

Amusements

The Temple Theatre

"Red Sweeney's Mistake,"
Kalam Drama
"Leola,"
Kalam Drama
"Polka Dot,"
Belig Comedy
"Bronze Billy's Brother,"
S. & A. Drama

MATTINEE DAILY AT 2:30
ALL LICENSED PICTURES

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Dry Slab Wood, 6-inch, \$3.50
Dry Fir Slab, 6-inch, \$4.00
16-inch Body Wood, \$6.50
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THE EVENING HERALD

W. O. SMITH, Editor

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KLAMATH FALLS - OREGON
FRIDAY, MARCH 7, 1913

Weather Conditions for March

Date	Max.	Min.	Weather
1.....	35	29	Snow
2.....	41	31	Clear
3.....	44	37	Clear
4.....	43	30	Clear
5.....	44	32	Clear
6.....	47	32	Clear

SMITH IS HOME

THE session of the Oregon legislature has finally reached an end, and last night W. O. Smith, representative from Klamath, returned to the city without a scar, and this in spite of the fact that the youthful prodigy from California who amuses himself by running a newspaper in Klamath Falls has tried in every manner to discredit him.

It is a notable fact that while Mr. Smith was in Salem successfully bringing about the passage of measures in the interests of the residents of this section, Sam Evans remained at home and devoted himself to "stirring things up."

Not a single measure introduced by Klamath's representative failed of passage. On the other hand Sam Evans succeeded in cutting down his boasted newspaper circulation from 1,400 to a list of 577 in Klamath county.

All of which goes to show that the residents of Klamath county do not pay much attention to Sam Evans.

DURING a period of expanding business profits at first usually rise more rapidly than expense. That this has not been the case with the railways of the United States during the recent high tide of traffic is shown by their returns for the calendar year 1912. The total operating revenues are their total receipts from freight and passenger traffic, from carrying mail and express and from miscellaneous sources. Operating income is the amount which after all expenses have been paid remains for rentals, interest on bonds appropriations for betterments, improvements, new construction and for dividends.

The total receipts of the railways of the East were \$1,511 per mile higher than for 1911, but operating income gained only \$240. The total receipts of the railways of the South increased \$492 per mile for the year, but operating income suffered a loss of \$109. The railways in the West gained \$226 per mile in operating income, which offset the loss of approximately the same amount in the previous year. If the closing six months of 1912 be alone considered the situation was not so unfavorable, but even for this period of mounting traffic the increase in expenses outran the increase in receipts.

That the funds available for developing and extending the railways have not kept pace with the growth in traffic or the increased expenses of operating is shown by the following percentages. For the railways of the East the total operating revenues increased 7.2 per cent, operating expenses 8.3 per cent, and taxes 8 per cent, leaving an increase in operating income of 4.3 per cent. For the railways of the South operating revenues increased 4.9 per cent, operating expenses 8.4 per cent, and taxes 2.8 per cent, leaving a decrease in operating income of 4 per cent. The unusual traffic of the West enabled the railways of that section to obtain an increase of 8.4 per cent in operating income, which just about balances the losses sustained during 1911.

The foregoing figures are all upon the mile of line basis, and were compiled by the bureau of railway economics from the reports made to the interstate commerce commission by the railways having total annual operating revenues of \$1,000,000 or over. These include about 90 per cent of the steam railway mileage of the United States.

FIRE INSURANCE
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Legality of Charter is Certain, Says Leavitt

City Recorder Replies to Criticism of Measure on Which the People Will Vote on Next Monday

Editor Herald:

So many misrepresentations have been made and published, not only in reference to the provisions of the proposed new charter, its legality, and the motives of the men comprising the commission who framed it, that I believe a reply will be read with interest by the citizens who really have the interests of the city at heart.

The commission welcomed any honest criticism of the new charter, in fact, invited it, but when the attacks upon it are actuated solely by a spirit of revenge, with the sole idea of getting even upon the present administration for some fancied wrong act committed against the so-called commission charter, the attacks lose the dignity of honest criticism, and descend into the slough of sour grapes. I shall not trouble myself to answer the attacks of Mr. Murray and Dr. Leonard, made through the press and on the street corners, because the people are fully aware that so far as they are individually concerned, it is a case of sour grapes, pure and simple, and their constant reiteration, in the face of Judge Benson's decision to the contrary, that the commission charter is the legal charter of the city, long since ceased to be a tempting morsel of political diet.

Considerable criticism has been directed against the provisions of the charter because of the fact that the outside limit for the life of any franchise had been fixed by the commission at fifty years.

Let us stop a moment and consider whether or not that is a very serious objection. Remember, to begin with, that it does not mean that any franchise will ever be granted for fifty years, or even for twenty-five years. It does mean, however, that it is possible to apply for a fifty-year franchise, for a twenty-five year franchise or a five year franchise, but in either event the application for the franchise must be published in the form of a proposed ordinance containing all the terms and conditions at the expense of the applicant twice in the official newspaper, which publication shall be completed not less than twenty nor more than ninety days before the final passage of the ordinance; and the ordinance cannot be put on final passage short of sixty days after

its first introduction; and under section 11 of the act of the legislature of 1907, making the initiative and referendum applicable to cities and towns, the ordinance cannot go into effect and become operative until thirty days after its final passage; and it requires simply a petition signed by only 10 per cent of the voters of the city to refer any ordinance to the people for their approval or rejection. Why, then, is the outside limit fixed by this or any other charter a cause for comment even. If the people should by their votes approve of a fifty year franchise, who could be heard to complain?

Now, as to the statement that the charter cannot be amended until 1914: Section 12 of the law just referred to, provides that amendments to any city charter may be proposed and submitted to the people BY THE CITY COUNCIL, with or without AN INITIATIVE PETITION, but the same shall be filed for submission not less than sixty days before the election at which they are to be voted upon. The city council may by ordinance order special elections to vote on municipal measures. Is there anything lacking in the machinery of the law enabling this or any other charter to be amended.

And section 58 of the charter, you will observe, provides as follows:

"The power to enact or amend the charter of the city of Klamath Falls, and all other rights guaranteed to the people under the initiative and referendum laws by the constitution of the state of Oregon, are hereby fully reserved and guaranteed to the people of the city by this charter."

What becomes of the great hullabaloo raised over section 53 in the light of the following language of the charter found in section 36?

Section 36, last paragraph: "When over the provisions of this charter in operation prove to be of doubtful or uncertain meaning, or not sufficiently explicit in direction and detail, the general primary law of Oregon, and forms thereunder, under the same circumstances or under like conditions, shall be followed in the construction and operation of this charter."

I apprehend that any court in the land would say in construing section

HERE TO SERVE MANY SUBPOENAS

DEPUTY UNITED STATES MARSHAL HAS FORTY-TWO SUBPOENAS IN HIS GRIP FOR KLAMATH INDIANS

Deputy United States Marshal W. B. Griffith came in last night from Portland to serve subpoenas on witnesses in the case of Anderson Faithful, a Klamath Indian charged with the murder of his wife.

Griffith has forty-two subpoenas to serve on the reservation. The case will be tried March 18th in the federal district court at Portland.

Faithful and his wife resided in a cabin on Whiskey Creek, and late in the fall of 1911 the squaw's body, badly beaten, was found in the cabin. Faithful, when arrested, stated that his wife was feeling sick, and that she got out of bed at night and laid on the door. When he awoke, he says, his wife was dead.

R. York is here from Oroville on a business trip.

It was found to be bound to take judicial notice of the fact that there was no justice of the peace precinct created by the county court comprising the territory of Klamath Falls, alone, but that the territory of the city was part and parcel of the precinct of Linkville, and if the justice of the peace of that precinct was called to assist in the canvass of the votes cast at an election under the charter, the mere fact that the section misnamed the precinct would not operate to invalidate the canvass of votes.

The Northwestern, in its issue of the 6th, says that a defective ballot title renders the proposed new charter INVALID.

Under the law, upon the filing of an initiative measure, it becomes the duty of the police judge to submit a copy of the measure to the city attorney, who shall prepare a ballot title.

That direction of the law was followed in connection with the proposed charter, and Judge Drake prepared the ballot title.

The fact that Judge Drake prepared the ballot title is sufficient guarantee, I apprehend, to assure the citizens of its legality. The Northwestern, complaining of the ballot title, says: "Nothing is said in the title about the intent to repeal all old charters and ordinances in conflict with the proposed new charter."

Had the title contained any such statement it certainly would have shown a woeful lack of legal knowledge. For nowhere in the INITIATIVE LAW granting to citizens and towns control over their municipal legislation can be found an authority for the direct repeal of a prior act of incorporation or the repeal of a prior charter. That is a matter wisely left to implication by the framers of the law, for in no other manner could rights acquired under a prior charter be secure.

The Northwestern makes a statement in the same connection when it says the alleged defect in the ballot title of the proposed new charter is the same defect that called into question the charter of 1910. The truth of the matter is that there is no similarity at all in the matter. The charter of 1910, unfortunately carried no ballot title whatever. That was the objection raised by the Boston attorneys. There is a vast difference between a defect in a ballot title and no title whatever.

To what insignificance every one of the objections raised by Messrs. Murray and Leonard and the Northwestern, dwindle in the light of fairness and honest construction.

The only substitute offered by the opponents of the proposed new charter—the only relief suggested by the opponents of the proposed new charter is in the first instance the so-called commission charter, branded by Judge Benson as an illegal measure, and in the second case an appeal of the mandamus case, in which Judge Benson held the so-called commission charter absolutely illegal, to the supreme court. They have even had the hardihood to stand up in public and state that a decision could be had on appeal within two weeks. By no possibility could the case be gotten into the supreme court within two weeks. But that statement is in perfect harmony with all others made by the same parties in connection with the proposed new charter.

Suppose it were possible to get a decision from the supreme court within six months, it is safe to conclude that Judge Benson's decision would be affirmed. Another year or eighteen months of stagnation would be out portion.

A. L. LEAVITT.

SHH! LADIES! SECRET TO DARKEN FADED GRAY HAIR--USE SAGE TEA

Sage Mixed With Sulphur Restores Natural Color and Lustrre to Hair

Why suffer the handicap of looking old. Gray hair, however handsome, denotes advancing age. We all know the advantages of a youthful appearance.

Your hair is your charm. It makes or mars the face. When it fades, turns gray and looks dry, wispy and scraggly just a few applications of Sage tea and Sulphur enhances its appearance a hundred fold.

Either prepare the tonic at home or get from any drug store a 50 cent bottle of Wyeth's Sage and Sulphur Hair Remedy, ready to use; but

listen, avoid preparations put up by druggists, as they usually use too much sulphur, which makes the hair sticky. Get "Wyeth's," which can always be depended upon to darken beautifully and is the best thing known to remove dandruff, stop itching and falling hair.

By using Wyeth's Sage and Sulphur no one can possibly tell that you darkened your hair. It does it so naturally and evenly—you moisten a sponge or soft brush, drawing this through the hair, taking one small strand at a time, which requires but a few moments. Do this at night, and by morning the gray hair disappears; after another application or two its natural color is restored and it becomes glossy and lustrous and you appear years younger.

CLOGGED NOSTRILS OPEN AT ONCE, HEAD COLDS AND CATARRH VANISH

In One Minute Your Stuffy Nose and Head Clear, Sneezing and Nose Running Cease, Dull Headache Goes.

Try "Ely's Cream Balm." Get a small bottle anyway, just to try it—Apply a little in the nostrils and instantly your clogged nose and stopped-up air passages of the head will open you will breathe freely; dullness and headache disappear. By morning the catarrh, cold in head or catarrhal sore throat will be gone.

Get such misery now! Get the small bottle of "Ely's Cream Balm" at any drug store. This sweet, fragrant balm dissolves by the heat of the nostrils; penetrates and heals the inflamed, swollen membrane which lines the nose, head and throat; clears the air passages; stops nasty discharges and a feeling of cleansing, soothing relief comes immediately.

Don't lay awake tonight struggling for breath, with head stuffed; nostrils closed, hawking and blowing. Catarrh or a cold, with it's running nose, foul mucous dropping into the throat, and raw dryness is distressing but truly needless.

Put your faith—just once—in "Ely's Cream Balm" and your cold or catarrh will surely disappear.



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