

CIVIL ACTION IS DISMISSED

FAILURE ON THE PART OF THE PLAINTIFF TO AMEND THE SECOND COMPLAINT CAUSES CASE TO BE DROPPED

Failure on the part of the plaintiff to amend the second amended complaint in the case of Mary C. Rucker against Margaret Pitts resulted in the dismissal of the case late Tuesday afternoon by Circuit Judge Benson.

A short time ago Judge Benson sustained a demurrer to the plaintiff's second amended complaint, and stipulated five days in which to amend the complaint. The amendment was not filed in the time allowed, and a judgment against the plaintiff for the costs was ordered.

Eugene merchants have been again unseated by cashing checks for a stranger who represented himself to be a student at the state university.

Aviators Lost

United Press Service
LOS ANGELES, Dec. 18.—The landing of a pontoon, the rudder and a wing tip of Kearney's hydroplane off Redondo beach, and strips of the shirt and vest which Lawrence wore, makes it nearly certain that the two men perished. Searchers are still active, and are watching for the bodies to come ashore.

Midwest Marriage

ST. LOUIS, Dec. 18.—W. E. Barnett, aged 22, weight 34 pounds, and height 39 inches, has a license to marry Miss Dorothy Warfield, 19. Miss Warfield weighs 130. Mrs. H. L. Morris, 7 feet 4 inches tall, and weighing 126 pounds, will be matron of honor at the wedding.

Mr. and Mrs. Frank Ankeny were in from the Ankeny ranch last night to attend the big meeting of the O. E. S.

Women Go to Pen

SALER, Dec. 18.—Judge Kelly has revoked the parole of Ora Orth, who was arrested a few days ago for misconduct in a Portland hotel, and she will now go to the penitentiary to serve from one to ten years. She was convicted of larceny here in association with Frank Buffen. She will be the fourth woman convict at the penitentiary, the other three being Mrs. Carrie Kern, Susie Owens and Hazel Irwin, all serving sentences for manslaughter.

Wife Was Suffragist

United Press Service
PARIS, Dec. 18.—When Louis Duch, glassworker, was tried for shooting his wife in the head, the wife contended that she had received merely legitimate chastisement. The husband was dismissed.

Mendez Tender Hearted

MADRID, Dec. 18.—Nicomedes Mendez, chief executioner of Spain, died of grief over the death of his daughter, who never recovered from the shock of being abandoned by her lover when he learned of her father's occupation.

Barracks Haunted

United Press Service
TOKYO, Dec. 18.—Declaring that the Kumamoto barracks is haunted every fall by a terrible monster which attacks them in their sleep, a regiment of Japanese infantry has petitioned the war office to transfer them elsewhere.

Trip Plan Cancelled

Special to The Herald
CORVALLIS, Dec. 18.—The faculty committee on athletics has instructed the manager of the basketball team to cancel the games scheduled with fourteen Eastern colleges and universities, since they believed it would interfere too greatly with their studies. The students are much disappointed.

Banks and business houses all over the country are besieging the treasury department for brand new money for the holidays.

WANTED—Indian baskets called lake in dozen lots. F. M. Gilman, Lake County, Highland Springs, Calif. 18-3

Plans for Reid Funeral

United Press Service
LONDON, Dec. 18.—Ambassador Reid's body will leave Dorchester house Saturday morning at 10 o'clock and will be taken aboard an English warship. An hour later Mrs. Reid will board the liner Campania. Representatives of the American embassy will accompany the body aboard the battleship.

Fresh Rolls, 50c Up

A few fresh rolls suitable for your 55-note Player-Plane, and a musical Christmas day. Call on E. P. Sheppard, 506 8th st. 17-4t

For Xmas Tree

Parties interested in the Christmas tree to be held for the homeless ones and needy families under the auspices of the Women's Civic League, will meet this evening at the office of Drs. Chilton and Morrow in the White building. Committees on arrangements will be appointed at this meeting.

Lions Case Continued

United Press Service
SAN FRANCISCO, Dec. 18.—The hearing of Mrs. Lyons, charged with shooting Bob Widney, has been set over for two weeks, as Widney was not able to appear in court. The woman is out on \$1,500 bail. She is confident that Widney will not prosecute.

FOR RENT—Four-room house, partly furnished, \$8 per month, including lights and water. Inquire W. O. Smith Printing Co. 18-4t

To Have Xmas

The Presbyterian Sunday school will have a Christmas tree and various exercises by the classes and others at the church on Christmas Eve. It has always been the custom of this Sunday school to invite all who wish to attend. They always provide some small present for every child who attends, whether a member of the Sunday school or not.

Leland Mosler, hydrographer of the local branch of the reclamation service, leaves Saturday for San Francisco to spend two weeks.

Another vote in favor of selling the present court house site was received by the county court this morning. This makes a total of 648 votes in favor of selling the site, against 309 who favor retaining it.

Celebrates Anniversary

United Press Service
ROME, Dec. 18.—Giovanni Maritano de Goyeneche, ambassador from Peru to the papal court, and dean of the ambassadorial corps accredited to the Vatican, has just celebrated the 25th anniversary of his appointment to his present post. Previously he was a member of the Peruvian parliament and minister to France and Spain.

Cut flowers at No. 2 West Main at

THIS COUPON

With 75 cents, entitles you to
"A NIGHT OFF"

Friday Evening, December 20th.

And a reserved seat under a
shade tree in our new park—
for ninety-nine years.

Notice of Sheriff's Sale
In the Circuit Court of the State of Oregon, for Klamath County.
J. N. Masten Lumber Company, Inc., a Corporation, Plaintiff,
vs.
F. C. Robinson, C. F. Errington, A. J. DuPrey and Joe. L. Ringo, Defendants.

Notice is hereby given that by virtue of an execution and order of sale, duly issued out of the above-entitled court and cause on the 9th day of December, 1912, upon a decree made and entered of record in said court and cause on the 9th day of December, 1912, in favor of the plaintiff named above, directing the sale of the real property therein, and hereinafter described, to satisfy the following: The principal sum of \$3,464.00, with interest thereon at the rate of 10 per cent per annum from June 14, 1912; the sum of \$150.00 attorney's fees; the sum of \$19.00, costs and disbursements and the accruing costs.

Now, therefore, by virtue of said execution and order of sale, and in compliance with said writ, I have duly levied on said real property, and will, on Thursday, the 9th day of January, 1913, at 10 o'clock a. m. of such day, at the front door of the county court house of Klamath county, in Klamath Falls, Oregon, sell, at public auction, to the highest bidder, for cash, all the right, title and interest in the above named defendants in and to the following described real property, to-wit:

Lots 13 and 14 in block 30 of the town of Crescor. in Klamath County, Oregon; or so much thereof as may be necessary to satisfy said execution, which may be sold separately without material injury to the parties interested. The proceeds of said sale will be applied in the satisfaction of said execution and decree, and the overplus, if any there be, will be paid into court to be further applied as by law directed. Dated this 9th day of December, 1912. W. B. BARNES, Sheriff. 10-17-24-31-7 h

Notice of Settlement of Administrator's Final Account and Hearing of Petition for Discharge.
In the County Court of the State of Oregon, for Klamath County.
In the Matter of the Estate of S. W. Kilgore, Deceased.

Notice is hereby given that Wm. Duncan, as administrator of the estate of S. W. Kilgore, deceased, has rendered, presented for settlement and filed in said court his final account of the administration of said estate, together with a petition for his discharge, and that the 18th day of January, 1913, at 10 o'clock a. m. of that day, at the county court house of said county, in the court room where the above entitled court is held, in Klamath Falls, Klamath County, Oregon, has been fixed by said court as the time and the place, respectively, for the settlement of said account and the hearing of said petition for discharge, at which time and place any person interested in said estate may appear and file exceptions in writing to the said final account and contest the same, and show cause, if any, why said administrator should not be discharged and his bondsmen exonerated from further liability on his bonds. Dated this 14th day of December, 1912.

WM. DUNCAN, Administrator of Said Estate. 14-21-26-4-11 h

Notice of Sale of Personal Property to Satisfy Agitor's Lien
Notice is hereby given that I will, on Saturday, the 28th day of December, 1912, at 10 o'clock a. m. of said day, in front of the court house

of Klamath county, Oregon, sell at public auction, to the highest bidder, for cash, the following described personal property now in my possession, in the County of Klamath, State of Oregon, namely:

One gray mare, 12 years old, named "Beck," weight 1400 pounds
One gray horse, 10 years old, named "Jeff," weight 1400 pounds.
Property of Geo. Hagen of Klamath county, Oregon, to satisfy a lien which I hold against the said property for performing the following services, which were bestowed upon said property and to defray the costs and disbursements of this sale:
To board and lodging, May 18 to Oct. 23, 1912 \$75.00
To pasturage 6.00
To taking to ranch on Lost River 2.50
To taking to Klamath Falls, Oregon, for sale 2.50

Total \$86.00
together with the costs and disbursements connected with this sale.

CALVIN B. CLENDENNING, Date 1st publication, Dec. 7, 1912; Date 2nd publication, Dec. 14, 1912; Date 3rd publication, Dec. 21, 1912

Notice to Creditors
In the Matter of W. H. Wynant, for the Benefit of Creditors.
The Public Will Please Take Notice that on the 19th day of October, 1912, the undersigned was appointed assignee in the above entitled matter, and all persons having claims against the said assignor, will please present the same to me, with the proper vouchers, duly verified, at my office, in the city of Klamath Falls, Oregon, within three months from the date hereof.

Dated at Klamath Falls, Oregon, December 14, 1912.
W. L. MOORE, Assignee. 14-22-30-6-13-20 h

Sheriff's Sale
Suit in Equity to Foreclose Mortgage in the Circuit Court of the State of Oregon, for Klamath County.
J. A. Cook, Plaintiff,
vs.
W. P. Rhoads and Mrs. Mattie E. Rhoads, Defendants.

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 4th day of December, 1912, upon a decree made and entered for record in said court in said suit, on the 26th day of November, 1912, in favor of the above named plaintiff, directing the sale of the premises herein described to satisfy the sum of \$1,500.00, and interest in the sum of \$188.75 and \$175.00 attorney's fee, together with costs in the sum of \$22.00, with interest on said sum from 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 Friday, the 11th day of January, 1913, at 10 o'clock a. m. of said day, at the court house door 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 defendants in and to the following described real estate situated in Klamath County, Oregon, to-wit: Beginning at a point 1.220 feet west and thirty feet south of the corner of Section 1, 2, 11 and 12, Township 41, south of Range 10, East of the Willamette Meridian; thence south 731 feet, to Lost River, thence up Lost River 119 feet, thence north 763 and 8-10 feet, thence 173.5 feet to place of beginning, containing three acres more or less, and being a part of lot 2, Section 11, Township and range aforesaid.

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, Klamath Falls, Oregon, this 5th day of December, 1912.
W. B. BARNES, Sheriff of Klamath County, Oregon. By GEO. HAYDON, Deputy. 5-12-19-26-2-9. h

Sheriff's Sale
Suit in Equity to Foreclose Mortgage in the Circuit Court of the State of Oregon, for Klamath County.
J. O. Stevenson, Plaintiff,
vs.
Marie L. Gifford and Walter S. Gifford, Defendants.

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 29th day of November, 1912, upon a decree made and entered for record in said court on the 25th day of November, 1912, in favor of the above named plaintiff, directing the sale of the premises herein described to satisfy the sum of \$500.00 and interest in the sum of \$66.67; \$100.00 attorney's fees, together with costs in the sum of \$24.75, with interest on said sum from the rendition of said decree and accruing costs.

Dated, Klamath Falls, Oregon, this 5th day of December, 1912.
W. B. BARNES, Sheriff of Klamath County, Oregon. By GEO. HAYDON, Deputy. 5-12-19-26-2-9. h

Sheriff's Sale
Suit in Equity to Foreclose Mortgage in the Circuit Court of the State of Oregon, for Klamath County.
J. O. Stevenson, Plaintiff,
vs.
Marie L. Gifford and Walter S. Gifford, Defendants.

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 29th day of November, 1912, upon a decree made and entered for record in said court on the 25th day of November, 1912, in favor of the above named plaintiff, directing the sale of the premises herein described to satisfy the sum of \$500.00 and interest in the sum of \$66.67; \$100.00 attorney's fees, together with costs in the sum of \$24.75, with interest on said sum from the rendition of said decree and accruing costs.

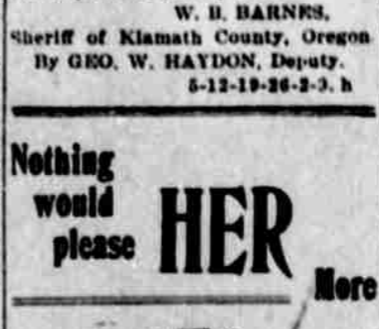
Dated, Klamath Falls, Oregon, this 5th day of December, 1912.
W. B. BARNES, Sheriff of Klamath County, Oregon. By GEO. HAYDON, Deputy. 5-12-19-26-2-9. h

Now, therefore, in view of said execution and in compliance with same, I have duly levied on said premises, and will on Friday, the 11th day of January, 1913, at 10 o'clock a. m. of said day, at the court house door, 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 defendants in and to the following described real estate, situated in Klamath County, Oregon, to-wit: All of lots 1, 2, 3, 19 and 20, of block 23, and lots 6, 7, 8, 9 and 10, of block 31, all in Second Addition to Klamath Falls, Oregon, according to the duly recorded plat thereof, filed in the office of the county clerk, Klamath County, Oregon, being part of the Southwest quarter of the Northeast quarter of Section 29, Township 33, south Range nine, east of the Willamette Meridian, in Klamath County, Oregon.

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, Klamath Falls, Oregon, this 5th day of December, 1912.
W. B. BARNES, Sheriff of Klamath County, Oregon. By GEO. W. HAYDON, Deputy. 5-12-19-26-3-3. h

Nothing would please HER More



A ring is without doubt the most acceptable gift to a young lady. You do not have to buy one of the expensive kind. We have some beautiful bands, set off with attractive stones at very reasonable prices.



HE would be pleased with a watch fob

We have them from \$1 to \$25

Pelley's
513 Main Street



After the Shave

SANITATION IN THE KITCHEN
is as essential as it is in the bathroom—therefore a porcelain sink is an important factor in the hygiene of the home. It makes the irksome task of dishwashing a pleasant duty, and what is of vastly more consequence, insures absolute cleanliness, because it can be kept clean. See Greeley, the Plumber, for details.
GREELEY

DON'T COUGH
Send to Underwood's and get a bottle of NYAL'S White Pine and Tar
It will relieve the irritation, soothe your throat and stop the Cough. Get a bottle and sleep well tonight. Large Bottles 50c
UNDERWOOD'S
Corner Main and Seventh

THERE IS NO SECURITY SAFER THAN MONEY. IS YOUR MONEY WHERE YOU CAN GET IT WHEN YOU WANT TO?
THE FIRST NATIONAL BANK TIES NO STRINGS TO YOUR ACCOUNT.
THE FIRST NATIONAL BANK
"The Bank of Service"
Capital \$100,000

Here is an **Xmas Gift** that will be appreciated
A CARVING SET—The Genuine Henckels Twin Works. We have the right kind, the quality line, that gives service and looks right, whether it be on the Christmas table or for every day use. We have them from \$3.00 up

Baldwin Hardware Co.
Everything in Hardware

Any Woman
Can make good Cake or Pastry if she uses the right kind of Flour. For your Christmas Cake or Pie try one carton of Genuine Olympic Cake and Pastry Flour, specially prepared. Book of recipes in every package. It gives a crispness to pie crust and a color and velvety texture to cake not obtained by the use of any other flour.

Kellogg's Tasted Biscuit
Made by a special process whereby all of the vital elements of the whole wheat are retained.
A BREAKFAST LUNCHEON OR TEA BISCUIT.

WARD & OBENCHAIN

AN IDEAL XMAS GIFT
The Blackstone Vacuum Massager gently and evenly draws out the dust and all substances from the perspiration of the oil glands that tends to clog the pores, and by this soothing, natural drawing or suction, stimulates the circulation, exercises the muscles and invigorates the flesh. Simply running water operates it, and it slips on any faucet. Price, complete, \$5.
Write A. R. RENNER, State Agt Klamath Falls, or leave orders Herald Office
For the Complexion

When you can buy an **AI DOOR FOR \$1.25**
IT'S TIME TO BUY DOORS;
IT'S TIME YOU GOT BUSY.
We find that there are several odd lots of doors in our warehouse. Some are fir doors and a number are one-panel redwood.
The former we are going to sell for \$1.25 each and the latter at \$2.00. This is just a sample of the low prices we are making to induce you to buy now.
A FEW MINUTES AT OUR YARD WILL SAVE YOU MONEY
BIG BASIN LUMBER CO.