

MIS AFFINITY IS THEIR TROUBLE

MRS. L. M. NAPIER ANSWERS LAWYER'S SUIT FOR DIVORCE—SAYS HE PLANS TO MARRY OTHER WOMAN

Mrs. L. M. Napier, sued by her husband, J. H. Napier, the attorney, for divorce, in her answer filed Tuesday morning through Attorney Geo. Noland, alleges that her husband has an affinity in the person of Mrs. C. C. Teare of Duluth, Minn., and that at times Napier has lived with the woman in New Orleans.

Her answer sets forth that her husband left their home, which was then in Poplarville, Miss., several years ago on a visit to Bay St. Louis, and there met Mrs. Teare, and fell violently in love with her, and that love letters were exchanged between the two, and that the pair have an understanding by which each will be divorced and marry each other, coming to Klamath Falls to live.

On or about July, 1910, she claims, she opened her husband's trunk and found two letters from Mrs. Teare, in which the latter wrote about going with him to live in this city, although she preferred New Orleans. She said in the letter, according to the answer, that they could go to a Minnesota lake and build the bungalow they had so long talked of. The letter addressed him as "Dear Hubby," and was signed "your own little wife."

Another letter written on or about the same date when she opened the trunk, Mrs. Napier says that she found written by Mrs. Teare to Mr. Napier, which spoke in terms of endearment and love toward the plaintiff, and referred to the time when they would live with each other, and spoke of contemplated visit of Mr. Napier to Mrs. Teare, which he later did make.

The letter as quoted in the answer reads:

"We're going to own a car some day. Aren't we, Kid? And you can learn to drive it, too, can't she, so can come down to Big Law Firm and get we? Course can afford to have chauffeur, but like fun of driving our car, when want to, wouldn't you? Air castles are fun building, and if they do topple over, what of it? They strengthen and cheerily fire the fire of hope. I sometimes wonder if O. B. (referring to her husband) ever built an air castle? It's but the childish expression of hope in tangible form, and if I can't constantly build them I'd be in the dumps and just fit for nothing but the dumps. That's one charm you have for me. You know how to build the most wondrous and charming castles. Only I always feel that you can make them come true, and they have, too, several times. So I know when you really want to use your wand, everything will come to pass."

She says that she found in his trunk several articles of bed clothing and silverware used by Mrs. Teare and Napier in keeping house together in the Crescent City. Since the fall of last year, Mrs. Napier claims, he has lived separate and apart from her and would profess a desire to be taken back into her confidence, but after he would secure letters that had passed between him and the other woman, would again mistreat her and say she had no evidence against him.

After he came back from Bay St. Louis, having met his affinity there, Mrs. Napier says, he told her that their marriage was a mistake, and that he did not love her any longer.

In January last, she says, he endeavored to have her consent to a divorce. She says that to get here to oppose the divorce suit she had to borrow money from her relatives, the passage for herself and two little children costing \$120. The couple have four children living, John H., aged 14; Omar, aged 11; Mary, aged 8, and Tressye, aged 6. A fifth child, an infant, she says, died as a result of the mother's condition when told by her husband that he no longer loved her.

She says the only income she now has is 50 cents a day earned by the oldest boy in a printing office in their home town in Mississippi, that since coming to this city she has been compelled to appeal to strangers for funds for food and shelter for the children and herself. She says she believes her husband is in Redding or in San Francisco. According to her statements, he was never liberal in providing for the family, but very close, yet spent lavishly for his own needs, buying as many as six suits a winter at one time for himself.

She asserts that before their marriage she was a school teacher, and by that profession earned money with which to assist him in completing his education in the law. She also says that he is capable of earning \$4,000 or \$5,000 a year in his profession, has probably several thousand dollars in bills receivable, a law library worth some thousands more and some property in addition.

She asks \$2,000 suit money, and \$100 a month for the support of herself and children. This request, and that of Attorney F. H. Mills, asking

the court to strike out a large part of the answer as recited above, are now under advisement by Judge Henry L. Benson.

In the original complaint Napier says they were married at Lake Como, Mississippi, October 27, 1895, and that she has been cruel to him and threatened to make life "hot" for him, that he could not sleep nor get rest and quiet enough that he could transact business properly, and that he got most of his meals at restaurants and hotels, and slept at the office to induce a more peaceful state of mind and body.

Often after having retired at home, he claims, he had to leave home because she harassed and annoyed him. His contention is that she opened his trunk, intercepted his mail, called him names and visited his office and in the presence of his associates, employees and clients addressed him by vile names.

On the other hand Mrs. Napier asserts that owing to the care and exertion of raising their children and Mr. Napier's cruelty toward her, she is no longer an attractive woman, and that his action for divorce is to enable him to take up life with "his heart's real treasure," as he has designated his alleged affinity.

In his complaint asking for divorce Mr. Napier entitled it as a suit against "Dr. L. M. Napier," and this is explained in his allegation that he furnished her with \$100 a month to attend a medical school, which she attended for four years ending last spring. He claims that he borrowed for her needs in this direction after he had lost his health, and was not in a position to send her money from his own funds.

She alleges that the amount, \$100 a month, was insufficient to support her and her children and pay her maintenance at medical school also, and that she was not able to take the full course and get a diploma, and that, therefore, she is not a doctor.

CITY DADS GET NEW TALK FORUM

COUNCIL CONSIDERS TWO LOCATIONS FOR FUTURE MEETINGS, AND DECIDE ON OLD ANTLER CLUB QUARTERS

At council meeting Monday night Councilman M. G. Wilkins, chairman of the committee on new quarters for the council to meet in, reported that the old Antler Club upstairs at Second and Main streets, could be had for either \$30 a month or \$22.50 a month cash, not city warrants.

Councilman G. W. White reported that C. H. Withrow, of the Withrow-Melrose company, owner of the building at Fourth and Main streets bearing the firm name, offered the Fourth street storeroom formerly occupied by the Herald at \$30 per month on a month to month lease, but would not give the premises over for a ten-month term at that rate.

Councilman Chas. McGowan moved to rent the Antler's Club. Mr. White opposed renting the entire suite of the club, as he believed it would not be needed. Mr. Wilkins said the city council could sublet one of the rooms at \$4, and to any subletting Mr. White was not favorable. He preferred getting just such rooms as the city needed. Mr. McGowan's motion prevailed and the Antler's Club will be rented. One feature of Mr. McGowan's attitude on the matter was that he wanted City Recorder T. F. Nicholas to have a light and airy office in the new location.

WANTED—Second-hand cornet, must be cheap. Herald office.

NEW BOULEVARD TO UPPER LAKE

MACADAM ROAD FOR AUTOMOBILES BEING CONSTRUCTED TO SHIPPINGTON VIA CRESCENT AVENUE

Not to be outdone by the city in highway improvements the Klamath Development company has begun the resurfacing of its Crescent avenue road to Shippington. The betterment of this highway is with a view to giving a first class automobile boulevard to Shippington, which, while a little north of the present road to the Upper Lake port, and a little longer than the public highway now used by the stages, is considered in some ways to be the superior route. It is about two miles and a half long, and is to be laid with macadam.

The course is via Crescent avenue, through the Hillside addition, thence through the Lakeview addition, from which the road makes a turn and goes through the Buena Vista addition to the lake edge. The finish of the new road is to be in all respects like that used in the Hot Springs addition. The Klamath Development company is doing the work with its own men and equipment, and the outlay necessary for the work has not been exactly figured out.

MORE SHIPPINGTON ROAD MONEY

An additional \$300 for the improvement of the Shippington road was voted Monday night by city council on request of Councilman Charles McGowan. The road has been considerably improved between here and the hill top under the superintendence of Street Commissioner Woodward on the first \$300 that was voted. The second \$300 will be expended on the Shippington side of the summit.

W. Svoboda is a recent arrival from Minnesota who is investigating the Bohemian colony below Merrill, seeking a location.

Louis Hanzl, who came here a few days ago from Tama county, Iowa, looking for a location, has joined the Bohemian colony near Mallin, where he has purchased eighty acres of land.

PRESIDENT AT LAND MEETING

President Taft's change of itinerary to extend west of Kansas City, set officials and organizations throughout the extended route in a scramble to secure visits from him.

The Denver Public Lands convention failed to score by three days, but were so desirous of having him attend the convention that they have extended the time so that the dates of the convention are now September 28 to October 30 inclusive. On the latter date at 11 a. m., President Taft will address the convention.

The convention seems desirous for earnest, effective work, and the general views of the president on the principles involved in the wide range of the twenty-eight subjects already set for discussion must be conducive toward a final settlement of the great problems pertaining to the administration of the public domain. The sooner these questions are focused down to an intelligent settlement the better it will be for the West.

REFORM CHANCE APPEARS BULLY

CALIFORNIA GOVERNOR SAYS THE CONSTITUTIONAL AMENDMENTS LOOK LIKELY, AND ARGUES FOR RECALL

United Press Service
LOS ANGELES, Sept. 26.—While resting here after a week of strenuous speech making in behalf of the California constitutional amendments, Governor Johnson sized up the situation thus:

"Things look bully for the constitutional amendments. I think that everyone of them will carry without a shadow of a doubt. The very fact that the recall is made applicable to the judiciary is going to poll a big vote favorable to that amendment.

"If there can be one good sound reason advanced against the initiative, referendum and the recall, except by the man who distrusts the people, their intelligence and their ability to govern, I would like to hear it. When one reaches the stage where the people are distrustful, one distrusts democracy itself, and our very form of government.

"The recall will be of little or no value unless it is made applicable to the judiciary. If applied to the judiciary it will make no weaker judge weaker, or the strong judge less strong. The recall will be a menace to just one kind of a judge—the corrupt judge.

"The worship of the judicial fetish does not appeal to me. We have outgrown the idea that it is unpatriotic to criticize the judiciary. I hold that it is the duty of every man to criticize any corrupt judge, or any corrupt decision.

RECEPTION TO PORTLAND MEN

SPECIAL TRAINLOAD OF VISITORS WILL BE MET BY AUTOS—FAIR GROUNDS TRIP AND RECEPTION

Judge George T. Baldwin, who is now on his second trip to the Rose City to work for the success of the trip of Portland business men to this city under the auspices of the Port city under the auspices of the Portland Commercial Club, Tuesday wired W. O. Smith, publisher of the Evening Herald, that the program for Portland Day in this city, next Thursday, has been arranged.

The seventy-five portland business men, on their special train, consisting of three sleepers, a diner, observation and baggage car, will arrive in this city over the Southern Pacific at 8:30 a. m. At the station, which, by the way is the premium one of the Southern Pacific line, the guests will be met by twenty automobiles and taken up town. They will spend the forenoon visiting the business houses of Klamath Falls.

Immediately after lunch they will go to the fair grounds by special fair train, and at 5 p. m. will be tendered a reception at the opera house. The day as thus arranged promises to be a very interesting one for both the visitors and the local reception committee.

PAVERS WAITING BITULITHIC PAY

NEARLY \$85,000 OF STRANGE-MAGUIRE WARRANTS KEPT BACK UNTIL ACCOUNTS CAN BE REVISID

"Waiting at the church" is no worse sentry duty than that which the Strange-Maguire company or Warren Construction company—take your choice—has on its hands in trying to get its money from the city for work that has been approved and accepted and bills vised and authorized by the city council.

At the meeting of council last Thursday night the bills, which had been put before the finance committee at the previous Monday meeting for its inspection, were returned by the finance committee to the council with a recommendation to pay them, and it was so ordered.

City Recorder T. F. Nicholas was authorized to draw warrants on the three funds of the three Main street units to pay \$10,000 on the bills, but the council failed to tell him just how to draw the warrants, how much out of each fund.

The three funds total only about \$11,000, or something over \$20,000 short of the amount owing to the paving company.

Last night the recorder announced that he had not been able to draw the warrants from the three funds because council had not determined the sums to be drawn from each fund.

"Do you want them drawn to pay 6 per cent, as on Klamath avenue, or do you want them drawn in the ordinary way?" asked the recorder.

"Draw the amounts for the work on the prospective funds, and so state in the warrants. The property is good for it," said Councilman G. W. White. The foregoing statement referred to drawing warrants for the entire sums owing to the pavers without regard to the shortage in the funds.

Councilman C. B. Crisler failed to see the use of putting 6 per cent on the warrants, saying they would draw the interest any way as soon as presented for payment and the payment is not paid.

"A warrant gets the 6 per cent just as soon as it is protested," said he.

Councilman White moved that the actual deficit in each unit fund be looked up by City Recorder T. F. Nicholas and City Engineer Don J. Zumwalt, and the motion prevailed.

"How does this leave our bills?" asked J. C. Maguire, of the Strange-Maguire company. "They are in there O. K.'d by the city engineer and the council has approved them and ordered them paid, yet we cannot get our money."

Councilman White said that it would be a matter of but a few days, as the matter could be fixed up, and council would meet next Monday night, by which time he believed he could assure Mr. Maguire that warrants for the entire amounts could be turned over to him.

"We ought to have the money," said Mr. Maguire. "We would like very much to have the warrants. We would not present them, if desired. We understand that the city wants to save the interest, and we would be very glad to save you that. Looking up the deficits will not make any difference in these bills."

Mr. Maguire finally felt reassured by the prospects of getting the warrants next Monday night.

"It's all right, just so we know what is going to be done," said he. "Just so we can get something on what is due us."

The bills which the company has approved by the city, but for which it is unable to get its money just now are as follows:

Main street paving, bridge	
to Eleventh street	\$15,835.07
Main, Spring and Oak streets, paving	10,423.44
Sixth street paving, Main to Kinlock	5,563.00
Catch basins, Main street first unit	240.00
Catch basins, Main street second unit	180.00
Catch basins, Main street third unit	180.00
Sewer pipe, Main street, first unit	384.00
Sewer pipe, Main street, second unit	56.25
Sewer pipe, Main street, third unit	393.75
Extra work, Main street, first unit	48.12
Extra work, Main street, second unit	235.23
Extra work, Main street, third unit	97.90
Ditch, Broad and Spring	41.25
Waterways, Sixth street	465.00
Total	\$34,143.01

As long as these bills stand approved and unpaid the paving company is entitled to interest on the amounts, which, at 6 per cent, is \$2,048.58 per year, or \$5.61 per day. While \$5.61 per day is not a very large amount, it counts up, and the property owners of Klamath Falls are the ones who have to foot the bills in the long run.

BRANDENBURG TAKES POSTOFFICE SUNDAY

Clyde Brandenburg, appointed postmaster during a congressional recess, to succeed R. A. Emmitt, Monday night received his commission of office, the bond of which he submitted having been approved at Washington. He will take office on October 1, and in the meantime will take occasion to familiarize himself with the duties of the office. The time for taking office is the beginning of the last quarter of the year, and this will put the account of the office in shape so that taking up the reins will be more convenient than it would be at an odd time during the year.

SHERIFF'S DEPUTIES FOR FAIR GROUNDS

Sheriff William B. Barnes has completed special arrangements for having his office represented in the crowds during fair week. C. E. Evans has been appointed a special deputy for duty at the fair grounds, and J. A. Houston, who will handle the gate, will also have a commission as special deputy. Perry De Lap, who is always specially employed during tax collecting time, will keep his eye peeled for any fair disorder, and Wm. Woods, the regular Bonanza deputy, will be here to add his services to the special force. L. A. Stoppel has been chosen to act specially at the Altamont tavern, where there will be many people during the gala days. All the appointments are effective tomorrow for the special duty, which will be exercised the rest of the week.

CRUELTY CHARGE BY YOUNG WIFE

Suit for divorce has been entered by Bessie A. Page against Frederick E. Page in the circuit court, and on request of Attorney C. C. Brower, for the plaintiff, Judge Henry L. Benson has made an order restraining the defendant from interfering with the wife or their infant child, Ethel Nettie, born April 3 last, and consequently less than six months old.

The wife is but 18 years old, and was married when only 16, the couple having wed at Vancouver, May 12, 1909. The husband is about 45 years of age. She alleges that he locked her out of their room in Portland one night about 3 a. m., when she was scantily clothed, and that he has been guilty of repeated acts of cruelty, such as beating her, picking up a case knife and saying he would "like to cut her throat," and calling her improper names, much to her mental suffering.

The couple have lived here about a year, he being a painter by occupation. They bought lots 1 and 2, in block 18, from the Klamath Development company, and built a home on the land, which she left some days ago and took up her home with her parents, George B. and Eda D. Frank.

She asks that the little girl be put into the keeping of her parents. The defendant in his answer denies in toto the charges she makes. Some days ago he inserted a notice in a local daily, saying that as his wife had left him he would not be responsible for her debts. It is claimed in her behalf that her parents and herself put as much money into their new home here as he did.

Councilman B. S. Grigaby left yesterday for a business trip to Ashland.

NOTICE TO TAXPAYERS

Notice is given to the taxpayers of Klamath county that the board of equalization will convene on the third Monday in October to examine and correct all errors on the tax roll of the year 1911. I will be in my office from day to day, and will be glad to have the taxpayers come in and examine their assessment, and if any changes are to be made let me make the corrections before the board convenes.

J. P. LEE,
County Assessor.
9-14-28

NOTICE TO CREDITORS

In the County Court of the State of Oregon, for Klamath County.

In the Matter of the Estate of Joseph Dreher, Deceased.

Notice is hereby given by the undersigned administrator of the estate of Joseph Dreher, deceased, to the creditors of and all persons having claims against the said deceased, to exhibit such claims with the necessary vouchers within six months after the publication of this notice to the said administrator, at the office of Horace M. Manning, attorney at law, in the city of Klamath Falls, county of Klamath, State of Oregon, which said office the undersigned selects as his place of business in all matters connected with said estate of Joseph Dreher, deceased.

R. C. SHORT, Administrator.
Horace M. Manning, attorney for said Administrator.

Dated and first published at Klamath Falls, Oregon, on this 28th day of September, A. D. 1911.
Publication, Nov. 2. r

SHERIFF'S SALE

Under and by virtue of an execution and order of sale issued out of the circuit court of the state of Oregon, for Klamath county, to me directed and duly attested on the 27th day of September, 1911, in pursuance of that certain judgment and decree rendered in said court on the 25th day of August, 1911, and entered at page 370 of volume 5, records of said court, in favor of the plaintiff, in the suit of Benjamin Southwell, plaintiff, vs. Maxey Jackson and Hattie E. Jackson, defendants, for certain sums of money aggregating \$219.75, and costs and disbursements of said suit taxed at \$22, for foreclosure of the plaintiff's mortgage; and for the sale of lot 9 (nine), of block 2 (two), in Fairview Addition to Klamath Falls, in Klamath county, Oregon, according to the recorded plat thereof in the records of the county court of the county of Klamath, state of Oregon, together with the tenements, hereditaments and appurtenances thereto belonging, commanding me to sell the said real property in the manner prescribed by law to satisfy the said judgment for the said sums of money, and interest thereon from 25th day of August, 1911, and accruing costs.

I will, at the hour of 10 o'clock in the forenoon on the third day of November, A. D. 1911, at the court house door of the court house of Klamath county, Oregon, sell the above described real property at public auction to the highest bidder for cash in hand; whereof take notice.

Dated and first publication hereof, September 28th, 1911.
W. B. BARNES,
Sheriff of Klamath County, Oregon.
By M. J. BARNES, Deputy.
9-28-10-26 r

NOTICE FOR PUBLICATION

(Not coal lands)
Department of the Interior, United States Land Office at Lakeview, Oregon, September 22, 1911

Notice is hereby given that Herbert A. Arant, whose postoffice address is Dairy, Oregon, did on the 31st day of May, 1911, file in this office sworn statement and application No. 04584, to purchase the NE 1/4, SE 1/4, S 1/2 NE 1/4, Section 24, Township 38 S., Range 10 E., Willamette Meridian, and the timber thereon, under the provisions of the act of June 3, 1878, and acts amendatory, known as the "Timber and Stone Law," at such value as might be fixed by appraisal, and that, pursuant to such application, the land and timber thereon have been appraised at a total of \$310, the timber estimated at 250,000 board feet at \$1 per M., and the land at \$60; that said applicant will offer final proof in support of his application and sworn statement on the 2d day of December, 1911, before C. R. DeLap, county clerk of Klamath county, at Klamath Falls, Oregon.

Any person is at liberty to protest this purchase before entry, or initiate a contest at any time before patent issues, by filing a corroborated affidavit in this office, alleging facts which would defeat the entry.

A. W. ORTON, Register.
First pub., Sept. 28.
Last pub., Nov. 30. r

SUMMONS

In the Circuit Court of the State of Oregon, for Klamath County.

F. R. Burscough, Plaintiff,

vs.
J. M. Sasser, Defendant.

To J. M. Sasser, 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 action on or before Thursday, the 9th day of November, A. D. 1911, that being the date of the last publication of the summons in this action and the last date in which you, the defendant, are required to answer said complaint, as fixed by the order of the court for publication of this summons, and if you fail to appear and answer, as aforesaid the plaintiff will apply to the court for the relief prayed for and demanded in the complaint, to-wit: A judgment against you for the sum of one hundred dollars, together with interest thereon at the rate of 8 per cent per annum from August 20, A. D. 1911, and for the further sum of \$164.25, and for \$100 attorney fees and for the costs and disbursements of this action.

This summons is published in the Klamath Republican, a weekly newspaper printed and published at the city of Klamath Falls, in said Klamath county, state of Oregon, by order of the Hon. Henry L. Benson, Judge of the above named court, such order being dated the 26th day of September, A. D. 1911, the first publication of this summons to be made and is made on the 28th day of September, A. D. 1911, and the last publication thereof is to be made on the 9th day of November, A. D. 1911.

HORACE M. MANNING,
Attorney for Plaintiff.
Klamath Falls, Ore.