

INJUNCTION DISMISSED

Porter Brothers Win Signal Victory in Court—Added Evidence They Are Not Bluffing.

Porter Bros. won a signal victory in the injunction proceedings instituted to compel them to permit the Harriman people to use the highway through the Gurtz ranch. Judge Butler decided that they were acting within their rights to close the road, and dismissed the proceedings.

Affairs have taken such a turn that the public has come to the conclusion that there is going to be a road built by the principals back of Porter Bros. No one doubts but that the preparations made are in line with a serious intention to construct a railroad through the Deschutes canyon, and further proceedings are awaited with a great deal of interest throughout the state.

In addition to the evidence of serious intentions given by Porter Bros., Judge Charles H. Carey of the law firm of Carey & Kerr yesterday gave his personal assurance that the work undertaken by the Oregon Trunk line constitutes a bona fide investment, and that it is the object of the railroad company to build a railroad into central Oregon.

Porters Backed by Unlimited Capital.

"Of my own personal knowledge," he said, "I know the identity of the interests that are supplying the funds for the construction of this railroad. The capital at the disposal of the company is ample—in fact it is practically unlimited."

"In my judgment the construction of the Oregon Trunk line will not stop at its present designated terminal. The plans of the men interested financially in its construction are for a railroad development of great proportions."

"The daily expenditures of money by the Oregon Trunk line should convince the people of Oregon that there is no element of bluff in the enterprise. Within the coming week Porter Bros. will establish ten camps between mile post 19 and mile post 20. This is in unoccupied territory. Complete outfits for four of these camps leave The Dalles tonight. With these camps established the Oregon Trunk line will have 28 miles of the railroad survey covered, and before the end of the following week will have 60 miles under construction."

"Ten carloads of equipment are now on the way, and by the end of next week Porter Bros. will have 2,000 laborers at work."

Porters Build Warehouses.

"Both the Great Southern railroad and the Columbia Southern, paralleling the Deschutes river on the west and east will be utilized for shipping in equipment. Porter Bros. have leased a warehouse at Shaniko and have acquired ground for the erection of another. Shaniko will be made the supply depot for a large number of camps on the upper section of the work."

"A warehouse site has also been acquired at Free Bridge for another supply depot and still another will be located in Tygh valley for the work above Sherar's bridge."

"Twelve or fifteen miles of wagon road are to be constructed for use in transporting supplies from Dufur, the terminus of the Great Southern, to the camps in the upper canyon. Graders will go to work next week on the road around Mutton mountain, which will give access to the river by a wagon haul of twenty miles from Dufur."

"A ferry is to be put in service in the quiet stretch of water opposite the Hill ranch, now reached by a haul of 25 miles from The Dalles. A train of 50 pack mules is being assembled and experienced packers have been employed. These mules will carry supplies to the camps in the canyon that are accessible only by trails."

More Equipment on the Way.

"Porter Bros. now have quantities of construction camp equipment at Vancouver. Much of this is being sent up the North Bank railroad to Grand Dalles, and there ferried across the river to The Dalles. What is one of the largest railroad construction outfits in the west, owned by Porter Bros., will soon be available for use in this work. The firm is now completing the final work on the Spokane Portland and Seattle main line near Spokane, and the outfit and men there will be released within 120 or three weeks and brought to the Deschutes."

Judge Carey decided to be drawn into a statement as to whether the Oregon Trunk line is backed by one of the transcontinental systems.

"I leave that within a few years central Oregon will be served by several transcontinental railroads," he said. "I have been over that country and know its possibilities. It will be two years before either of the railroads now building into Deschutes will be operating into central Oregon, yet settlers are already flocking there. In ten years central and eastern Oregon will be more thickly pop-

ulated in proportion to area than the Willamette valley with all its 45 years of development.

"The irrigated farms and the wheat ranches of Oregon will provide a tonnage that is the making of prosperous railroads. The irrigated sections and the wheat lands along the transcontinental railroads north of us provide the bread and butter for those systems. Produce in quantities that exceed the shipments of large cities are taken out of small towns that look like switching stations. I do not agree with the statement that the first 50 miles of railroad in the Deschutes canyon will receive no tonnage. The Clearwater branch is an example of what will one day be seen along the Deschutes canyon."

"In the Clearwater country wheat is hauled to the brink of the canyon and taken down to the railroad by means of aerial tramways. There is no reason why the same thing should not be done in Sherman and Wasco counties. Both are capable of much greater development than they now possess."

Independent Line Would Pay.

"Even as an independent line the Oregon Trunk should prove a profitable investment. Under the jurisdiction exercised by the Interstate Commerce commission and the railway commissions of Oregon and Washington an independent line connecting either with the O. R. & N. or the North Bank cannot be deprived of its proportionate share of the returns in the hauling of freight transferred to the other railroads."

"I would not attempt to discredit the sincerity of the other railroad. It is my belief that the Harriman road will be built, although I do believe it would not have been built had it not been for the knowledge gained of the Oregon Trunk line's intentions. Central Oregon otherwise would have been reached by the Harriman road by a branch from the Klamath-Nation line and the tonnage drained the other way."

"When the railroads have conflicting surveys and both begin construction work there are bound to be injunctions and counter injunctions. I do not look upon the result of the injunction proceedings now pending, no matter what it is, as of vital importance to the construction of either railroad. There is room in the canyon for both of them."

"The acquisition of the Dean ranch west of Shaniko by the Harriman people has not hampered our work. The Oregon Trunk line has a right of way bought and paid for across the ranch along the river frontage. When I was there a few days ago all but about 80 feet of this frontage had been graded. The Harriman road had put a wire gate across the road leading to the camps and had padlocked it. I was told by our people that the remainder of the fill on the ranch could be completed in one day, and that the blockade was of no consequence."

NARROW ESCAPE FROM INJURY

Chas. Masten, son of W. W. Masten, and his 16-year-old brother narrowly escaped serious injury Monday morning by his horse becoming frightened at one of the Lakeview automobiles, driven by Chautauque Clapp. Mr. Masten was going west on Main street and met the auto at the corner of Third and Main. The auto being on the wrong side of the street turned to cross over, making, as it were, straightway for the horse, which became frightened and shied into a vegetable wagon which was coming from the other direction. In the mix-up Mr. Masten got some scratches on the nose and other minor bruises, and the axle of his rig was sprung and the doubletires on the vegetable wagon were broken. The auto proceeded on its way, not stopping to see what damage had been done.

There is a speed ordinance in force in this city which provides that no vehicle shall pass over the streets at a greater speed than five miles per hour. This safeguard to the public from the danger of automobiles was totally disregarded this morning, as the machine was going between ten and twelve miles an hour in the block between Second and Third streets. The speed ordinance in this city should be enforced to the letter, and if such is done the menace to life and limb will be avoided.

Early Vermont and Burbank potatoes planted on the D. W. Anderson ranch near the Gap since June 1st from seed purchased of C. T. Oliver were brought in to-day, and weighed one pound apiece. The land on which these potatoes were grown is a dry ranch. The potatoes are on exhibition in Mr. Oliver's seed store. It is a safe prediction to make that Klamath county at some future date will take her place alongside of Utah in the potato industry.

Thaddeus G. McHattan, the popular jeweler of this city, returned Monday evening from a bee tree hunt on Jenny creek.

A PROMISING INDUSTRY

Its Product of Cement Brick and Answers the Local Demand for First-Class Building Material

Located a short distance from the depot site is a new building on which is now being painted the sign "Hydraulic Stone and Brick Co.," and in which is the beginning of an industry that will mean much to the future growth and development of Klamath Falls. The company is a new one, and under the management of W. O. Smith has been going ahead quietly preparing for the future demands of the city. This company is owner of a patented process for the manufacture of cement stone and brick under hydraulic pressure. The patents to this process are owned by a Denver corporation, and the right to use the machine is sold for restricted territory. The local company is owner of the rights for Klamath county. The machine is the only one of its kind manufactured, and though many attempts have been made to place one on the market that would be a formidable competitor, all such efforts have met with failure.

The materials for the cement blocks are prepared and placed in a mold, the back being a mixture of cement, crushed rock and sand at a percentage of five or six to one, and the facing being a mixture of sand and cement at a mixture of three to one. By the use of levers a pressure of 100,000 pounds to the square inch is exerted, thus producing a block of even density, in which all the component parts are brought together to form a solid mass. It was at first doubted if the pressure was as great as claimed, or if the blocks would be any better than the ordinary hand-tamped affairs that have been on the market for years. The skepticism that first existed has entirely disappeared, for the product of the machine speaks for itself, and is evidence to prove that the future Klamath Falls will not lack structures of stability and beauty.

The bricks are made of a mixture of three to one, and are the equal of what is commonly known as pressed brick, with many points of superiority. They can be made in any desired color, though it is doubtful if anyone will desire other than the natural gray, as it presents an appearance that is both lasting and pleasing to the eye. Several thousand of these bricks have been made, and are superior to anything ever seen in the city.

In addition to the brick and blocks the company is preparing to manufacture sewer pipe. Machines for this purpose have already been ordered and are expected here in a few days. A few experiments with a small machine have been made, and the output put to severe tests, with the result that they have passed the closest inspection. Paving blocks and tile will be added and within the next few days this company will be furnishing employment to local labor and have a weekly payroll of several hundred dollars.

Industries of this character are what will make Klamath Falls. The crying need is a weekly payroll, and unless one is established the city must ever remain a dull place in the summer. Every road should be extended to industries, no matter how great or small, when such encouragement will mean the paying of every week of money that will go into the cash drawer of the local merchant.

BOARD OF DIRECTORS

ON AN OUTING

Heads of Chamber of Commerce Spend Sunday on Upper Lake.

Chamber of Commerce Directors Alex Martin, F. I. White, W. A. Dellzell, Bert Hall, Geo. T. Baldwin, W. H. Dolbeer and R. H. Dunbar took a day off Sunday to discuss routine matters connected with the affairs of the Chamber of Commerce, and chartered a special launch for a trip on the Upper lake. Accompanying the party were J. Don Payne and wife of Selma, Cal., C. E. Shear, traveling freight and passenger agent S. P. Co.; Dr. H. Trowbridge and wife of Fresno, Cal., who were landed at Agency Landing, en route to Spinck's resort and Crater lake.

Returning from Agency Landing the directors visited Eagle Point, where the construction of a large hotel is now under way by Mr. Griffiths, formerly proprietor of the Odessa resort. They report that splendid progress is being made on this building, and that a complete transformation of what once was a rocky cliff has taken place within the last thirty days. It is Mr. Griffiths' intention to build a stone wharf so that an easy landing can be effected, and also to have a park in connection with his hostelry.

James Tobin, one of the old timers who lived in Klamath up to three years ago, is up from Santa Rosa on a business trip of a week's duration.

BANNER CROPS THIS YEAR

Quietness in Business Circles Furnish Opportunity for Inventory and Preparation of Fall Stock

The quietness that is existing in business circles throughout the city, due to the absence of so many of the citizens on their summer vacation, is simply the calm before the storm. Business men are expressing no regret over the lull, for it gives them the opportunity to make their annual inventory and make preparations for the receiving of the immense fall stocks that have been purchased this year.

Word comes in daily from the farming districts that this will be the banner year for crops. The first cutting of alfalfa is in the stack and the yield has far surpassed the expectations of the ranchers. The warm weather now prevailing is bringing on the second cutting with speed, and the indications are that it will exceed the first by a considerable per cent. The average tonnage to the acre will get a boost this year that will place it close to the four-ton mark. This is due more to the improved methods that were adopted this year. There were many farmers who were wont to believe that they were getting the full tonnage from their land, but soon began to realize that they were either mistaken or their lands were poor, for their neighbors were each year passing the mark at which they were willing to remain. This started the movement to try and increase the yield. The results were so astonishing that next year will certainly see the four-ton mark passed. It will be passed in many instances this year, but the average will fall below it.

The wheat crop will be a bumper, and if the price stays above a dollar the farmers will be a happy crowd of citizens. The same is true of barley, rye and oats, in all of which the average yield will pass any record heretofore made. The potato crop will be bigger than ever, very few of the crops having been touched by frost.

The result of such a harvest will be a boom in the business of the city after the first of the month, when the farmers will begin to come in for their winter supplies.

ANOTHER EGG RECORD.

"If you don't believe that Klamath is the place where things grow, go down to the First National bank and see two hen's eggs produced by a common, alfalfa-fed, barnyard hen, owned by William A. Wright of this city. They measure eight inches by six and one-half inches, and weigh four ounces each." When this appeared in the Evening Herald about two weeks ago it attracted the attention of every owner of hens in the county, and particularly W. S. Slough. Now, Mr. Slough keeps a systematic record of the work done by his hens, and when he makes a statement he has the facts and figures to back it up. He has a flock of forty-five hens of various breeds. Since December 22d these hens have produced forty-three double-yolk eggs, thirty of which were laid by one hen. On New Year's day this feathered queen thought she should properly observe this great day and produce an egg of unusual size. When it was opened it was found to contain three yolks, fully developed and of normal size.

F. W. Riggs still holds the record for the greatest number of eggs produced by one flock. W. A. Wright the record for hen laying the largest egg and Mr. Slough for the one producing eggs containing more than one yolk.

HOW TO FIND YOURSELF.

Simple Directions for Getting on the Right Track When Lost in the Woods.

There are many ways of finding the cardinal points of the compass, north, south, east or west, when lost in the country. The bark of the pine, fir and other coniferous trees always is lighter in color, harder and drier on the south side and often is covered with mould and moss on the north side. The gum that oozes out from wounds and knot holes is usually hard and often of amber color on the south side while on the north side it remains sticky longer and gets covered with insects and dirt. On large trees that have rough bark, especially during the autumn and winter, the nests and webs of insects, spiders, etc., will always be found in the crookings on the south side. More large branches will also be found on the warmest or southern side of the tree, and the needles are shorter, drier and of a yellowish-green on the southern side and longer, more pliable, damper and darker green on the north side. The ledges of rocks testify to the effect of light and shade. The sunny side will usually be bare, or at most only host of a thin growth of dry mosses while the northern sides will be found damp and moldy and often covered with soft mosses and ferns.

J. A. Maddox, Professor Butcher and Wilber Woods returned from Lake of the Woods Tuesday. They their outing on Four-Mile lake and report a delightful time, and saw plenty of deer signs.

CRATER LAKE HIGHWAY

Enthusiastic Over Beautiful Country to Be Opened—Dr. Moffitt Predicts Great Things.

B. F. Heidel, United States government engineer assigned to locate the Crater lake highway, arrived in the city Tuesday. Mr. Heidel is making a very thorough examination of the country on both sides of the lake in order to reach a conclusion as to which side will be favored with the road. He stated that he had not reached a decision and would not until he had gone into the matter more fully.

Mr. Heidel is enthusiastic over what he has seen. The grandeur of the country to be passed through by the highway has filled him with enthusiasm, and he could not be more interested in the work if it were his own private enterprise. He realizes the honor attached to the work, as it will be a lasting monument to his ability as an engineer. The Crater lake highway is destined to be possessed of world-wide note, for over its surface will eventually pass people from every section of the globe.

Little attention has been paid as to which side of the lake will be selected. The people of the county have come to the conclusion that they want the road, and they will not stand upon petty details of this character. As a matter of fact, it will be but a small link in a great State highway that will run from one border of the State to the other, and the material benefits accruing from it will be too great to admit of any interference with the commencement of the work as soon as the State Supreme Court decides that the constitution has not been violated by the passage of the act.

This year has given the people of the county some idea of the travel that will come here as soon as the road is completed. Already hundreds, if not thousands, of dollars have been brought into the county by tourists who have come here for the purpose of visiting Crater lake. The prediction of experts is that as soon as the country is better acquainted with what Klamath county has to offer it will respond with a flood of tourists that will tax the accommodations of the county to the limit for many years to come. Dr. Moffitt of San Francisco, who, with his wife and sister-in-law, went to Crater lake this morning, touched on what may be expected when he said:

"Let Klamath Falls and Klamath county get ready for its harvest. Heeded this way is an army of tourists that will surprise even the most sanguine. They will care nothing for expense if they can get the accommodations. They are willing to spend from five to ten dollars a day at your hotels if they get a fair return. Along other lines their liberality will be in proportion. There is more to be seen in this one county than all of the Pacific Coast combined, and that means that the tourists will do more in return than they have for any other section in the West. What that will be is best evidenced by looking towards California."

THE LAW OF FINDING

The law of finding is this: The finder has a clear title against the whole world except the owner. The proprietor of a hotel or a shop has no right to demand the property or premises. Such proprietor may make regulations in regard to lost property which will bind their employees, but they cannot bind the public. The law of finding was declared by the king's bench over 100 years ago, in which case the facts were these:

A person found a wallet containing a sum of money on a shop floor. He handed the wallet and contents to the shop keeper to be returned to the owner. After three years, during which time the owner did not call for his property, the finder demanded the wallet and the money from the shop keeper. The latter refused to deliver them up on the ground that they were found on his premises. The former then sued the shop keeper, and it was held as above set forth, that against all the world but the owner the title of the finder is perfect. And the finder has been held to stand in the place of the owner, so that he was permitted to prevail in an action against a person who found an article which the plaintiff had originally found, but subsequently lost. The police have no special rights in regard to articles lost, unless those rights are conferred by statute. Receivers of articles found are trustees for the owner or finder. They have no power in the absence of special statute to keep an article against the finder any more than the finder has to retain an article against the owner.

Gus Newberry, ex-County Clerk of Jackson county; W. T. Grews and wife of Jackson, Ore., and Miss Maude McCoy of Portland, who have been touring this State in their auto, left for home Wednesday.

Chas. Paulson and A. C. Watson of Merrill passed through the city Saturday en route to the berry patch.

BRACKERS' TECHNICALITIES

Long is when a person or party has a plentiful supply of stocks.

Short is when a person or party sells stocks when they have none and expect to buy or borrow in time to deliver.

E. L. ELLIOTT

ATTORNEY AT LAW

General Law Practice State and Federal Courts

Examiner of Land Titles.

First National Bank Block

Klamath Falls, Oregon

NOTICE OF ADMINISTRATOR'S FINAL ACCOUNT

Notice is hereby given that F. P. Cronmiller, administrator of the estate of Daniel Cronmiller, deceased, has filed his final account of the administration of said estate with the clerk of the county court of Klamath county, Oregon, and that said court has appointed 10 o'clock, a. m. of Friday, September 3d, 1909, as the time for hearing of objections to such final account and the settlement thereof. This notice is published by order of said county court entered August 2d, 1909.

F. P. CRONMILLER, Administrator.
J. C. Rutenic, attorney for Administrator. 8-5-4t

PROPOSALS FOR GRAZING

Department of the Interior, office of Indian Affairs, Washington, D. C., July 15, 1909.—Sealed proposals for letting grazing privileges on the Klamath Indian Reservation, Oregon, under the permit system, will be received at the office of the Commissioner of Indian Affairs, Washington, D. C., until two o'clock p. m. on Monday, August 30, 1909, and will be immediately thereafter opened in the presence of such bidders as may attend. Maps showing the location of the reservation and all necessary information may be obtained on application to the Superintendent of the Klamath Indian School, Klamath Agency, Oregon.

R. G. VALENTINE, Commissioner. 7-29, 8-23

SHERIFF'S SALE.

In the Circuit Court of the State of Oregon for the County of Klamath. American Bank and Trust Company, a corporation, plaintiff, vs. E. B. Burwell, defendant.

Suit in Equity to Foreclose a Mortgage.

NOTICE is hereby given that by virtue of an execution and order of sale duly issued out of the above named court and cause on the 12th day of July, 1909, upon a decree made and entered for record in said court in said suit on the 10th day of July, 1909, in favor of the above named plaintiff, directing the sale of the premises herein described, to satisfy the sum of \$2,190.70, and \$33.50 costs and disbursements, and the further sum of \$200 attorney's fees, making a total of \$2,424.20, with interest on said sum from the day of the rendition of said decree, and accruing costs.

Now, therefore, in view of said execution and in compliance with same, I have duly levied on said premises and will, on Saturday, the 14th day of August, 1909, at 10 o'clock a. m. on said day, at the front door of the county court house at Klamath Falls, Klamath county, Oregon, sell at public auction to the highest bidder for cash in hand, all the right, title and interest of the above named defendant in and to the following described real property situated in Klamath county, Oregon, to-wit:

SW 1/4 of Section 30, Township 39 South, Range 10 East, Willamette meridian.

Together with all tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

The proceeds of said sale will be applied in satisfaction of said execution, order and decree, interest and costs and all accruing costs and overplus, if any there be, to be paid unto said court to be further applied as by law directed.

Dated at Klamath Falls, Oregon, this 12th day of July, 1909.

7-12, 8-12 W. B. BARNES, Sheriff of Klamath County, Oregon.



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