

## MANDAMUS CASE RECEIVES JOLT

### CRAWFORD YOUTHS MUST ATTEND SEPARATE SCHOOLS

As Long as Suitable School Is Provided, Children Must Attend Institution Set Aside for the Purpose by the School Board, Is the Decision—Advantages Must Be Equal for Reds With Whites

That the school directors of District No. 7, the Fort Klamath district, have a right to maintain separate schools for white children and children of Indian lineage, was held by Circuit Judge Benson Monday morning. This opinion was given in the mandamus proceedings of William Crawford against the directors of the Fort Klamath district to compel them to enroll his children as pupils at the school attended by white children, when Judge Benson sustained the demurrer to the mandamus.

The judge holds further that in case the school for white children is still in session when the separate school for those of Indian parentage is ended, the directors cannot refuse the Indian children admission to the white children's school.

In his opinion on the demurrer, Judge Benson, after examining the cited cases, sets forth the following: "No race or class of people, as a matter of fact, either legal or moral, to attend any particular school in any school district so long as separate schools of substantially equal advantages are provided for the class which complains.

"In many states, special statutes provide for separate schools for white children and colored children, and in practically all such instances these statutes have been held constitutional and proper.

"In the states which have no such statutes, school committees and the boards of school directors have provided separate schools for children of different races, and such action has in a majority of cases been upheld by the courts.

"It is true that the alternative writ in this case alleges that the directors of District No. 7 have rented a small room and employed a teacher for three months, and that plaintiff's children would not have the same advantages there that would be theirs in the other school, but this is a mere conclusion, and not an allegation of fact. There is no suggestion of sanitary defects, there is no hint of lack of equipment, there is no allegation of lack of qualified teachers. The only thing that squints toward a defect is the allegation that the teacher is employed for three months only, but of this, the plaintiff cannot complain, for if the school for white children is still in session when the separate school is ended the board of directors cannot refuse plaintiff's children admission to the school which is continuing in session.

"It follows that the demurrer must be sustained."

Crawford and his wife, according

to the petition for a writ of mandamus filed by their attorney C. M. O'Neill, are of mixed blood, both having an Indian mother and a white father. The petition also alleges that for the past three or four years, they have resided at Fort Klamath, and are paying taxes on property there.

For the past two years, they state, their children have received instruction at the local school, but this year, when they applied for enrollment they were refused admission, and were sent home. Later the directors rented a separate room some distance from the school, and hired a teacher for three months to instruct the children of Indian lineage.

Crawford holds that his children are discriminated against, and that they will be given instruction for only three months at this school, and he sought an order to compel the directors to enroll his children at the white children's school.

The demurrer was filed by Thomas Drake and Kuykendall and Ferguson.

## UNCLE SAM LOSES BY FIRE

### HOUSE LOCATED AT INTAKE OF THE SOUTH BRANCH CANAL IS DESTROYED—OCCUPANTS ABSENT WHEN FIRE STARTS

The house owned by the government and used by an employe of the reclamation service at the intake of the south branch canal was destroyed by fire Sunday afternoon while N. S. McKinney and wife were away.

The origin of the fire is unknown. Officials of the reclamation service are there Monday afternoon making an investigation.

## EXAMINATIONS TO BE HELD SOON

Notification that an eighth grade examination will be held January 16 and 17 throughout the state is being sent out by L. R. Alderman, superintendent of public instruction. The examination will be held at the different schools where there are applicants.

The questions for eighth grade examinations are prepared by the department of education at Salem, and examinations are held in January, May, June and September. The subjects on which applicants are examined are physiology, geography, history, civil government, grammar, spelling, arithmetic and agriculture.

There are a number of Klamath county pupils who are ready to take the examination.

Mrs. Wm. S. Worden and sons, Donald and Robert, left Sunday for San Francisco. Donald will enter St. Mary's college.

It's a Boy  
Dr. Hamilton reports the birth of a 9 1/2-pound boy to Mr. and Mrs. Robert Sloan Sunday night.

## Social Events of the Week

One of the most successful social affairs of the season was the reception given to the residents of Klamath Falls by the management of the White Pelican hotel Friday night. The number attending taxed the seating capacity of the spacious lobby, and included the best known residents of this city. In the receiving line were Mrs. E. B. Hall, wife of the manager of the Hotel Hall, and Mrs. H. R. Elliott, wife of the manager of the White Pelican hotel. They were assisted by several lady guests at the White Pelican. A splendid concert was rendered during the evening by a six-piece orchestra, and in addition, the program included well rendered solos by Mrs. Harry Caden and Mrs. Don J. Zumwalt, duet numbers by these ladies, cello selections by Mr. H. R. Elliott and character songs by Dr. E. V. Morrow. The numbers were all well received, and all the singers were encored heartily. Following the program sherbert, cake and punch were served to the delighted guests. Among those present were Harry Hamilton, H. D. Kinnear, L. B. Kinnear, L. W. Mehaffey, A. R. Renner, J. Darrow, J. S. Cornell, F. E. Chilton, R. M. Smith, Mr. and Mrs. Robert A. Johnson, Jesse W. McCoy, C. E. Rankin, Fred Hendricks, B. A. Smith, L. Duffield, L. S. Frank, O. D. Matthews, Dr. and Mrs. J. V. Gilbert, Mrs. Daniel Loose, Mr. and Mrs. E. B. Hall, Mr. and Mrs. A. A. Bellman, B. P. Alexander, E. L. Morrison, Mr. and Mrs. E. W. Gowen, Miss Larison, A. J. Joye, Miss Buttner, Mr. and Mrs. C. T. Kemp, Fred Westerfield, Miss Francis Zeigelman, Miss Mamie Zeigelman, Mr. and Mrs. Mahlon T. Dolman, Miss Florence Madsen, W. H. Sperry, Mr. and Mrs. H. R. Elliott, Hunter Savidge, W. C. Markewitz, C. L. Miner, Mrs. R. Bennett, R. R. Brubaker, Mr. and Mrs. J. W. Sperry, G. M. Harrington, L. Madsen, R. A. Mitchell, Ivan Daniels, Mrs. Tindall, C. W. Knapp, Mr. and Mrs. C. M. George, Mr. and Mrs. Harry Caden, Mrs. Shaffer, Miss Madge Aldridge, Mrs. Clark, Mrs. S. C. Davenport, Miss Loose, Mrs. J. V. Gilbert, Mrs. A. A. Mehaffey, W. F. Arant, Mr. and Mrs. O. Peyton, A. O. Farrell, Mrs. Ransom, Perry De Lap, Miss Mina White, Miss Winnie Wampler, C. H. Ward, Mr. and Mrs. Cell Ollner, Miss Mabel Snyder, Miss Leonard, Miss Santiman, Mrs. C. E. Riley, Mrs. W. Crandall, Miss Ross, Mr. and Mrs. M. P. Evans, Mrs. M. S. Sargent, Miss Sealey, Mrs. Sargent, Mrs. Mary A. Jackson, Mrs. Wheeler, Mr. and Mrs. C. C. Hogue, Miss Faye Hogue, Mr. and Mrs. Foster, Dr. W. A. Leonard, Mrs. L. M. Bradford, Mr. and Mrs. J. W. Bird, H. D. Miner, Harry W. Mason, M. Curtis, W. White, L. A. Reynolds, L. A. Reynolds, Dr. and Mrs. E. V. Morrow, Mrs. Don J. Zumwalt, Mrs. O. D. Mathews, F. C. Murphy, J. Y. Johnson.

Mrs. Wheeler came up from California to spend the holidays with her sister, Mrs. W. P. Hughes Jr.

Miss Pearl Bolvin, who is attending the University of California, is spending the holidays with her parents, Mr. and Mrs. Henry Bolvin.

Tuesday evening's dance at the White Pelican hotel was attended by fifty couples, and it was early Christmas morning before the merry throng dispersed. The White Pelican orchestra furnished the music. Fruit punch was served during the evening.

Miss Agnes Hannon, who is teaching school at Raymond, Wash., is spending the holidays with her parents, Mr. and Mrs. P. E. Hannon. Miss Hannon formerly taught in the Klamath Falls school, and she has a host of friends here.

Mr. and Mrs. Will Baldwin left Saturday for San Francisco, to remain ten days or more.

Mrs. Fred Mills has returned home from San Francisco, where she spent two weeks visiting friends.

Richard M. Richardson, wife and son, Harry, left early in the week for San Francisco, where they will sojourn for several days.

Mr. and Mrs. Fred Melhae entertained a few friends at their Klamath avenue home Wednesday night, their guests being Mr. and Mrs. Fred Schalklock, Mr. and Mrs. Claude Daggett, and Mr. and Mrs. Robert E. Wattenburg.

Mrs. Emil Piel of Ashland is visiting her parents, Mr. and Mrs. Ivan D. Applegate, and sister, Mrs. Wesley O. Smith, during the holidays.

Mrs. Thomas Hampton was hostess to a number of friends at her West Side home Friday, when bridge was played. The first prize was awarded to Mrs. E. B. Henry, and during the course of the afternoon refreshments were served. The guests invited were Mrs. William P. Hughes, her sister, Mrs. Wheeler, Mrs. C. E. Piel, Mrs. Clarence Underwood, Mrs. E. R. Reames, Mrs. Don J. Zumwalt, Mrs. Wesley O. Smith, Mrs. E. B. Howe, Mrs. E. B. Henry, Mrs. Zim Baldwin, Mrs. Silas Obenchain, Mrs. I. Jay Knapp, Mrs. E. J. Murray, Mrs. Louis Gerber, Mrs. Robert A. Johnson and Mrs. Fred Mills.

Among the Klamath students at the University of Oregon who are spending the holidays at home are Fred B. Dunbar and Clarence Motschenbacher.

A special meeting was held Friday night by Klamath Lodge No. 77, A. F. & A. M., at which the officers for the ensuing year were installed. The installation ceremonies were conducted by George Noland, past master, and Lyle O. Mills, Worshipful Master. The officers installed last night were: Worshipful Master, Lyle O. Mills; Senior Warden, J. W. Hillhouse; Junior Warden, W. R. David; Senior Deacon, Albert Elder; Junior Deacon, E. C. Greeley; Senior Steward, Lester L. Leavitt; Junior Steward, Albert H. Loewe; Treasurer, E. R. Reames; Secretary, Austin White; Marshal, Wilfrin Snow.

Mr. and Mrs. Levi McDonald returned to their Bonanza Valley home Saturday, after spending the holidays with relatives and friends.

Mr. and Mrs. Alex McDonald left on Saturday for the Langell Valley country, where they will spend some time with relatives and friends.

Robert Kuykendall of Eugene is spending the holidays with his brother, District Attorney D. V. Kuykendall. Young Kuykendall is a student at the University of Oregon.

Ray Cort is here from San Francisco to spend a few weeks with his parents. He is employed by a large automobile concern in the Bay City.

Emmett M. Keever is here from Medford on a business trip.

Mrs. Wm. Bassett returned from Portland Sunday night, and is stopping at the Oregon house.

## COURT RULES TO BE DISCUSSED

Consideration of a revised code of court rules governing procedure in the local circuit court will be one of the principal matters to be attended to at the annual meeting of the Klamath County Bar Association, to be held January 13th. A new corps of officers will also be elected at this time.

A meeting to outline plans for the

Mr. and Mrs. W. T. Shive left Sunday for San Francisco.

Miss Inez Combs of Merrill has been visiting her brother here.

A. B. Schroeder, who operates one of the largest cattle ranches in the Silver Lake country, is here attending to business matters. He will make a visit to outside cities also.

## Report of County Treasurer

Semi-annual statement of the County Treasurer of Klamath County, Oregon, of the moneys received, paid out and remaining on hand, for the six months ending September 30, 1912:

April 1, 1912.	FUND	In.	Out.	Oct. 1, 1912
\$24,569.56	General	\$62,033.52	\$66,693.71	\$19,909.37
14,584.73	School	18,984.39	23,299.00	10,270.12
162.74	State	4,445.40		4,608.14
100.81	School library	161.64		262.45
11,141.91	Road	41,655.21	52,531.42	265.69
198.35	High school	7,954.83	5,706.51	2,446.67
	32.62—High school emergency			32.62
	72.50—Institute			72.50
	177.59—Excess land			177.59
	29—Klamath Falls, Ore.	10,942.03	9,782.39	259.81
1,116.91	Public county library	1,695.13		2,812.94
1,047.03	Bond 1	1,573.92	1,095.00	1,525.95
609.11	Bond 2	480.82	384.00	705.93
51.00	Bond 3	58.98		109.98
54.73	Bond 4	67.66	15.00	107.39
121.97	Bond 5	79.53	45.00	156.50
Over 92.74	Bond 6	230.27	75.00	62.53
	7.96—Bond 7			7.96
1,303.28	Bond 9	18.76	1,303.28	18.76
42.28	Bond 10	115.62		157.90
50.11	Bond 11	1.13	48.00	3.24
42.34	Bond 15	29.30	30.00	41.70
192.04	Bond 17	3.22	195.00	.26
149.31	Bond 19	158.60	26.00	271.91
Over 113.29	Bond 22	296.92	120.00	63.63
36.88	Bond 23	34.31	30.00	41.19
Over 20.19	Bond 28	646.24	142.50	483.55
786.80	Bond 31	252.69	50.00	989.49
27.05	Bond 35	29.44	60.00	Over 3.51
Over 54.85	Bond 36	132.85	75.00	3.09
1.85	Bond 40	14.45	19.50	Over 3.20
23.38	Bond 42	35.33	37.50	21.21
	10—Special 1	12,562.70	12,291.25	271.55
1,811.34	Special 2	1,797.36	2,761.85	846.87
531.24	Special 3	234.36	215.32	550.15
24.19	Special 4	18.26	24.19	18.26
17.33	Special 5	19.88		37.21
Over .11	Special 6			Over .11
151.32	Special 7	588.65	637.65	102.32
385.38	Special 8		385.00	.38
296.78	Special 9	354.34	633.82	17.30
76.26	Special 10	116.33		192.59
167.95	Special 11	82.69	135.65	114.99
101.07	Special 12	100.74	72.45	129.36
8.79	Special 15			8.79
30.57	Special 16	42.62	50.00	23.19
Over 86.77	Special 17	99.46	12.00	.69
1,372.95	Special 18	1,018.12	1,265.41	1,125.66
1.60	Special 19			1.60
64.46	Special 20			64.46
70.55	Special 22	255.83	208.28	118.10
112.43	Special 25	83.99	167.97	28.45
324.03	Special 26	290.91		614.94
164.60	Special 27	47.84	205.39	7.05
795.90	Special 28	1,296.93	2,092.83	
3,452.82	Special 29	7,823.74	1,702.85	2,573.71
149.49	Special 30	7.74		157.23
64.81	Special 33	46.45	109.39	1.87
187.41	Special 31	266.49	419.15	34.75
981.35	Special 32	198.25	572.40	607.20
18.19	Special 33	52.94		71.13
299.36	Special 34	180.29	287.50	192.15
Over 81.58	Special 35	360.69	178.41	100.10
16.88	Special 36			16.88
674.75	Special 37	1,331.44	1,062.19	944.00
66.26	Special 38	121.45	188.30	Over .59
8.22	Special 41	26.21		34.43
347.88	Special 39	198.91	365.98	180.81
110.88	Special 42	82.44	185.70	7.62
62,990.06	Court house	412.51	9,773.70	53,628.87
136.33	Merrill	440.71	484.63	92.41
508.61	Bonanza	188.07	599.40	97.28
190.30	Game fine fund	100.00	481.80	102.50
83.34	Master fish warden		50.00	33.34
15.50	Estray fund			15.50

\$133,510.42 \$182,080.90 \$199,100.26 \$116,048.94

State of Oregon.

Klamath County, ss: I Claude H. Daggett, County Treasurer of Klamath County, Oregon, do hereby certify that the foregoing statement of moneys received, paid out and remaining on hand in the county treasury of Klamath County, Oregon, is true to the best of my belief.

Dated at Klamath Falls, Oregon, this 10th day of October, A. D. 1912.

CLAUDE H. DAGGETT, County Treasurer.

**KLAMATH FALLS MUSIC HOUSE**

Sole Representative of Sherman Clay & Co.'s Pianos, the Steinway and other leading Pianos. Other makes at moderate prices. Tuning and Repairs. Agency for Singer and White Sewing Machines, Oliver Type-writers, Victor and Edison Records and Machines. Books, Stationery and Pictures.

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of money to run your business do not hesitate to come to the First Trust and Savings Bank, and ask them for a loan. You not only find us ready to assist you, but we also will explain to you anything you wish to know relative to modern and up-to-date banking business. Deposits are respectfully solicited.

**First Trust and Savings Bank**  
Klamath Falls, Oregon

## Semi-Annual Report of County Clerk

Of the County Clerk of Klamath County, State of Oregon, showing the amount and number of claims allowed by the County Court of said county, for what allowed, amount of warrants drawn and amount of warrants outstanding and unpaid, from the 1st day of April, 1912, to the 30th day of September, 1912, both inclusive.

ON WHAT ACCOUNT ALLOWED	Amounts of Claims Allowed	Amounts of Warrants Drawn
County Court and Commissioners	\$ 6,926.62	\$ 6,926.62
Circuit court	4,842.55	4,842.57
Justice Court	416.25	416.25
Sheriff's Office	2,845.00	2,845.00
Clerk's Office	2,550.00	2,550.00
Treasurer's Office	509.01	509.01
Coroner's Office	619.45	619.45
School Superintendents Office	890.40	890.40
Stock Inspector	160.80	160.80
Assessor's Office	2,509.00	2,509.00
Assessment and Collection of Taxes	2,744.50	2,744.50
Tax Rebate	87.36	87.36
Current Expense	1,612.70	1,612.70
Court House Expense	1,273.24	1,273.24
Jail	834.83	834.83
Care of Poor	7,682.66	7,682.66
County Physician's Salary	357.97	357.97
Insane	52.00	52.00
Roads, Highways and Bridges	51,349.96	51,349.96
Election Expense	1,422.36	1,422.36
Scalp Bounty	3,773.43	3,773.43
Road Supervisors Salary	300.00	300.00
Teachers' Examinations	33.00	33.00
Miscellaneous	154.72	154.72
Cruising Timber	5,523.00	5,523.00

Total amount claims allowed and drawn \$99,461.81 \$99,461.81

AMOUNT OF OUTSTANDING WARRANTS

UNPAID Principal Interest

Outstanding unpaid County Warrants on the 30th day of September, 1912 \$400,788.72 \$20,000.00

State of Oregon,

County of Klamath ss:

I, C. R. De Lap, County Clerk of the County of Klamath, State of Oregon, do hereby certify that the foregoing is a true and correct statement of the number and amount of claims allowed by the County Court of said county for the six months ending on the 30th day of September, 1912, on what account the same were allowed, and the amount of warrants drawn and the amount of warrants outstanding and unpaid as the same appear upon the records of my office and in my official custody.

Witness my hand and the seal of the County Court of said county, this 1st day of October, A. D. 1912

C. R. DE LAP, County Clerk.

By CHAS. F. DE LAP, Deputy Clerk.