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THE EVENING HERALD

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KLAMATH FALLS, THURSDAY, JULY 7, 1910

CHIEF JUSTICE FULLER

The public has understood from the beginning of Mr. Taft's administration that the duty would fall upon him to appoint an exceptionally large number of justices of the supreme court. Time had wrought its inevitable effect upon the distinguished members of that body, and in the natural course of things it was to be expected that several of them would leave vacancies before the close of Mr. Taft's term of office. It was not believed, however, that Chief Justice Fuller would be among the number of those whose successors must be chosen in the near future. Although his health was not robust, he was by no means an invalid, and at the age of 77 he might have had several years of active work before him. Public opinion seems to be better pleased when justices retire before extreme old age comes upon them, but after a lifetime of the wisest decisions have been written by men nearer 50 than 70. Time, which destroys everything else, does not impair the judicial quality of the mind until the very last.

Mr. Fuller was by no means in his first youth when President Cleveland named him Chief Justice, but his age of 55 years, which seems fairly mature, left him the youngest member of the court but one. In 1888, when he was appointed, the members of the civil war passions were not entirely extinct, and some members of the senate judiciary committee, who had to pass on his fitness for the bench, could not forget that his sympathies had not been notably active on the Union side. There was a vigorous debate in the senate over his confirmation. Such men as Edwards and Everts opposed him, while he was defended by others equally eminent. Senator Cullom among them. Mr. Fuller's death removes from the stage of human action almost the last man who took part in that forgotten controversy. The president who made the appointment, the judge whose merits were in debate and all the senators but Cullom who stood on one side or the other, are dead, while the embittered passions which inspired the scene have vanished from living memory forever. Contrary to the predictions of his opponents, Mr. Fuller turned out to be an able and patriotic judge. Far from upholding doctrines of disunion, he has steadily aided in that legal evolution of the federal power which is essential to the stability of the national government.

The period of twenty-two years during which Mr. Fuller presided over the supreme court covers the beginning of the transition from individual competition to corporate control of production and commerce in the United States. It fell to him and his colleagues to write a number of epoch-making decisions wherein the authority of congress to legislate for the regulation of the corporations is upheld. Chief Justice Fuller has seen the firm establishment of the interstate commerce commission as an arm of the government, the beginning of federal legislation to protect interstate employes, the enactment of the pure food law and the growing tendency to protect women and children from unhygienic labor conditions, and by his decisions he has assisted civilization to develop along all these wholesome lines. His unfortunate death prevents him from helping to utter the final word upon the Tobacco and Standard Oil cases. Indeed, the responsibility of the president in regard to these important lawsuits is greatly increased by the appearance of this new vacancy.

Four chief justices of the supreme court have lived during times when more weighty questions were up for decision, and probably the verdict of history will be that none have met their problems with more adequate wisdom. It may be conceded that the head of the supreme court does not today enjoy the almost absolute power which the predominating genius of John Marshall exercised, but still he is the principal figure in the most important tribunal in the world, and his opinions profoundly affect the course of history in the United States.

Another court possesses the authority which belongs to the supreme

court of this country. It not only interprets the laws, but in the largest sense it exercises legislative power, and, in addition to that, it possesses an absolute veto over the laws of congress. There is no other instance in history of a judicial tribunal which has been entrusted with powers so extensive. Hence it is natural for the country to look with extreme interest upon the changing membership of the supreme court and to await with more or less anxiety the announcement of the president's new appointments. The character of the men whom he selects will in large measure determine whether our evolution for the next half century shall be peaceful or turbulent.—Oregonian.

OREGON TO SHARE IRRIGATION FUND

Ballinger to the Rescue—Extension of Umatilla Project Westward Likely to Be Authorized

WASHINGTON, D. C., July 7.—Secretary Ballinger, after giving careful consideration to appeals made to him by Representatives Ellis and Hawley before they left for Oregon, has come to the conclusion that Oregon is entitled to share in the distribution of the \$20,000,000 irrigation fund made available by congress just before adjournment, and it now seems quite likely that extension of the Umatilla project westward with a view to irrigating 60,000 acres more, will be authorized, and that part of this fund will be allotted to begin construction.

Secretary Ballinger points out that repeal of section nine of the reclamation act, which was permitted without protest from Senators Bourne and Chamberlain, relieves both the president and himself of any obligation to apportion further funds to Oregon at this time, but personally the secretary believes Oregon should be shown consideration, particularly as it is the second heaviest contributor to the reclamation fund, and has never been given a square deal by previous secretaries of the interior. There are but two projects in Oregon to which funds can be allotted, and it is certain Klamath can receive nothing. This makes it obligatory to make an allotment for the Umatilla extension, and in case the report of the army engineer board is favorable it is now believed Secretary Ballinger will recommend to the president that the west side Umatilla project be built. It is estimated to cost \$2,500,000. While the whole amount may not be allotted out of the \$20,000,000 fund, enough will be provided, if extension is authorized, to carry the work through the present season, and finish it with money from the regular fund. This is an unexpected change on the part of the administration, for up to this time the Umatilla project has not been regarded with particular favor. Secretary Ballinger personally, however, wants to do what he can for his neighboring state, and in case the allotment is made it will be entirely on his recommendation and in accordance with the requests of Representatives Ellis and Hawley.

REAL ESTATE TRANSFERS

Furnished Daily by Abstract Firm of Mason & Slough

Mary E. Forbes to Arthur H. McMaster, lots 1, 2 and 3 of blk. 84, Klamath addition to Klamath Falls; \$10.

Big Stichel to Birdie Metzger, SW 1/4 of NW 1/4 sec. 14-28-9; \$1.
 H. G. Lawrence to E. B. Fitch, part of SW 1/4 of NW 1/4 sec. 1-41-10, and all of NW 1/4 of SW 1/4 of sec. 1-41-10; \$10.

J. B. Reed to James Reed, 1/2 of NW 1/4 and NW 1/4 of NW 1/4 sec. 11, and SW 1/4 of SW 1/4 of sec. 3, and 1/2 of NW 1/4 sec. 10 and 1/2 of SW 1/4 sec. 3-29-11; \$10.

Alexander Martin to Paul Brotenstein, all the interest of grantor in blk. 5, West Klamath Falls and part of lot 2, sec. 22-28-9; \$1.

Lipman Sachs to Paul Brotenstein, all the interest of grantor in blk. 5, West Klamath Falls and part of lot 2, sec. 22-28-9; \$1.

PYTHIANS INSTALL OFFICERS

DEPUTY GRAND CHANCELLOR C. C. HOGUE CONDUCTS WORK

Members of Cascade Temple Join With Them in Witnessing the Ceremonies

One of the most enjoyable evenings the Knights of Pythias of this city have had for some time was when the members of that order and visitors from Cascade Temple No. 51, Pythian Sisters, who had been invited to witness the installation of the newly elected officers of Klamath Lodge No. 99, met in Red Men's hall last night to see the knights inducted into office.

The installation ceremonies were impressively conducted by C. C. Hogue, deputy grand chancellor, assisted by the following members, acting for the grand lodge officers: Warren E. Comas, deputy grand vice chancellor; J. L. Yaden, deputy grand prelate; F. L. Armstrong, deputy grand master at arms.

The officers installed were: Chancellor Commander—Albert E. Elder.

Vice Chancellor—C. C. Low. Master of Work—Henry Rabbes. Prelate—R. A. Reid. Master at Arms—Albrecht Oehler. Inner Guard—Bernard Zollman. Outer Guard—Lurt Platt.

After the ceremonies were over and speeches had been made by the newly installed officers, those present enjoyed a delicious lunch, consisting of ice cream, cake, lemonade and oranges, which had been prepared by a committee consisting of W. H. Dolbeer, C. C. Low and Albert E. Elder.

The entire evening was greatly enjoyed by all present. The ceremonies conducted by Mr. Hogue were impressive, and in keeping with the dignity of the occasion, and while the luncheon was not elaborate, it was excellent, and there was abundance for all.

Klamath Lodge No. 99 is growing rapidly, and the members are all enthusiastic Knights of Pythias, who take an interest in their work and who have made their lodge one of the finest in the state.

The gain in membership which has been made during the six months just passed will be more than met during the term just beginning, and the officers installed are determined that the good work heretofore done will not cease. They deserve success, and will achieve it.

The watch of modern times. Ever good; better now. I have it; the new 21-jewel, 16 size. The price is \$75. I'd be pleased to show it's merits. McHatton.

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No. 1—154 acres; very near 1 mile Lost River front; A new house; partly cleared and in crop; nothing finer in the country.

FARM LANDS AND STOCK RANCHES

No. 1—160 acres 3 miles southeast of Midland. 75 acres in sagebrush, 36 acres under ditch, 85 acres in cultivation. Produced 21 bushels of wheat to the acre last year. Terms Per acre \$30.00

No. 2—160-acre homestead relinquishment, 17 miles out; good house, large barn, windmill; 25 acres in potatoes; good team. All for \$1,000.00

No. 3—160 acres 8 miles from Klamath Falls; 100 acres in crop; 3-room house, good barn and out-buildings; 1/2 mile from school and 2 miles from church; 4 miles from Midland. With crop, \$55 per acre; without crop, per acre \$45.00

No. 4—160 acres in Poe Valley, 20 miles from Klamath Falls, 1 1/2 miles from school; small house and barn; 66 acres cleared. Terms: \$1,000 cash, balance 8 per cent. Per acre \$15.00

No. 5—80 acres with 45 rods of Kwauna Lake water front; 30 acres of reclaimed Tule land; 25 acres under Government system; small house and barn; good well. Terms Per acre \$50.00

No. 6—392 acres, 117 acres meadow, 50 acres tillable and 125 acres timber; 8 miles from Klamath Falls; house 5 rooms, large barn; fine stock proposition. Terms: \$2,000 cash, balance 8 per cent \$20,000.00

No. 7—160 acres, 4 1/2 miles from Klamath Falls and 2 miles from Midland; 90 acres in cultivation; small house and barn; good well; all fenced; 116 acres under government canal. Price, \$35 per acre, with machinery, with stock, per acre \$40.00

No. 8—160 acres, sagebrush; 60 acres under the ditch; corner of county road; close to school house; 7 miles from city; terms. Per acre \$27.50

No. 9—320 acres, all under the ditch; 8 miles out; all in sagebrush; fine soil; main county road; terms. Per acre \$25.00

No. 10—160 acres, near Merrill; over 100 acres under the ditch; house, barn, well, fenced; in crop; terms. Per acre \$25.00

No. 11—320 acres, 175 under cultivation; all above ditch, all under fence; 3 1/2 miles from Klamath Falls; 4-room house, large barn, 3 wells. Terms: \$2,000 cash, balance 7 per cent. Per acre \$25.00

No. 12—160 acres 7 miles from Klamath Falls, on Lakoview road; 3 miles from Olene, good house and barn; place was homesteaded 20 years ago; well improved in every respect. Per acre \$27.50

No. 13—168 7/8 acres, all in sagebrush except about 19 acres in pine timber; 8 miles from Klamath Falls; 12 miles from Klamath Falls and 2 miles from Olene. Terms. Per acre \$25.00

No. 14—80 acres 5 miles from Klamath Falls; all under ditch and in cultivation; well improved; good house, good barn, windmill, etc. Exceptionally good property. Terms. Per acre \$70.00

No. 15—80 acres on Lost River, 12 miles from Klamath Falls; 60 acres under ditch; all cleared and in cultivation; under fence. No better soil in Klamath basin. Terms: \$1,500 cash, balance 8 per cent. Per acre \$20.00

The above is only a partial list of the many farms and ranches we have for sale. If it is good, we have it.

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New, modern, 4-room, pantry, closet, bathroom; plumbed complete, tub, toilet, lavatory; hot water in kitchen; plastered; three coats of paint; perfect interior finish; double floor; fine location; splendid view. Nothing better in the city for quality or price. Terms or cash \$2,500

CITY PROPERTY IMPROVED

No. 1—Six large lots, fine new house, new barn, two large new hen houses, fruit trees, modern improvements, all for little more than cost of buildings; Fairview Addition \$2,000.00

No. 5—Lot 50x50 in Fairview Addition; new 3-room house, city water. Terms \$700.00

No. 7—6-room house in Nichols Addition; large lot; good location. A splendid investment. Terms \$1,500.00

No. 8—Pine 5-room bungalow on Pine Street; new and modern in every respect. One of the best buys in city. Terms \$2,000.00

No. 9—25 feet on Main Street; frame building, rented for \$50 per month. Terms \$4,000.00

No. 10—6-room house on California Avenue; Excellent home; house new and on car line. Terms \$1,000.00

If you do not see it on this list, ask about it. We have it.

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