

### CONCERT FOR BENEFIT OF THE LIBRARY.

A concert will be given on Wednesday evening, March 3, 1909, by the faculty of the Klamath Conservatory of Music, assisted by Ivan Daniels, violinist, and the Shakespeare quartet. It is to be given for the benefit of the Klamath Falls Library.

A special feature of the program will be the trio by Elsie Applegate, violin; Ivan Daniels, cello; Evelyn Applegate, piano.

This form of music has never before been given in Klamath Falls by local talent.

Besides numbers with accompaniment of piano, violin, and cello, Mrs. Zumwalt will sing "The Erl-King," Schubert's masterpiece of song, which is nearly always included in a concert program of Gadsak and Nordica.

The legend is, that the Erl-King was monarch of a forest folk who were like human beings, except that they had no souls. The only way a soul was to be secured was by stealing that of a young child, which would mean the child's death.

The song represents a father riding by night in haste thro' the forest, holding his little son before him. The child in terror sees the Erl-King pursuing them, and it is in vain that the father tries to reassure him, telling him it is only fancy that he sees the dreaded creature, and hears his seductive voice calling him. In the very difficult accompaniment is heard the galloping of horses, and the wailing of the wind, all going to the perfecting of a wonderful drama.

The Shakespeare quartet, composed of pupils of Mrs. Zumwalt, and under her direction, needs no further introduction.

The admission will be 50 cents. Students of the Conservatory free.

### TAFT PLANS TO VISIT OREGON AND COAST.

WASHINGTON.— President-elect Taft is planning to visit Portland, Los Angeles, San Francisco, Seattle and Alaska next summer. If he carries out his intention, he will visit Denver, and attend there a meeting of the Trans-Mississippi Congress; go to the Alaska-Yukon-Pacific Exposition in Seattle and then proceed to Alaska.

In order to carry out other plans he will have to do his Pacific Coast and Alaska traveling during the last week of July and all of August, and start South in September.

While he is on the Pacific Coast he will in all probability take in all the towns and cities possible. The Pacific Coast is the only section of the country which he has not already toured pretty thoroughly.

Taft believes it to be the duty of the President to travel as much as possible and gain a personal knowledge of conditions in various parts of the country.

### ONE NORMAL OR NONE.

People Will Vote at Next Election on Establishing One Normal School at Monmouth.

The Normal School question which has been the bane of the Legislature for a number of years, has been finally settled. The Senate passed the bill cutting out all the Normals and establishing one school at Portland. The House amended the bill to locate the school at Monmouth and it was passed. The Senate concurred in the amendment.

This will now be submitted to the people at the next regular election, and if ratified, it will mean that the Ashland and Weston Normals will be abolished. If voted down the state will then be without any Normal schools. The bill as amended provides for one school at Monmouth with a maintenance fund, for the disposal by the Board of Regents of the property at Ashland and Weston, for appropriating \$100,000 for buildings and furniture and for submitting the act to the people for ratification.

### MERRILL RECORD ITEMS.

And after all, there is nothing for people of Klamath County to do but to dig up that \$30 per acre for the government. Of course it is true that John D. never had to come through with that 29 million but— we are not all John D's.

It is reported that there has been a gold mine found in this vicinity. We have not learned the particulars, but that there are some excellent prospects is certain.

The remainder of the Mitchell cattle, including the Bunting and Offield cattle, will be shipped out the last of this week.

The many friends of O. B. Allen will be glad to learn that he is coming back to this city in the near future to resume his position on the Record. Mr. Allen is one of the men who makes everybody his friend and Merrill will welcome him back.

### WATER RIGHTS BILL.

Probably the most important new legislation enacted at this session of the Oregon Legislature was the water law, under which the state declares its control over the waters of the state and provides means for exercising that control. The state is divided into two water divisions, the first consisting of Klamath and Lake counties and all the territory lying west of the Cascade mountains; the second comprising the remainder of the state. The Governor is to appoint a superintendent of water for each of these divisions, and the two superintendents together with the state engineer constitute a board of control having general supervision over state waters. Their successors will be elected in November, 1910.

In any conflict over water rights the board of control has first and immediate jurisdiction, and will proceed to determine the relative rights of all water users of the stream; each one will have the right to be heard and submit evidence. The board in its findings will fix the amount of water to which each user is entitled and the priority; and if there be no appeal from its decision within six months its findings are final and permanent, eliminating further litigation. The board has the power to enforce its findings and the decrees of the court relative to water rights. This is one of the most necessary features of the new law. Under the old method, after long and expensive litigation has resulted in a decree adjudicating rights, endless litigation followed in attempts to have the decree enforced.

No adjudication of rights will be made by the board of control except where complaints are made by a water user. The new law amply protects all existing rights to the beneficial use of water. It applies to all forms of water use—municipal, irrigation, power and domestic. It is not an untried, experimental piece of legislation. A similar law has been in force in Wyoming for a number of years and its operation has been very satisfactory. Several other states have water laws whose chief features follow the Wyoming measure.

The bill proposing the new law was opposed only by the larger power companies, but their opposition was futile in the face of the strong public sentiment behind the act. The Senate irrigation committee, of which Senator Merryman was chairman, held several public meetings that were largely attended by representatives from communities all over the state. Several persons visited Salem for the purpose of opposing the bill, but finding they had misapprehended its provisions and scope stayed to urge its passage.

It is quite probable that one of the superintendents will be appointed from this county. The appointment is made by the Governor, and State Engineer Lewis is very anxious to have H. L. Holgate appointed, and has wired him asking if he would accept the place. There are a number of applicants from Eastern Oregon for the appointment for this district, but it is believed that Mr. Holgate stands the best chance and will likely be appointed.

Klamath County is the greatest irrigation district in the state and this end of the state, including Lake County, has many important water rights to be adjudicated, and therefore this section is justly entitled to the superintendent for this district. There is probably no man in the state who is better qualified or more familiar with this question of water rights than Mr. Holgate. He has made a study of the matter for a number of years, and his connection with the Reclamation Service brought him in close touch with every phase of this great problem.

The position pays a salary of \$2400 a year and it is not necessary for the officer to change his residence.

### WOULD REGULATE LIQUOR SHIPMENTS.

WASHINGTON, Feb. 17.—One of the most important questions agreed to by the House in years was incorporated today in the Penal Code bill, which has been under consideration. The legislation seeks to regulate the interstate shipment of intoxicating liquors. Speaker Cannon took the floor and spoke for the legislation.

### FAIRBANKS TO TOUR WORLD.

WASHINGTON, Feb. 17.—Vice President and Mrs. Fairbanks are contemplating taking a trip around the world shortly after the adjournment of Congress. They probably will take a steamer at San Francisco visit Hawaii and the Philippines, then China and Japan and return via Europe.

There are about twelve generations of flies a year, the sexes being about equally divided, each female laying about 1000 eggs.

### EDITORS ARE INDICTED.

Pulitzer and Smith Charged With Libel Against Roosevelt and Others.

WASHINGTON, Feb. 17.—The Federal Grand Jury today returned indictments against the Press Publishing Company, of New York, and Joseph Pulitzer, Caleb Van Hamm and Robert H. Lyman, editors of the New York World, and the owners of the Indianapolis News, Delavan Smith and Charles R. Williams, charging libel in publications in connection with the purchase of the Panama Canal.

The indictment against the publishers of the Indianapolis News, Delavan Smith and Charles R. Williams, charges them with the crime of libel on seven counts and that directed against the World charges Joseph Pulitzer, Caleb M. Van Hamm, Robert H. Lyman and the Press Publishing Company with libel in five counts.

The persons alleged to have been libeled are President Roosevelt, J. Pierpont Morgan, Charles P. Taft, Elihu Root, Douglas Robinson and William Nelson Cromwell. The indictments were filed before Judge Gould in Criminal Court No. 1. The court directed the issuance of a summons for the Press Publishing Company and bench warrants for the defendants.

### OREGON-IDAHO CONGRESS.

To the people of Oregon and Idaho: The Oregon-Idaho Development Congress will be held in Boise Feb. 26-27. The objects of this Congress are to develop the states of Oregon and Idaho, particularly the southern portions thereof, by the encouragement of irrigation projects, the building of railroads and other legitimate means.

Included within Southern Oregon and Southern Idaho is one of the richest empires in the United States. This territory has hardly begun its development. It has less railroad mileage than any other section of our country in comparison with its wealth and resources. This territory must ultimately be the home of millions of people and with the proper encouragement, publicity and industry on the part of its own people it will within a few years shelter several hundred thousand inhabitants.

One of the main objects of this Congress is to build a railroad across Southern Oregon into Southern Idaho. Such a railroad would cause a marvelous development and would advance both states far beyond the present stage. It would prove of inestimable value to every city within 100 miles of it and would probably be the means of bringing to us new transcontinental roads from the east.

You are urged to appoint delegates to this Congress and to make every effort to have your delegates attend. This is not a large convention but it is one which is in dead earnest. The organization has set out to do a certain work and that work must be done in the very near future. If Oregon and Idaho are to be developed as they should be, the people of these states must cease to wait for promoters to come from the east; they must awaken and do the development work themselves.

STEPHEN A. LOWELL, President.

Disappointed over the outcome of her crusade against drinking and smoking in England, Carrie Nation has booked passage for her return to America on March 12. In the meantime the Kansas hatchet artist will make a desperate effort to have an interview with King Edward and to be received by the house of lords. She has a temperance lecture prepared to deliver to the lords. Mrs. Nation explains her failure to accomplish definite results there to the lack of co-operation from the church. "I found many avenues of reform that are common in America closed to me here, which made my tour largely ineffective. However, I am glad I came, as the experience I have gained will be valuable. The drink evil in England is far worse than in America especially on Sundays. The people are bound by a lot of silly conventions over here that you don't find in America. If I can just get to see the king I think I can accomplish some good. I have been told the king is a good man at heart and he surely will listen to me."

Mrs. Mary Smith, of Omaha, Neb., whose husband was killed two years ago, has had as a protector a bulldog named Jack. During Mrs. Smith's absence the house caught fire. Jack burst in a door and pulled Ella, a 15-year-old girl, out by seizing her dress. In the excitement the fact was overlooked that Mary, 4, and Jesse, 18 months old, were in the house asleep. Jack rushed back through the door and rescued Mary. The flames having enveloped the door, the dog jumped through a window and returned with the baby.

### CONTEST NOTICE.

Department of the Interior, U. S. Land Office, Lakeview, Oregon, Feb. 15, 1909.

A sufficient affidavit having been filed in this office by S. P. Dehlinger, contestant, against homestead entry No. 2723 (Serial No. 0978), made March 25, 1907, for SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, E $\frac{1}{2}$  NE $\frac{1}{2}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 8, T. 49 S., R. 10 E., by Roy W. Holt, contestee, in which it is alleged that said entryman has never resided upon nor cultivated the said land or any portion thereof as by law required; that said entryman has been absent from said land for more than six months last past and wholly abandoned the said land; and that said absentee has never employed in the Army, Navy or Marine Corps of the United States as a private soldier, officer, seaman or marine during the war with Spain, or during any war in which the United States may be engaged.

Said parties are hereby notified to appear, respond, and offer evidence touching said allegation at 10 o'clock a. m. on April 8, 1909, before R. M. Richardson, U. S. Commissioner, at Klamath Falls, Oregon, and that final hearing will be held at 10 o'clock a. m. on April 22, 1909, before the Register and Receiver at the United States Land Office in Lakeview, Oregon.

The said contestant having, in a proper affidavit, filed January 28, 1909, set forth facts which show that after due diligence personal service of this notice can not be made, it is hereby ordered and directed that such notice be given by due and proper publication.

J. N. WATSON, Register.

### NOTICE OF GUARDIAN'S SALE OF REAL ESTATE.

Notice is hereby given that in pursuance of an order of the Honorable J. B. Griffith, County Judge, of the County of Klamath, and State of Oregon, made on the 30th day of November, 1908, in the matter of the estate of Charles H. Moore, an insane person, which said order authorized the sale of the real estate hereinafter described.

The undersigned, John N. Moore, guardian of the estate of the said Charles H. Moore, an insane person, will on and after the 10th day of April, 1909, sell at private sale for cash, subject to confirmation by said County Judge, the following described real property, to-wit: East Half of the North West Quarter and the North Half of the North East Quarter of Section Twenty-six (26), Township Thirty-eight (38) South, Range Six (6) East, W. M.

Propositions for the purchase of said property may be left with Alex. Martin, at the Klamath County Bank, Klamath Falls, Oregon, or at the office of Geo. W. Trefren, Attorney at Law, Ashland, Oregon.

JOHN N. MOORE, Guardian of the Estate of Charles H. Moore, Insane. Date of first publication, February 25, 1909. 2-25-4-8

### NEW QUARTERS FOR WATER USERS ASSOCIATION.

The office equipment and records of the Klamath Water Users Association were moved Thursday to the new office in the Murdoch building over the post office. The new quarters are the rooms formerly occupied by Attorney C. F. Stone.

"Cheer up," said "Smile," likewise "Look pleasant, please." Andrew Carnegie is today president of the Optimist Club of America. That means he is the most hopeful, look-on-the-better-side member of the 250,000 who make up the Optimist Club. Some people may unkindly say that they could be most hopeful, etc., too, if they had Carnegie's \$200,000,000, but that is a mere detail. The Optimist Club, which was organized in 1907, has for its purpose the spreading of optimism throughout the land. The executive committee met and elected officers this week. I. M. Nash is secretary and treasurer, and Gov. John C. Cutler of Utah is chairman of the executive committee. The growth of the organization since its inception has been phenomenal. It has gathered in over 250,000 members and has spread all over the civilized world.

"Carelessness is often laziness under a more polite name."

### ASK FOR DIAMOND BRAND PORTLAND CEMENT.



Klamath County headquarters in San Francisco is the Hotel Savoy, corner Van Ness Ave. and Ellis St. Walter E. Conner, Prop. Take "Turk and Eddy" street cars at Ferry, get off at Van Ness and walk one-half block north. 2-18-11

### SALE OF TIMBER.

Medford Oregon, February 12, 1909. Sealed bids marked outside, "Bid. Timber Sale Application, December 23, 1908, Crazer," and addressed to M. L. Erickson, Medford, Oregon, will be received up to and including the 20th day of March, 1909, for all the merchantable dead timber standing or down and all the live timber marked for cutting by the Forest officer, located on an area to be definitely designated by the Forest officer before cutting begins, on the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 24, T. 36 S., R. 6 E., W. M., being 80 acres more or less, in the Crater National Forest, Oregon; estimated to be 400,000 feet B. M. of live yellow pine, 48,000 feet B. M. of live white fir, 96,000 feet B. M. of live Douglas fir, 5,900 feet B. M. of live incense cedar, 5,900 feet B. M. of merchantable dead yellow pine, and 2,000 feet B. M. of merchantable dead Douglas fir, saw timber, log scale, and 294 cords of cordwood, more or less. No bid of less than \$3 for live yellow pine, \$1.35 for live white fir, \$2.50 for live Douglas fir, and incense cedar, \$2 for dead yellow pine, \$1.50 for dead Douglas fir, per thousand feet B. M., and 25 cents per cord for cordwood, will be considered, and a deposit of \$300 must be sent to the First National Bank, Portland, Oregon, for each bid submitted to the Supervisor. Timber upon valid claims is exempted from sale. The right to reject any and all bids is reserved. For further information and regulations governing sales, address the undersigned. M. L. ERICKSON, Forest Supervisor. 2-17-3-18

### DEPARTMENT OF THE INTERIOR.

General Land Office, Washington, D. C., January 7, 1909.

Notice of Restoration of Public Lands to Settlement and Entry.

Notice is hereby given that the First Assistant Secretary of the Interior has vacated departmental order of withdrawal in so far as the same affects the withdrawal for irrigation purposes under the act of June 17, 1902 (32 Stat., 388), for use in connection with the Klamath Project, Oregon, of the following described lands in the State of Oregon, and by his authority such said tracts as have not been heretofore finally restored and are not otherwise withdrawn, reserved, or appropriated, will be subject to settlement under the public land laws of the United States on and after April 6, 1909, but shall not be subject to entry, filing, or selection until May 6, 1909, at the United States land office at Lakeview, Oregon, warning being expressly given that no person will be permitted to gain or exercise any right whatever under any settlement or occupation begun after January 6, 1909, and prior to April 6, 1909, all such settlement or occupation being forbidden:

Willamette Principal Meridian, T. 40 S., R. 9 E., S $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 24.

FRED DENNETT, Commissioner of the General Land Office.

FRANK PIERCE, First Assistant Secretary of the Interior.

1-28-4-1

### NOTICE.

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

In the Matter of the Estate and Guardianship of Robert Laughlin, an insane person.

Notice of Hearing Petition For Sale By Guardian.

Notice is hereby given that Thomas E. Stanley, the guardian of the person and estate of Robert Laughlin, an insane person, has filed a petition praying for an order to sell, at private sale, the real property hereinafter described, belonging to the estate of said insane person, and that the 27th day of February, 1909, has been fixed for the date of hearing said petition, and that the same will be heard at the hour of 10 o'clock A. M., on said day, at the court room of said above entitled court at Klamath Falls, in said county and state. All persons interested are required to appear at such time and place, and show cause, if any they have, why an order should not be granted as prayed for in said petition.

The property referred to in said petition is particularly described as follows, to-wit:

The S $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the N $\frac{1}{2}$  of the SE $\frac{1}{4}$ , Section 13, Township 38 South, Range 11 East, W. M., in Klamath County, Oregon, containing 160 acres.

Dated at Klamath Falls, Oregon, this 25th day of January, 1909.

THOMAS E. STANLEY, Guardian.

1-28-2-25

### SUMMONS.

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

Carrie Nelson, Plaintiff, vs. John Nelson, Peter Nelson, J. H. Hamilton and Emma Hamilton, his wife, Anna Margaret Hansen and Wilhelm Hansen, her husband, Defendants.

Summons. Suit in Equity to Quiet Title.

To the above named defendants, Peter Nelson, Anna Margaret Hansen and Wilhelm Hansen:

In the name of the State of Oregon you and each of you are hereby required to appear and answer the complaint filed against you in the above entitled suit, on or before the 11th day of March, 1909, that being the date of the last publication of summons, and the last day within which the defendants are required to appear and answer, as fixed by the order of publication of this summons; and if you fail to appear and answer, the plaintiff will apply to the Court for the relief prayed for in said complaint, to-wit:

For a decree quieting plaintiff's title in and to the following described real property, to-wit:

The East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ ; the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Township 38, South of Range 12 East of Willamette Meridian, containing 160 acres, situate in Klamath County, Oregon.

Also a certain lot or parcel of land situate in the City of Klamath Falls, County of Klamath, State of Oregon, described as follows, to-wit:

Beginning at the Northeastly corner of Lot 8, in Block 55 of Nichols Addition to the Town of Klamath Falls, Oregon, as marked and designated on the official plat of said Addition; thence Westerly 65 feet to the Northwestly corner of said Lot 8; thence Southerly along the Westerly line of said Lot 8, 110 feet; thence Easterly and at right angles to Ninth street, 65 feet; thence Northerly along the Easterly line of said Lot 8, 110 feet to the place of beginning.

and for a judgment against defendants and each of them, for her costs and disbursements in this suit.

This summons is published in the Klamath Republican, a weekly newspaper printed and published at Klamath Falls, Klamath County, Oregon, by order of Honorable George Nolan Judge of said Circuit Court, and dated the 27th day of January, 1909, the first publication to be made on Thursday, January 23th, 1909, and the last publication to be made on March 11, 1909.

BENSON & STONE, 1-28-3-11 Attorneys for Plaintiff.

### NOTICE TO CREDITORS.

Notice is hereby given to all persons concerned, that the undersigned has been duly appointed administrator of the estate of John D. Whitman, deceased, by the County Court of Klamath County, Oregon, and that all persons having claims against said estate are required to present the same to me at the office of H. W. Keesee, at Klamath Falls, Oregon, within six months from this date, properly verified as by law required. Dated January 28th, 1909.

B. S. GRIGSBY, Administrator of the Estate of John D. Whitman, deceased.

1-28-2-25

Money to Loan—We have a few hundred dollars to loan on real estate. Loan must be paid by May 1, 1909. MASON & SLOUGH.

**EVERYBODY'S MAGAZINE**  
IF YOU'VE GOT a little more money than you need for every-day uses, that's liable to find its way to Wall Street some-time—"for goodness' sake" invest 15 cents of it in the March EVERYBODY'S and find out how much chance you've got in "the big fellows' game."  
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