

### MEDFORD HAS RIGHT SPIRIT.

Will Carry Crater Lake Road Case to Highest Court in the State.

Medford has the spirit that should be found in Klamath Falls. If the Queen City of the Rogue River valley had half the natural advantages that Klamath has there would be no holding it down. As it is, she reaches into Klamath for its chief attraction, and is not afraid to spend the money to get what glory out of it that she can. It was Medford that started the Crater Lake road scheme; it is Medford that is making the fight to win out on it. The following from the Medford Tribune ought to either wake up this city or make it hang its head in shame:

At an enthusiastic meeting of the Medford Commercial Club Tuesday night thirty members signed the bond for costs of the appeal to the Supreme Court from Judge Galloway's decision in the Crater Lake road case and \$100 was appropriated for preliminary expenses. It was the unanimous sentiment of those present to fight the case through in the highest court.

Clarence L. Reames, who, with W. P. Lord Jr., appeared before Judge Galloway in behalf of the road, gave a detailed account of the case and the possibility of a reversal in the Supreme Court. He stated that Judge W. D. Fenton and other prominent Portland attorneys had agreed to appear before the Supreme Court and aid in the compilation of a brief. The appeal expenses would approximate \$300, the lawyers donating their services.

Many of the most prominent attorneys in the State have volunteered their services, and it is the opinion of a majority that the act is constitutional.

W. B. Wells of the Southern Pacific publicity bureau made a brief talk to the club, stating that the Southern Pacific was introducing great improvements in its community publicity plan, and that Medford, the originator of the pamphlet idea for towns, would have the first chance at the new offer, which would be in shape to make within a few weeks. He advised curtailment in the distribution of pamphlets, as more than half of those issued have been already distributed. He presented the club with the compliments of Wm. McMurray, a bound copy of this year's booklet. Similar ones will be placed on observation cars of the Harriman system.

The confidence with which many believe that the Supreme Court will overrule Judge Galloway's opinion in the matter of the injunction proceedings was greatly strengthened by the following opinion from ex-Judge Lord.

He took such an interest in the Crater Lake road case that he voluntarily filed this able brief on the constitutionality of the bill in the Marion County Circuit Court as "a friend of the court." The brief has the more weight, as the author was also the author of the Tillamook county road opinion, which forms the basis of Attorney McMahon's opposition. The brief reads as follows:

"This case comes within the two principles laid down in Allen vs. Hirsch, namely: (1), an international improvement that will contribute to the natural benefit of the State, and (2) that it will connect two large territories separated by high mountains and difficult of access, and its benefits are not distinctly material to the inhabitants along its line, but are distinctly beneficial to all the people.

"On one side the proposed road is connected by the railroad at Medford and numerous highways from that place leading to various local cities, towns and districts that lead to the Pacific ocean, and on the other side this road is connected at Klamath, which is accessible to the railroad, and from this place numerous highways diverge to Lake county and other counties in Eastern Oregon, leading to the Idaho border, and thus giving to all this vast area increased facilities for travel and business. Its influence, therefore, for the accommodation of the people and their business reaches from the Pacific ocean to the Idaho border. And all this consummated by building the proposed road from Medford by Crater Lake to Klamath.

"This road is not intended nor will its construction have the effect, simply to benefit Klamath and Jackson counties. Their benefits are only incidental, and not the chief object of the road, which is to make an internal improvement that will connect two large sections of the State and greatly contribute to their development.

"In principle, therefore, this road comes more directly within the Allen vs. Hirsch case than the case decided by it. Unlike the Tillamook case, which benefited only that county, and created an invidious distinction between other counties. This road is a link to connect two large areas which

are the principal beneficiaries. There is no word in the Constitution that prohibits the State from constructing a road of this character, which is regarded as an internal improvement and intended to serve two large sections.

"The clause in the Constitution to which reference is made as to the passing of local laws for laying out highways, etc., is to prevent the legislature from taking public funds and applying it to a particular locality for the special benefit of that locality and in which the people at large have no direct interest.

"Even the tourist aspect of this case is not to be ignored. On the contrary, that Crater Lake should be of such scenic importance and character as to attract tourists from all parts of the country to visit it, necessarily causing them to traverse large portions of the State, and observe its climate, resources, and the fertility of its soil, etc., all of which will have the effect to bring our State into prominence, and at the same time the money expended will largely contribute to its prosperity. All States expend large sums on their mineral springs, etc., and scenic phenomena, and in doing so, they are not simply contributing to the locality in which these are located, but all parts of business will become more or less benefited from the large movement of people. The State has a right to preserve Crater Lake and make it accessible to the people at large in the State as well as out of it. And in proportion to the amount expended will be returned a hundred fold in general increase of business and prosperity.

"For the State to undertake to build roads for one or more particular localities or counties, merely to serve the interests of those localities, and to do this at the public expense, and declining to extend the same generosity to other counties instead of requiring, as the law does, that the people of each county shall lay out and construct their own roads at their own expense, would be imposing burdens on one county or counties to build the roads to another, and would be in the face of the Constitution as well as unjust and discriminatory. To prevent results of this kind was the object of the constitutional prohibition, and not to prevent the building of any kind of internal improvement in which all people are interested, and which would bestow its benefits on all of them.

"This road must be considered from the two present starting points, namely: At Medford on the one side of the mountains and Klamath on the other, in connection with the railroads and highways that diverge in all directions and reach vast areas of this State, making them accessible and developing the State.

"Such a road is not local, nor special; its benefits are not confined to the counties which it traverses, but are co-extensive with the State. It does not begin at Medford and end at Klamath; like a road confined to one county, and not intended only to serve the locality along its route, but it is a nucleus or a link between all other sections of the State, so that one starting from Portland or San Francisco or the Pacific side or the Idaho boundary may travel over it, prompted by curiosity, scenic effects, business or pleasure, and the road constitutes of itself a small part of the route, and yet, it is made the channel through which a great movement of the people will flow. In fact, such a link or road, in connection with others, traversing the State is just as essential to the welfare of the people and their material interests as dredging the Willamette or building a canal to the falls. The purpose is the same, to connect large portions of the State and thereby conserve the interests of the whole people. The narrow view looks merely at the proposed road, at its route through two counties in touching Crater Lake, and not looking at such road as the nucleus connecting two points at which there are railroads and various highways leading to all parts of the State, on which are much travel and business, and which this link or road will connect and thus serve to develop and conserve the interests of the whole State. The canal and locks connect all the counties with its abundant resources above them with Portland, and the Columbia river to the sea. This small internal improvement connects two vast sections, and numerous travel and tonnage pass it by reason of its construction. This road answers in a less degree the same purpose, but the principle is the same."

F. W. Silvertooth of Silver Lake has purchased a gasoline launch at Bend, which he will place on Odell Lake for the accommodation of fishing and pleasure parties. The Silver Lake Leader says the lake provides the best fishing in the world, and that silver trout attain a length of twenty-four inches in its waters. The lake is an old crater of unknown depth. After the season is over the boat will be placed on Silver Lake.

### BOARD MAY SELECT NEW SCHOOL SITE

Some Advocate the Advisability of Erecting Two School Buildings.

The belief is gradually gaining ground that the School Board was mistaken in its construction of the law relative to the holding of a special election for the selection of a school site. On this point the law is very ambiguous, but the consensus of opinion on the part of attorneys seems to be that it does not apply where the selection is for a new building. If this proves to be the case, and the board accepts this view of it, there will be no special election called, but the members will then go ahead and make a selection. The wisdom of such a course is best proven by the fallacy of the action taken at the last election, when block 9 was chosen, thus, if the law had to be followed, forcing the board to purchase the property irrespective of the price asked by the owners.

It is not likely that the site designated at the last election will be chosen on account of the enormous cost connected therewith. The offer of free sites by the Buena Vista Company and C. S. and R. S. Moore has caused the board to seriously consider the proposition of placing the new building on one of these sites, or, as some have suggested, place a building on each of the sites. The latter course has many good points about it. It is a recognized fact that the time is not very far distant when there will be another school needed. By following the two-school plan the district would be enriched by two school sites, the additional cost for buildings would be very little, if any, and the new structures could be added to as occasion demanded. A greater section of the city would be accommodated, and it would settle for all time any question of sectional lines.

Should the one-school plan be followed, the most feasible site for the new building would be the one offered by the Moores, for the reason that it would accommodate the greater number. It would equally divide the city, and at the same time furnish a site that would be one of the most beautiful in the city. There is no real necessity for the city hiding its attractions and good school buildings are about as good an attraction as a community can have. Located on the Moore site, it would always be in view of those coming to and leaving the city, and produce an impression that would be lasting.

The plan, however, that would seem to best serve the future interests of the city would be to erect two buildings, using \$10,000 for each, and so arranging them that they may be easily and economically enlarged.

The American Railway Association has voted to appoint a committee on electric working, which will be chosen by the president, F. A. Delano. The object of the committee will be to study the use of electricity in the operation of railways. This movement is significant of the progress of electricity in displacing the steam locomotive.

A bill has been introduced in Congress providing that all steamships carrying over fifty passengers and making trips of over 200 miles shall be equipped with wireless telegraph apparatus. A fine of \$2,000 shall be imposed in case of a violation of this measure.

### SHERIFF'S SALE.

Whereas, judgment was rendered and entered on the 26th day of April, 1909, in an action in the Justice Court for the Precinct of Linkville, Klamath County, State of Oregon, before A. D. Miller, Justice of the Peace for said precinct, between H. W. Kessee, plaintiff, and J. E. Sullivan, defendant, in favor of plaintiff and against defendant for the sum of seventy-five dollars with interest thereon at the rate of six per cent per annum from the 36th day of April, 1909, and the further sum of thirteen and twenty-five one hundredths dollars costs and disbursements; and whereas a transcript of said judgment and proceedings had before said justice of the peace, in said case, has been filed in the office of the County Clerk of Klamath County, Oregon, and which said judgment was duly docketed in the judgment docket of the Circuit Court of the State of Oregon for the County of Klamath, on the 13th day of May, 1909, and the sum of seventy-five dollars with interest thereon at the rate of six per cent per annum from the 26th day of April, 1909, and thirteen and twenty-five one hundredths dollars costs and disbursements of said action is now due thereon; and by virtue of an execution issued by the Clerk of the Circuit Court of the State of Oregon for the County of Klamath, on said judgment, commanding me to satisfy said judgment, interest and costs out of the personal property of said J. E. Sullivan and for want thereof, then out of the real property belonging to said J. E. Sullivan, in said County of Klamath and State of Oregon, and not being able after diligent search and inquiry, to find any personal property belonging to J. E. Sullivan, in said county, out of which to satisfy said judgment or any part thereof I have levied upon the following described real property of the defendant J. E. Sullivan, to wit:

SE 1/4 of SE 1/4 of Section 21, NW 1/4 of NW 1/4 of Section 27, E 1/2 of NE 1/4 of Section 28, Township 37, South Range 13 East of Willamette meridian, in Oregon.

Notice is therefore hereby given that by virtue of said execution I will, on Saturday, the 17th day of July, 1909, at the hour of 2 o'clock in the afternoon of said day, at the front of the courthouse door in Klamath Falls, Oregon, sell at public auction to the highest bidder for cash in hand, the above described real property, or so much thereof as may be necessary to satisfy said judgment in favor of H. W. Kessee and against J. E. Sullivan, together with all costs and disbursements that have or may accrue.

Dated at Klamath Falls, Oregon, this 10th day of June, 1909.

W. B. BARNES,  
Sheriff of Klamath County.  
6-10, 7-15

### NOTICE FOR PUBLICATION.

U. S. Land Office at Lakeview, Oregon, June 4, 1909.  
(Not Coal Land.)

NOTICE is hereby given that MYRA VAN BRIMMER (nee Applegate) of Klamath Falls, Oregon, who, on August 12, 1903, made Homestead Application No. 3148, Serial SE 1/4 No. 91170, for SW 1/4 NE 1/4, E 1/2 SW 1/4, SE 1/4 NW 1/4, Section 13, Township 38 South, Range 9 East, Willamette meridian, has filed notice of intention to make Final Five-Year Proof to establish claim to

the land above described, before the County Clerk of Klamath County, at Klamath Falls, Oregon, on the 16th day of July, 1909.

Claimant names as witnesses: Herman Schmor of Dairy, Oregon; Charles C. Chitwood of Klamath Falls, Oregon; Fred Collman of Klamath Falls, Oregon; Fred Janssen of Klamath Falls, Oregon.  
J. N. WATSON,  
6-10, 7-15 Register.

### SUMMONS.

In the Circuit Court of the State of Oregon for the County of Klamath. Suit in Equity to Foreclose a Mortgage.

American Bank and Trust Company, a corporation, plaintiff, vs. E. B. Burwell, defendant.

To E. B. Burwell, the above named defendant:

In the Name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above entitled suit on or before the 8th day of July, 1909, that being the date of the last publication of summons and the last day within which the defendant is required or permitted to answer, as fixed by the order of publication of this summons, and if you fail to appear and answer the plaintiff will apply to the court for the relief demanded in said complaint.

Said suit is brought to foreclose a certain mortgage executed by Perl E. Carroll to Gus Melhase, said mortgage being assumed by you and assigned by the said Gus Melhase to the plaintiff, and upon which there is a balance due and unpaid of \$2,000 and interest to the amount of \$173.33, and also for the sum of \$200 attorney's fees, and for costs and disbursements of said suit.

This summons is published in the Klamath Falls "Republican," a weekly newspaper printed and published at Klamath Falls, Oregon, by order of Honorable George Noland, Judge of said Court, and dated June 2d, 1909, the first publication to be made on the 2d day of June, 1909, and the last publication to be made on the 8th day of July, 1909.

BENSON & STONE,  
6-3, 7-8 Attorneys for Plaintiff.

### NOTICE FOR PUBLICATION.

(Not Coal Land.)  
U. S. Land Office at Lakeview, Oregon, May 24, 1909.

NOTICE is hereby given that WILLIAM L. ALLISON, of Wampus, Oregon, who on August 6, 1902, made Homestead Application No. 2705, Serial Number 62990, for NE 1/4 Section 20, Township 39 South, Range 6 East Willamette meridian, has filed notice of intention to make Final Five-Year Proof to establish claim to the land above described before C. R. DeLap, County Clerk, at Klamath Falls, Oregon, on the 17th day of July, 1909.

Claimant names as witnesses: L. W. Anderson of Wampus, Oregon; David Blackmore of Pokegama, Oregon; Charles Messner of Pokegama, Oregon; Bod Frain of Pokegama, Oregon.  
J. N. WATSON,  
6-3, 7-15 Register.

Dr. and Mrs. Alex Patterson left on the 7:40 train from Klamath Falls Tuesday morning for San Francisco, where Mrs. Patterson's father, Mr. E. B. Smith, is quite seriously ill. D. W. Cox of the Mascot stables drove them by private conveyance from here that morning.—Merrill Record.

**\$100 Reward, \$100.**  
The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages, and that is catarrh. Hall's Catarrh Cure is the only positive cure now known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers that they offer One Hundred Dollars for any case it fails to cure. Send for list of testimonials.

Mr. and Mrs. Burge Mason are now occupying their new home on Swanna Heights.

## BUY LOTS NOW

We have some desirable land to exchange for improved property in Klamath Falls—land that will be irrigated, but for which water is not yet ready.

Some choice Langell Valley land to exchange for land under irrigation near Klamath Falls.

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**BENSON & STONE**  
ATTORNEYS AT LAW  
American Bank and Trust Bldg.  
KLAMATH FALLS - OREGON

**C. C. BROWER**  
ATTORNEY AND COUNSELOR AT LAW  
KLAMATH FALLS, OREGON  
ROOMS 7 & 8, MURDOCK BLDG.

**WILL A. LEONARD**  
DENTIST  
Withrow-Melhase Building

**DR. C. P. MASON**  
DENTIST  
Office in American Bank & Trust Company's Building  
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