

In his "notice to whom it may concern," Mr. Gates says: "conditions created by the inaction of the City Council makes it impossible for us to excavate in the streets for new work in electric and water extensions." Interviewed by your paper as to the meaning of that announcement he says: "It means that the City Council refuses to carry out the conditions of the contract between us and the city" Rather a weak plea in face of the fact that it was up to Mr. Gates, in 1905, to ask for a new franchise, if he deemed it necessary for the safe and successful conduct of his system within the city limits. A little farther on in the interview he states in reply to the interrogation put by the Republican: "why he should stop now," says "Because we have been doing that which was illegal is no reason why we should continue." To a man up a tree it looks like a case of "getting religion at the eleventh hour."

If Mr. Gates has been doing that which was illegal for four years, or to speak accurately, since April 30th, 1905 (that being the date the lighting franchise expired), why should he rail at the Council, charge it with inaction and endeavor to shift the responsibility because it does not instanter accede to his demands for new franchises that should have been made long ago, if at all.

The City Council is selected by the people to safeguard the interests of the city, and I suspect the "better element" had a hand in that election, too, and hasty action upon a matter of so much importance as a five year contract for water and lights, including the granting of franchises to Mr. Gates, to do business within the city limits for five years, might lay the Council open to the charge of gross carelessness.

At no time or place has the Common Council refused to give Mr. Gates a franchise; but they have refused and still refuse to be rushed pell-mell into making contracts and granting franchises to Mr. Gates or any one else that might embarass the city or private consumers of the lights and water in the future. The Council in viewing the situation felt that as Mr. Gates had been contentedly doing business within the city limits and outside the city limits for nearly four years without a franchise, during which period the monthly payment for city service had nearly trebled, owing to new service, why should not the Council, when Mr. Gates' long deferred application for new franchises, came in, take sufficient time to consider what the city needed, and determine where they were at. The Council did not consider that Mr. Gates, after being a free lance in the light and water business for so long would chafe at a delay of a month or so in the pending negotiations, or that its apparent inaction would cause any apprehension as to the legality of any work that might be done in the way of extensions, tapping of mains, and furnishing of lights or power. Had the city notified Mr. Gates to desist from carrying on his operations until matters were adjusted, his plaint might have been justified. Consistency is just as much a jewel in the diadem of a light and water company as anywhere else.

The furnishing of power and lights to territory outside the city limits upon the strength of his privileges within the limits, is not a matter that is before the Council. Mr. Gates has submitted propositions on lights and for a new main on Klamath avenue and extra hydrants, involving quite an outlay for monthly rentals on the part of the city, which the Council are considering. Now, is it not possible, that between the offers of Mr. Gates, embodied in those propositions, and what the Council will require, there should be an honest difference of opinion, that may result in a compromise of the terms of the contract? If it is a badge of dishonesty for parties to a proposed contract to compromise their differences as to its terms, the majority of business men, parties to transactions of that nature, are open to the charge of "starting dishonestly" in their negotiations. The matters pending between Mr. Gates and the Council are strictly of a business nature, and their minds must meet on the questions involved. Gallery plays and threats of legal proceedings have no place in the matter at any stage.

In October, 1900, the terms of the old light franchise (Ordinance No. 45), as to city service was repealed by mutual consent, and a new contract was entered into, which by its terms expired December 31st, 1905.

Since the latter date the town of Klamath Falls has changed its name and adopted a new charter. The present City Council is the fourth body of citizens sworn in to administer the city affairs since the light franchise expired. Wasn't it a reasonable presumption for the present Council to indulge, that Mr. Gates, not having applied for a new franchise, felt perfectly secure in pursuing the even tenor of his way? Practically all the extensions and improvements of the system have been made since 1905. The monthly rentals and charges paid the company during that time have greatly increased; and never has there been manifested a disposition on the part of the present Council to repudiate the warants drawn in favor of the company for that service.

Mr. Gates states in that interview, that after April 1st, that unless paid in cash for city service, it will be discontinued — that the warrants would be illegal.

It sounds a little strange, for Mr. Gates, after accepting the city's bounty for fourteen years, and occupying the attitude now, of asking a continuance of those privileges, to threaten a discontinuance of the city service and be the first one to discredit its warrants in a newspaper article; nay, more, to openly threaten to blacken its credit before the world in case it should have occasion to go into the market for sale of its bonds; and all because the Council assumes to take time to consider pending negotiations, that had their origin at the meeting of the Council in this month.

F. T. SANDERSON.
President of the Council.

HOW BENSON BALKED GAME BILL'S RECALL.

Merely by transferring the duck amendment to the game code from the Governor's pocket in his coat to the Secretary of State's pocket, Governor Benson executed a neat little coup on the Legislature when he learned the house was about to recall the bill for further discussion and riot. The Governor was anxious that the Legislature complete its work and did not believe in allowing a little thing like a duck to interfere.

Before the messenger from the House could arrive the Governor took the bill from his (Governor's) pocket indorsed it as follows: "Filed March 16, 1909, F. W. Benson, Secretary of State," and placed it in the Secretary of State's pocket.

When the messenger from the House arrived and made request for the bill, the Governor said:

"You are too late; the bill has just been filed with the Secretary of State."

LAKEVIEW HAS AUTO LINE TO ALTURAS.

LAKEVIEW, Or., March 20.—The Rinehart auto line, with E. E. Rinehart as proprietor, has been established between here and Alturas, the northern terminus of the N. C. O. Railroad. To meet the incoming rush of settlers three trips will be made in the week, although doubtless this will not be adequate for the members arriving daily, and those expected to arrive during the summer to locate on the public lands and those of the Oregon Valley Land Company.

The prospects of a railroad to cover this line are now very bright, and it is expected that a standard-guage will soon be substituted for the narrow-guage from Reno to Alturas, and be extended northward to Lakeview. A crew of surveyors is now at work between here and Alturas, obviously preparing for the construction of the contemplated extension.

CHASTAIN BUYS GROCERY.

George Chastain Friday purchased the stock of groceries of Edmondson & Risedorf, who have been conducting a store in the Brick Store building. An inventory of the stock was taken and the deal closed. Mr. Chastain left last Sunday for Sacramento where he will place his orders for new goods.

Mr. Chastain is experienced in the grocery business and is well acquainted with the trade of Klamath Falls and the county. He was connected with Mr. Willits for a number of years, before serving as County Clerk, and after leaving the Clerk's office he again engaged in the mercantile business and just recently sold his interest in the firm of Chastain & Obenchain.

EARTHQUAKE NEAR ALTURAS.

ALTURAS, March 18.—Report reaches here to the effect that the country in the vicinity of Canby was shaken up by either a volcanic eruption, an earthquake or an immense land slide. The residents of that section of the country were apprised of the fact that some disturbance was occurring, by hearing the sound of the disturbance, which reverberated through the small valleys and mountains there for perhaps twenty minutes. The occurrence was accompanied by a shock, which seemed to be something like an earthquake, but consisted of only one sudden, severe jar.

The shock was plainly felt in Alturas, but it was believed at that time that it was the result of some heavy blasting which was going on two or three miles from town.

It is claimed that the cause of the disturbance has since been discovered, and that it bears the appearance of having been an eruption from the side of one of the mountains about ten miles west of Canby. From the reports of those who visited the scene it seems that a large section of the side of the mountain, near the top, bears the resemblance of having been blown out by a terrific explosion. This started immense landslides, and the loosened land and rocks tore down the side of the mountain with frightful effect, filling ravines and gulches, tearing up forests and sweeping everything before in their path.

The mountain sides, where the explosion occurred, are fearfully broken up. Great fissures yawn in the bed-rock, the depth of which no one has yet been able to ascertain.

The quake was also heard in the vicinity of Tule Lake. The following is from the Merrill Record:

Last Friday morning shortly after 8 o'clock an unusually loud and continued rumbling like distant thunder was heard by many people living in the vicinity of the lavas, the sound lasting for probably thirty seconds. The reverberations were heard by C. V. Andrews and Nelson Fogle at their camp near the Barntop mountains some twenty miles south of this city and on the western shore of Tule Lake, by William Beall and others of the southern Oklahoma country and by many people in the Red Rock section of Siskiyou county. The extraordinary loud and prolonged noise was thought to be in the Pumicestone Lake and Glass Mountain region some forty miles south and a little west of Merrill, and those who heard it are positive that there must have been "something a doing" in that locality.

Singing "Onward, Christian Soldiers," 8000 men marched through the streets of Denver Sunday afternoon to attend the meeting held by Gipsy Smith, the evangelist. The meeting, which was attended by 14,000 men, unanimously adopted resolutions against the Cary-Wardlaw bill, now before the Senate, which, if passed, will practically destroy local option in the state.

The River Elbe is being tunneled at Hamburg at a cost of $2,000,000 to facilitate travel between the two sections of the city.

FOR SALE—A fine ranch of 600 acres, 250 head of cattle, 100 head of horses and mules. Price $25,000.
10-29 MASON & SLOUGH.

NEW WATER-RIGHT LAW.

All persons using waters of the streams and lakes of Oregon, whether for domestic purposes, for irrigation, mining or power, are affected by the new law enacted by the Legislature at the last regular session. To them, a brief summary of the provisions of the act will be of interest.

Section 9 of the law provides:

"The State Engineer and the superintendents of the two water divisions shall constitute a Board of Control, which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the state, and of their appropriation, distribution and diversion, and of the various officers connected therewith. The decisions of said board shall be subject to appeal to the Circuit and Supreme Courts, which appeal shall be governed by the practice in suits in equity, unless otherwise provided herein."

The state is divided into two water divisions; water division No. 1 includes all of the counties west of the Cascade mountains and Klamath and Lake Counties, and all the others counties are in division No. 2.

All former existing rights are recognized by the law to the extent of actual, beneficial use. No right is recognized if the beneficial use of water has been abandoned for a continuous period of two years.

Section 45 provides:

"Any person, association or corporation hereafter intending to acquire the right to the beneficial use of any waters shall, before commencing the construction, enlargement or extension of any ditch, or performing any work in connection with said construction or proposed enlargement, make an application to the State Engineer for a permit to make such appropriation." It is made a misdemeanor to violate this provision of the law.

It is unnecessary for those having a water right, whether of record or not, to make application for a permit; but for all new appropriations of water applications should be made to the State Engineer, Salem, Oregon. A form for making such applications are prescribed and blanks can be had from the State Engineer, without charge. Maps and drawings must accompany the application and the State Engineer will give instructions as to the nature of these. A fee of $3 is charged for each application, and a graduated scale of fees for filing and recording, based upon the nature and amount of appropriation. For irrigation the charge is 15 cents an acre for each acre to be irrigated up to 100 acres, and 5 cents per acre for each additional acreage up to 1000 acres, and over 1000 acres, 1 cent per acre. For power purposes the rate is based upon the theoretical horsepower to be developed.

Any water user may petition the Board of Control for a determination of all water rights on the stream. Blank forms for such petition will be supplied by the secretary of the board The board will, if facts and conditions warrant, adjudicate all rights and determine the various amounts and priorities. All claiming rights will be heard and the engineer will have the necessary surveys made. The scale of cost for this determination, for each water user, is the same as that given above for new appropriations. There is the privilege of contest and appeal. Upon final decree all rights on the stream and their priorities are settled and later appropriations can in no wise interfere with those determined rights.

The Board of Control has power to enfore its findings and the decrees of the courts and may appoint water masters to regulate the distribution of water. The water master may, if necessary, have headgates constructed. Requests for the appointment of water masters should be directed to the Board of Control, Salem, Oregon. The board has power to regulate the distribution of water from partnership ditches and reservoirs upon request of one or more of the owners.

Upon receipt of a two-cent stamp, to pay postage, the Board of Control will mail copies of the water code in full to any person in the state.

The members of the City Council

DUNKARDS ARRIVING.

SACRAMENTO, March 17.—Secretary O. H. Miller, of the Sacramento Valley Development Association, has received word that settlers leave Ogden for California at the rate of from 250 to 300 a day. He states that fifty or sixty drop off in this city. Besides this number coming via Ogden, many arrive at Sacramento from the East over the Southern route.

Today a carload of Dunkards passed through Sacramento on train No. 3, bound for Butte Valley. They come principally from the Dakotas, Wisconsin and Minnesota. Hundreds of people of this sect have arrived in this state since the first of the month, all bound for Butte Valley.

President W. H. McDoel, of the Monon Railroad, is the head of the Butte Valley promoters, who have opened a tract of 30,000 acres to Eastern settlers. McDoel's associates are said to be chiefly railroad men on the Union Pacific and other lines. The energies of the men interested in the project are therefore directed towards getting colonists to Butte Valley, and a well-organized campaign has resulted in the disposal of nearly the entire tract.

That nature has provided a thermostat at least for use in incubators that does away with the necessity of all the present-day complicated contrivances for automatically regulating temperature, is the belief of Luke Karnes, a miller residing near Martinsburg, Ky. Karnes puts a garter snake in his incubator. When the temperature becomes too warm, the snake crawls to the farthest corner of the incubator, where it coils and the weight causes the cut-off to tilt, thus allowing the apartment to cool. When the apartment gets too cool the snake crawls back toward the lamp and the cut-off is closed.

One of the principal objections to the use of the telephone for railroad dispatching is the fact that many vocal sounds are lost or very poorly transmitted by the very best of instruments now in use. For this reason it is often necessary to repeat a word or spell it out before it can be understood. Mr. Edison has recently been endeavoring to improve the telephone so that all sounds can betransmitted with perfect clearness. He is experimenting with a new transmitter with which he expects to obtain the desired result.

Claus Spreckels, who died in San Francisco recently, was the inventor of cube sugar.

In France alone rats and mice damage property worth $40,000,000 every year.