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Men's, Ladies and Children's Shoes in all the new, snappy
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REGAL SHOE STORE

ADJUSTING HIGH SCHOOL CLASSES

FIRST DAY OF SECOND SEMESTER
IN MARY FOR BOTH STUDENTS
AND FACULTY AT KLAMATH
COUNTY HIGH

The second semester of the present term opened at the Klamath county high school this morning, and the day has largely been devoted to adjustment of study periods to conform with the studies to be taken up during the final semester. The study of botany was commenced by the Sophomore class.

JUDGE HENSON GIVES OPINION

(Continued from Page 1)

have a legal right to sue, and this opinion was later confirmed when the proceedings were dismissed, with the costs against plaintiffs, and new proceedings, with the state of Oregon as plaintiff and Rabbes and Leonard as defendants were initiated.

The case actually came into court for the first time Saturday morning by the consent of the city attorney, who desired to expedite matters.

Judge Henson's decision follows: "This cause is submitted to the court upon the petition of the relation for an alternative writ of mandamus, and the question to be determined is: Shall the writ issue?"

"The petitioners contend that on May 30, 1913, a certain municipal charter for the City of Klamath Falls was legally adopted by a majority of the legal voters of the city, and that the defendants, whose duty it was and is, to make such charter effective, have neglected and refused to perform their manifest ministerial duty therein; for which reason petitioners pray for an alternative writ, com-

manding the defendants to perform such duty or show a valid excuse for not doing so.

"We must therefore examine the petition and determine therefrom whether or not it states facts sufficient to justify the court in issuing the writ.

"As the purport of the petition has already been briefly summarized it is unnecessary to go into it further than to say that the proposed charter, as submitted to the legal voters of the city on May 30, 1913, is set out in full as 'exhibit A' in the petition.

"A careful inspection of this exhibit calls attention at once to the 'ballot title' of the proposed legislation, which reads as follows:

"A bill proposing by the initiative an amendment to an act entitled 'An act to incorporate the City of Klamath Falls, Oregon, and to provide a special charter therefor, and to repeal all acts in conflict herewith,' and to provide a Commission form of government for the City of Klamath Falls, Oregon, to be submitted to the legal voters of the City of Klamath Falls, Oregon, at the annual general election to be held in said city on the 6th day of May, A. D. 1915. The following is the form and number in which the question will be submitted on the official ballot for the proposed amendment to the above described act by the Police Judge of the City of Klamath Falls, Oregon, to the people thereof, for their approval or rejection."

"The petition for the writ also alleges the adoption of a charter for the city by the legislature of the state at its regular biennial session in 1905, also that the Charter of 1905 was superseded by a new charter adopted by the legal voters of the city on May 21, 1910; that the petition for the charter sought to be enforced by this proceeding was filed with the police judge of the city on the 29th day of January, 1913, and that on April 23, 1913, and before the statutory time of 90 days had elapsed for submitting the proposed charter, exhibit A, to the people for adoption, another charter was adopted by the legal voters of the city, thereby superseding the charter of May 21, 1910: That by

the terms of the last mentioned charter the date of the regular election was changed from May 6 to May 20, 1913, at which the proposed amendment, exhibit A, was voted upon and adopted by a majority vote of the legal voters of the city.

"The first question that presents itself then, is the title of the proposed act of legislation. And in considering this, it must be borne in mind that the Constitution of Oregon provides that every such act must have a legislative title as provided in Section 30, Article IV. of the Constitution, which reads as follows:

"Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if subject shall be embraced in an act which shall not be expressed in the title such an act shall be void only as to so much thereof as shall not be expressed in the title."

"In addition to this constitutional provision, the Code of Oregon, Sec. 2475, provides that when an initiative petition is filed with the secretary of state (or city clerk) it shall be submitted to the attorney general (or city attorney) who shall, within a specified time, provide and return a ballot title for the proposed measure, and the same section further provides that 'the ballot title may be distinct from the legislative title.'"

"It must be kept in mind that while exhibit A has a ballot title, it has nothing which purports to be a legislative title, and the question which next occurs is: 'Is the ballot title sufficiently explicit to serve as a legislative title?'"

"The supreme court of Oregon, in the case of State ex. rel. vs. Richardson, 48 Oregon, 269, speaking of initiative measures, says: 'The greater number of voters do not possess this knowledge of the contents of a proposed law from an inspection of the title thereof, which is sometimes secured only from the very meagre details afforded by a ballot which is examined in an election booth preparatory to exercising the right of suffrage. It is important therefore, that the title to laws proposed in the manner indicated should strictly comply with the constitutional requirement.'"

"A careful examination of the ballot title of exhibit A discloses, when taken in connection with the other allegations of the petition:

"That the proposed act is an amendment of the charter under which the city was being governed at the time when the initiative petition was filed on January 29, 1913, which is alleged to be the charter adopted by the city on May 21, 1910. But a careful examination of the charter of 1910 and of exhibit A shows that the proposed act does not in any detail undertake to amend the charter of 1910, but to supersede it with an entirely new charter, complete in itself, and in effect, to repeal the charter of 1910.

"It follows that the ballot title of exhibit A is misleading, and not in accordance with the facts.

"But if this were not so, and if exhibit A were in truth an amendment of the charter of 1910, we are confronted with another obstacle which I regard as insuperable. For it further appears from the petition that on April 23, 1913, the legal voters at a special election repealed by implication, the charter of 1910, and adopted an entirely new and different charter, which was in full force and effect at the time when exhibit A was submitted to the legal voters for their approval on May 20, 1913. It does not need authorities to show that a charter which has been abrogated cannot be amended.

"It follows, of course, that it would be useless to go further into the merits of the contention, for no matter what further facts might be developed the court is bound to hold that exhibit A has no such title as would justify the court in holding it to have been legally adopted as the charter of the city. Personally I am an advocate of the commission form of government, and believe that such a system of government would be for the best interests of our city, but such considerations can have no place in the determination of questions of law.

"It follows that the writ must be denied and the proceedings dismissed. It is less a source of regret to me to be compelled to hold as I do by reason of the fact that relations have the right of appeal, and can if they desire, take the matter to the court of last resort.

"Let an order be entered in accordance herewith."

ROBERT PARKER MILES IN LYCEUM COURSE

Lecturer is Endowed With Great Dramatic Ability.

The noted lecturer, traveler, author, newspaper man, Robert Parker Miles, will appear in our city this season. For four years he was connected with the New York Journal, and as a special writer traveled all over Europe interviewing the noted men of that time. He tells of some of them in his lectures. He has wonderful dramatic ability and might have been a great actor. Rev. W. A. ("Billy") Sunday, the noted evangelist, has this to say of Mr. Miles:

"I knew Robert Parker Miles when



ROBERT PARKER MILES.

he was a reporter on the New York papers. I have heard him lecture and regard him as one of the most attractive and unique lecturers on the platform today. His lecture on 'Tall Dips' is a dramatic recital of his personal interviews with famous men. I have followed him in scores of Chautauques and he has never failed to make good. His message and manner of delivering it attracts and interests people of all classes. He's not a 'dead one,' but full of vim, ginger, tobacco sauce and pepper. He lectures because he likes it, and not because he's waiting to get his check. He's an 'inner' not a 'has been.' He can deliver the goods, express prepaid, before any crowd."

At Houston's opera house, Wednesday evening, January 29th.

If it's worth having, it's worth insuring. See Chilesco, 608 Main St. Phone 66.

A Wise Fellow
Is the man that provides for himself ahead of time. Bert McCoy peddles Health and Accident Insurance that is insurance.

TRUST OFFICIAL TO BE PUNISHED

UNITED STATES SUPREME COURT
SUSTAINS JUDGMENT OF LOWER COURT IN SENDING CHAS. S. HEIKE TO JAIL

United Press Service
WASHINGTON, D. C., Jan. 27.—The United States supreme court today affirmed the conviction of Charles S. Heike, former secretary of the sugar trust, for implication in the sugar weighing frauds. In 1907 Heike was sentenced to 18 months imprisonment and fined \$5,000.

Peddling That Stuff
Before you get hurt or ill you should insure yourself with a company that pays liberal monthly indemnities for a small monthly premium. Bert McCoy peddles that kind.

NOTICE OF SALE OF REAL PROPERTY BY GUARDIAN.

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

In the Matter of The Guardianship of The Persons and Estates of Margaret Ann Hargus and Harry Buford Hargus, Minors.
NOTICE IS HEREBY GIVEN, that in pursuance of an order of the County Court of the State of Oregon, for Klamath County, made on the 7th day of January, 1913, in the matter of the Guardianship of The Persons and Estates of Margaret Ann Hargus and Harry Buford Hargus, Minors, the undersigned as Guardian of the Persons and Estates of the said Margaret Ann Hargus and Harry Buford Hargus, Minors, will sell at private sale to the highest bidder, upon the terms and conditions hereinafter mentioned, and subject to confirmation by said County Court of Klamath County, Oregon, on or after the 17th day of February, 1913, all the right, title, interest and estate of the said Margaret Ann Hargus and Harry Buford Hargus, Minors, in and to the real property hereinafter described:

The terms and conditions of said sale are to be all cash in gold coin of the United States of America, or one-half cash and the balance secured by first mortgage upon the said property; or purchaser can assume the payment of a certain mortgage now upon the said premises in favor of the State of Oregon, in the sum of \$350.00 and the balance of the purchase price bid to be paid in cash.

The real estate herein advertised to be sold is described as: The NE 1/4 of the NW 1/4 and Lots 3 and 4 of Section 21; and the NW 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 and Lots 1, 2, 3, and 4 of Section 22; and Lot 1 of Section 23; and the NW 1/4 of the NE 1/4, and the NE 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 and Lots 1 and 2 of Section 27 in Township 40, South, Range 3 East of the Willamette Meridian in Klamath County, Oregon.

All bids or offers must be in writing and may be delivered to or addressed to this Guardian, care of Kuykendall & Ferguson, her attorneys, at Klamath Falls, Oregon. Dated this 7th day of January, 1913.

LENA L. SMITH,
Guardian of the Persons and Estates of Margaret Ann Hargus and Harry Buford Hargus, Minors.
KUYKENDALL & FERGUSON,
Attorneys for Guardian.

SHEPHERD PIANO DEPOT

KLAMATH FALLS, OREGON



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Don't you think it's about time you gave us a call? We have everything in harness and horse furniture and you will always find our prices the best and our prices the best for the best goods.

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PLUMBING REPAIRS ARE NOT NECESSARY

When the installation has been properly and according to methods of sanitation, except the valuable carelessness on the part of servants or others makes it imperative. Have your new work done right and it will be right, or if you put our force of skilled and experienced workmen are at your service.

GREELEY

DON J. SUMWALT, President. M. M. SUMWALT, Vice-President and
HERT K. WITHEROW, Secretary.

Klamath County Abstract Co. ABSTRACTING

Surveyors and Irrigation Engineers

MAPS, PLANS, BLUEPRINTS, ETC. Klamath Falls, Ore.

ANNOUNCEMENT

We have leased the White Pelican Hotel to Mr. George E. Ingram and Mr. W. R. Conway for a period of ten years. In relinquishing the active management of the hotel, the directors and managing officials of the Klamath Development Company wish to bespeak for the new management the same liberal patronage that the people of Klamath Falls and vicinity have given the hospitality in the past.

The Klamath Development Company never had any intention of remaining in the hotel business. But we built the White Pelican because we believed that it would be a great thing for Klamath Falls. We conducted the hotel ourselves until such time as we could turn it over to competent hotel men, who would give Klamath Falls a first class hotel in every way.

We believe that we have found such men in Messrs. Ingram and Conway. They will give to you a first class hotel with first class service and they are more fitted to do this than we have ever been. Indeed, they are experienced hotel men of the highest type.

In relinquishing the management of the White Pelican Hotel to them we have done something for the benefit of our patrons, and the people of Klamath Falls.

Klamath Development Co

Chapped Hands?

Now is the time you will need

WITCH HAZEL
ALMOND CREAM

A lotion unequalled for chapped hands and sore lips. Try a bottle and be convinced

25 cents

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