

NO FURTHER MOVES BY WATER CO.

THAT IT MUST NOT FURNISH SUPPLY FROM CITY SOURCES CAUSES CORPORATION TO REST ON ITS OARS

While not done in open meeting, the council has decided against permitting the Klamath Falls Light and Water company to furnish the city with a domestic supply taken from within the city limits, and has notified the company that it must go out of town to get the aqua.

Therefore the contract which the water company had with G. A. Harmon, the well driller from Riddle, Ore., to go half a mile deep with a 12-inch pipe on the Reames property after artesian water, will be abandoned.

It would have been impossible to get this contract filled this winter under the conditions imposed by Evan R. Reames, owner of the land where the well was proposed, as it was his stipulation that the work be done prior to January 1st, when he will leave for the winter.

He wished to have operations conducted on his property while he was in the city, and as Contractor Harmon, owing to inability to get large enough pipe to start work, took a contract for a smaller well on the Klamath county poor farm, which is not yet completed, fulfillment of the company's intention in a way to meet Mr. Reames' desires would be impossible.

The city council has taken the stand that pure water is not to be had in the city limits, without giving the water company a chance, so it is said, to demonstrate whether it may be or not, and as the corporation does not care to spend \$400,000 or \$500,000 to get a water supply outside of town, especially when it does not know just where suitable water may be had, it is letting the city go ahead with plans to get a municipally owned and controlled supply without attempting to hold the field.

"There is nothing strained or unpleasant about the situation," said General Manager George J. Walton of the water company this morning. "The company believes that it is not justified in attempting an outlay of probably half a million dollars in an effort to bring water from outside territory unless it has a contract of some kind which will bind the city. If we knew just where we could get the water or just how far it would be necessary to go, with some tangible idea of what was before us, both as to prospects of available supply of pure water and for an understanding with the city on a business basis, it would be different."

The original franchise of the light and water company, dated in 1892 was to furnish the city with service in both the branches indicated for a decade, at the end of which time the city could buy at an appraised valuation, allowing 8 per cent profit per year for each year of operation. If not bought at the end of ten years the company was to have an additional five year period at an appraised valuation allowing 8 per cent profit for the five years. Five year periods under like conditions were to follow, and the company now operates in the first of the five year periods, being in the third year.

There has been made to the company no proposition to take the place of the contract, and whether the company can insist in operating under the contract, if an amicable agreement is not reached with the city remains to be seen. It is claimed on one side that the fact that the water has not been up to the requisite standard of purity could be relied on by the city to help it set aside the contract, if necessary.

On the other is the fact that the city council has determined not to allow the company to furnish water obtained within the city limits, which, it is asserted, is unreasonable, and not within the terms of the contract.

Asked as to what arrangement might be made with the city to take over the city mains in case a municipal supply is found and brought to the city, Mr. Walton said that he supposed this and other matters incidental to the water company's contract might be handled by arbitration. The first five year period under which the company is operating will not expire for two years, and it not only applies to water, but to light as well. Nothing has so far been said about the city buying the light and water plants from the company, and it is not known whether the contract will be continued as far as light is concerned, if the city gets its own water supply, or whether some effort will be made by the city to take over both utilities under the contract.

As it will take the city probably a couple of years to get water here from a distance, if a plan is worked out, the bringing of water to the city and the end of the five year period will come about the same time.

According to R. A. Emmitt's report submitted to the council some time since, the Aspen Lake Springs, which sources of water supply have been filed on by the city, via Eagle Ridge, would mean a 3 1/2 mile pipe line,

while Rock Creek, from which part of the supply is contemplated, would mean a 2 1/2 mile pipe line via Eagle Ridge, or 2 1/2 miles in a direct line by tunneling one mile between Aspen and Klamath lakes.

Figuring on the shortest distance, 20 miles, a 24-inch pipe line would cost, laid, about \$4 per foot, or \$422,400. This is figuring on easily dug ground, without tunneling, and not taking into account any unusual cost of delivery of pipe to places that may be hard to reach. The mile of tunnel by the short route and the rocky stretches that may be encountered would raise such a cost materially.

It is a pretty safe assumption that the city will spend half a million to get water to the city, and then have to put out something more to either buy the present city mains of the Klamath Falls Light and Water company or put in its own street conduits. The city mains are apparently in good condition, and the only additional construction which would be needed in this direction would be extensions to such parts of the city as are not now tapped by mains.

MAKE PANAMA CANAL FREE TO ALL AMERICAN SHIPS

United Press Service
SACRAMENTO, Dec. 16.—Senator Campbell has introduced a concurrent resolution asking congress to establish free passage for all American ships through the Panama canal.

MCCARTHY HEALTH BOARD OUT AFTER LONG STRUGGLE

SAN FRANCISCO, Dec. 16.—After a fight of nearly two years the members of the county board of health in office at the time P. H. McCarthy became mayor, succeeded today in ousting the McCarthy appointees and recovering the vacancies for themselves.

Such is the effect of a decision rendered by Superior Judge Seawell. When the Taylor commissioners were thrown out of their positions by Mayor McCarthy they brought suit to enjoin the new members from assuming the duties. An injunction was denied, but in affirming the action of the lower court, the supreme justices suggested a remedy in quo warranto proceedings. This suggestion was followed, with the result that Judge Seawell has restored the old board.

ST. PATRICK'S DAY HOLY BY DECREE OF POPE PIUS

United Press Service
ROME, Dec. 16.—Pope Pius has issued a decree making St. Patrick's Day—the 17th of March—a holy day, but not one of obligation, thus making mass attendance on that day optional with the laity. In effect, it makes St. Patrick's Day a feast day.

CONFESS LABOR PLOT IF GETS IMMUNITY FROM CELL

United Press Service
LOS ANGELES, Dec. 15.—Reports that a San Francisco leader is to confess are current around the federal grand jury quarters. It is asserted that he is holding out for immunity. Neither District Attorney Fredericks nor Federal Attorney Lawler will discuss the matter, but it is admitted that a sensation is likely at any time.

FERRIS CHILD PILGRIMS LONG JOURNEYS, IS PLEA

PORTLAND, Dec. 15.—"There ought to be legislation forbidding children of tender years being sent on long railway journeys alone," declared Miss Barnum, travelers' aid secretary of the Young Woman's Christian Association. Miss Barnum is considered one of the most efficient travelers' aid workers in the country, and in her work at the Portland depot she keeps in close touch with the traveling public, particularly as it relates to women or children traveling alone.

"In one week," said Miss Barnum, "I have had twelve children come to my attention. All of them were under 14 years of age, and traveling alone. One little group consisted of a girl of 13 or 14, a 5-year-old child and a 21-months-old baby. They had three changes to make before they would reach their destination in Southern Oregon. Nearly always the children are sent off with little more than their tickets, depending on the charity of the train crew or the passengers for the food and care during the journey."

KING AND QUEEN ARE WELL, THANK YOU VERY KINDLY

United Press Service
DELHI, Dec. 15.—In splendid health and spirits the king and queen returned to the royal camp tonight. They will leave Delhi tomorrow.

PROFESSIONAL CARDS

C. C. BROWER
Attorney and Counsel at Law
Rooms 7 and 8
Murdock Bldg. Klamath Falls

WILL A. LEONARD
Dentist
White-Maddox Bldg.

MUSIC
Orchestra or Band
Furnished for all occasions
A. Y. TINDALL
Klamath Falls Herald Office

E. L. ELLIOTT
Attorney at Law
General Law Practice State and Federal Courts. Examiner of Land Titles.
First National Bank Block, Klamath Falls, Ore.

WHO FINANCED BOMB MEN? GRAND JURY IS INQUIRING

United Press Service
INDIANAPOLIS, Dec. 15.—The federal grand jury is seeking the name of the man who furnished Orville McManis with money with which to carry on his dynamitings. Mary Dye and Nora Haley, confidential secretaries of John B. McNamara, will be the first witnesses called.

ROOSEVELT RECEPTIVE CANDIDATE, APARENTLY

United Press Service
NEW YORK, Dec. 15.—Colonel Roosevelt last night conferred at the Union League Club with National Committeeman Ward, who announced that he would support Roosevelt for the presidency next year. The colonel refused to discuss politics today.

Abel Ady, president of the Klamath Water Users' Association, whose home is at Midland, is expected to return shortly from his trip to Chicago, where was held the convention representing various irrigation projects. The convention was practically due to Mr. Ady's activity in working in the interest of users of government water.

WEDDED OVER FORTY YEARS AND DECIDE TO SEPARATE

ALBANY, Dec. 15.—After being married for forty-four years and raising a family of grown children, Isaac Brown and Charlotte Brown were legally separated in the state circuit court when Judge Galloway awarded the former a decree of divorce.

They have been actually separated for the past twenty years, but neither applied for a divorce until Brown filed his suit here recently. They were married in April, 1867, in Minnesota, and Brown testified that his wife deserted him at Sleepy Eye, in that state, in November, 1891.

PUPS' DUTY TO PAY DUTY? FAMILY GREW ON JOURNEY

PORTLAND, Dec. 15.—When a fox terrier leaves Vancouver, B. C., for Portland and after crossing the line between Canadian and American territory is made the proud mother of four puppies, must duty be collected on five animals?

That question is bothering custom house officials from Collector of Customs Malcolm down to the deputy whose duty it will be to release the canine. Chief Deputy Pike holds that the question is one that comes under the head of "foreign citizens, native born."

Deputy Barnes, whose position at the main window draws him into many questions, believes the mother dog is guilty of smuggling, and should be so held. Harry Montgomery thinks the mother should be charged full duty and the pups admitted on half fares.

The regulations do not segregate fox terriers and little fox terriers, or say what can be done if it is pleaded that puppies so transported crossed the border under extenuating circumstances and not of their own free will. The case probably will be submitted to the next board of appraisers for settlement.

TOM LEWIS TO BE CHOSEN HEAD OF MINERS' UNION

United Press Service
BRIDGEPORT, Ohio, Dec. 15.—Scattering returns indicate that Tom Lewis will be elected miners' president over John White by 40,000.

Mrs. E. H. Louser, wife of the White Pelican hotel's chief clerk, who has been so ill the past week, is reported as much improved.

APPLICATION FOR LICENSE

To the Honorable, the County Court of the State of Oregon, for Klamath County.

We the undersigned legal voters of Sprague River Precinct, of the County of Klamath, State of Oregon, and being actual residents of said precinct at the date of signing this petition, and having resided therein at least thirty days immediately preceding the date of signing this petition, hereby respectfully petition your honorable body to grant unto James Edsall and O. W. Howard, residents of said precinct, under the firm name of "Howard & Edsall," a license to sell spirituous, malt or vinous liquors or fermented cider, commonly known as hard cider, within the precinct of Sprague River, in the town of Bly, Klamath county State of Oregon, for a term of one year from the first day of February, 1912, in less quantities than one (1) gallon.

J. F. LOWRY,
CHARLES BARNES,
HENRY SHAW,
VAN HOUSTON,
P. P. VOGEL,
NATHAN SMITH,
V. CHRISTENSEN,
A. D. HAMAKER,
AMOS LUNDY,
L. A. RICHARDSON,
CHAS. PARKER,
CLEM C. MURRAY,
E. W. WHETSTONE,
ROSS W. FINLEY,
GEORGE BOYCE,
W. W. SMITH,
P. F. McKENNA,
A. W. EVANS,
E. E. WALKER,
WM. LOWRY,
OTTO T. BOGE,
FRANK OBENCHAIN,
DAN W. PARKER,
WM. L. SATER,
FRANK LANE,
JAMES H. OWEN,
HOMER COX,
D. F. DRISCOLL,
O. T. ANDERSON,
L. WALKER,
S. CALAHAN,
L. L. GRIFFIN,
JAMES H. BOYD,
WILLIAM W. ROSS,
ELMER JONES,
GEORGE BLOOMINGCAMP,
HENRY N. ANDERSON,
J. S. WATTS,
A. H. SINASEY,
H. E. CRAMER,
W. A. GOODNIGHT,
GLENN GIBSON,
J. L. STONER,
R. E. HARTLEY,
ED BLOOMINGCAMP.

Notice is hereby given to all persons that the foregoing petition will be presented and the petitioners will apply to the County Court of the State of Oregon, for Klamath County, for such license hereinbefore named, on Thursday, the 4th day of January, 1912.

Dated at Bly, Oregon, this 7th day of December, 1911.

PUBLICATION OF SUMMONS

In the Justice Court of the State of Oregon for County of Klamath, D. A. Kenyon and Fred C. Murphy, Partners, Doing Business as O. K. Transfer Company, Plaintiff, vs. Hauschildt Music Company, Defendant.

In the Name of the State of Oregon: You are hereby required to appear and answer to the complaint filed against you in the above entitled action on or before the 12th day of January, 1912, that being the expiration of six weeks publication of this summons prescribed by the order of publication thereof made by this court, and if you fail so to answer the plaintiffs will take judgment against you in the sum of \$54.00 and for their costs and disbursements in this action, and that any property attached herein may be sold to satisfy the said judgment, particularly the sum of money owing to you by Henry Grimes.

This publication is made by the order of the honorable Charles Graves, Justice of the above named court, duly made and entered on November 18, 1911. The date of the first publication of this summons is November 30, 1911.

J. C. RUTENIC,
11-30-11 r Att'y for Plaintiff.

NOTICE OF SELECTION

United States Land Office, Lakeview, Oregon, November 6, 1911.

Notice is hereby given that the Santa Fe Pacific Railroad company, by R. H. Hovey, its duly constituted and appointed attorney in fact of 1047 Monardnock building, San Francisco, California, has made selection and application Serial No. 05121 for the SW 1/4 of NE 1/4, section 6, and NW 1/4 of SE 1/4, section 9, township 37 south, range 9 east, Willamette meridian.

Said application and selection is made under the provisions of the act of June 4, 1897 (30 Stat. 36), and the acts amendatory thereof and supplementary thereto, and in compliance with the regulations under said acts, in lieu of lands within the limits of a public forest reservation, heretofore relinquished, by said applicant.

The purpose of this notice is to allow any and all persons claiming adversely the lands above described or desiring to object because of the

mineral character of said land or for any other reason to the disposition of said land to said applicant an opportunity to file objections to such location and selection with the Register and Receiver of this office, in which district said land is situated on or before the 6th day of January, 1912, and establish their interests therein or the mineral character thereof.

A. W. ORTON, Register.
11-23-12-21

NOTICE FOR PUBLICATION (Not Coal Lands)

Department of the Interior, United States Land Office at Lakeview, Oregon, November 14, 1911.

Notice is hereby given that James Arthur Hawkins of Klamath Falls, Oregon, who on February 5, 1910, made timber and stone application No. 02984, for E 1/2 of NE 1/4 section 29, township 38 south, range 10 east, Willamette meridian, has filed notice of intention to make final proof to establish claim to the land above described, before C. R. De Lap, county clerk of Klamath county, at Klamath Falls, Oregon, on the 26th day of January, 1912.

Claimant names as witnesses: S. E. Ierliche, Roy Kinsman, E. E. Kirkendall, Clarence Harris, all of Klamath Falls, Oregon.

A. W. ORTON, Register.
11-23-1-25 r

SUMMONS

In Equity to Foreclose Mortgage

In the Circuit Court of the State of Oregon, for the County of Klamath. The American Bank and Trust Company, a Corporation, Plaintiff, vs. Marie L. Gifford and Walter S. Gifford, Wife and Husband, Defendants.

To Marie L. Gifford and Walter S. Gifford, Wife and Husband, Defendants Above Named: 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 4th day of January, 1912, that being the day of the last publication of this summons, and the last day within which you are required to answer, as fixed by the order of publication of this summons.

If you fail to appear and answer, the plaintiff will apply to the court for the relief demanded in said complaint.

Said suit is brought to foreclose three certain mortgages, executed in favor of the plaintiff, upon real property in Klamath county, State of Oregon, as follows:

1.—Mortgage, dated February 25, 1910, upon the following described real property, to wit: Lots 3 and 4, in block 37, and lots 1, 2, 3, 4, 5 and 6, in block 21, of Second addition to the city of Klamath Falls, in said county and state (said lot 6 being afterwards duly released from the operation of said mortgage).

To secure to the plaintiff the payment of a promissory note, dated February 25, 1910, for the sum of \$1,656.56, with interest thereon at the rate of 10 per cent per annum from date, and reasonable attorney's fees for services of attorneys herein, said note being payable six months after date, upon which note interest has been paid to May 7, 1911.

2.—Mortgage, dated March 3, 1910, upon the following described real property, to wit: Lots 5, 6, 7 and 8 in block 19 of Second addition to the city of Klamath Falls, in said county and state.

To secure to the plaintiff the payment of a promissory note, dated March 3, 1910, for the sum of \$120, with interest thereon at the rate of 10 per cent per annum from date, and reasonable attorney's fees for services of attorneys herein, said note being payable six months after date, upon which note interest has been paid to February 10, 1911.

3.—Mortgage, dated February 11, 1911, upon the following described real property, to wit: Lots 11 and 12 in block 19, Second addition to the city of Klamath Falls, in said county and state.

To secure to the plaintiff the payment of a promissory note, dated February 11, 1911, for the sum of \$100, with interest thereon at the rate of 10 per cent per annum from date, and reasonable attorney's fees for services of attorneys herein, said note being payable three months after date.

Plaintiff prays judgment against you as follows:

1.—For the principal sum of \$1,656.56, with interest thereon at the rate of 10 per cent per annum, from May 7, 1911, and \$200 attorney's fees; for the further principal sum of \$130, with interest thereon at the rate of 10 per cent per annum from February 10, 1911, and \$25 attorney's fees; for the further principal sum of \$100, with interest thereon at the rate of 10 per cent per annum from February 11, 1911, and for \$25 attorney's fees, and for costs and disbursements of this suit.

2.—That execution and order of sale, in each case of suit, issue herein, to the Sheriff of Klamath county, Oregon, and that sale be made on foreclosure, as provided by law, on

all of said real property, or a sufficient portion thereof, in each case of suit, to satisfy said note and mortgage respectively securing the payment of same and interest thereon, to pay the attorneys' fees aforesaid, and the costs and disbursements of this suit, and that all right, title and interest, of each of said defendants, in and two said real property, under each mortgage, or any portion thereof, be foreclosed, except the right to redeem, as provided by law, and for general relief.

This summons is published once a week for six consecutive weeks, in the Klamath Republican, a weekly newspaper, of general circulation, printed and published in the city of Klamath Falls, Oregon, by order of Honorable Henry L. Benson, Judge of said court, and dated November 22, 1911, the first publication being made on the 23d day of November, 1911.

STONE & BARRETT,
11-23-1-4 Attorneys for Plaintiff.

Notice of Restoration of Public Lands to Settlement and Entry

Department of the Interior, General Land Office, Washington, D. C., October 27, 1911. Notice is hereby given that the unappropriated public lands which were excluded from the Crater Lake National Forest, Oregon, and Lake National Forest, Oregon, and withdrawn for classification under the act of June 25, 1910 (36 Stat., 847), by proclamation of the President, effective July 1, 1911, if not otherwise withdrawn or reserved, will by authority of the Secretary of the Interior be restored to the public domain and become subject to settlement on and after 9 o'clock a. m., standard time, January 15, 1912, but not to entry, filing or selection until on and after February 14, 1912, at the U. S. land office at Lakeview, Oregon: In T. 33S., R. 6E., E 1/2 sec. 12 and 13, sec. 24, 25, E 1/2 sec. 35, sec. 36; in T. 34 S., R. 6E., sec. 1, 12, N 1/2 sec. 13, sec. 25, E 1/2 sec. 26 and 35, sec. 36; in T. 35 S., R. 6E., sec. 1, E 1/2 sec. 2, sec. 12, 13, 24, fr 1 sec. 25 and 26, E 1/2 sec. 35; in T. 36 S., R. 6E., fr 1 sec. 1, 2, E 1/2 sec. 3, NE 1/4 sec. 11, fr 1 sec. 12 and 13, sec. 14; Willamette Meridian. Warning is hereby expressly given that no person will be permitted to gain or exercise any right whatever under any settlement or occupancy begun after withdrawal and prior to 9 o'clock a. m., standard time, January 15, 1912, and all such settlement or occupancy is forbidden, and those settling in violation hereof are liable to be ejected. John McPhaul, acting assistant commissioner of the general land office. Approved October 27, 1911: Carmel A. Thompson, acting secretary of the Interior.
11-15-1-11 r

NOTICE OF FINAL SETTLEMENT

In the County Court of the State of Oregon, for Klamath County. In the Matter of the Estate of W. G. Roberts, Deceased.

Notice is hereby given that Nora Reinhart, administratrix of the estate of W. G. Roberts, deceased has rendered and presented for settlement, and filed in said court, her annual account of her administration of said estate; and that Friday, the 5th day of January, A. D. 1911, at 10 o'clock a. m., at the court room of said court, in county court house, Klamath Falls, Oregon, has been appointed by the judge of said court, for the settlement of said account, at which time and place any persons interested in said estate may appear and file exceptions in entirety to said account and contest the same.

NORA REINHART,
Administratrix of the Estate of W. G. Roberts, Deceased. 12-7-1-4 r

Notice of Sheriff's Sale of Real Property

O. S., Purdy, Plaintiff, vs. W. W. Masten, Sarah I. Masten, W. I. Roberts, J. D. Whitmore, C. S. Moore, R. S. Moore, John C. Beach, H. M. Ackley, J. S. Ackley, J. Greenburg, George Mason, Defendants.

Under and by virtue of an order of sale and execution in foreclosure issued out of the circuit court of the county of Klamath State of Oregon, on the 8th day of December, 1911, in the above entitled action, wherein the above named plaintiff obtained judgment and decree of foreclosure against W. W. Masten and Sarah I. Masten, the wife of said W. W. Masten, defendants, on December 1, 1911, recorded in the judgment lien book of said court at page 60, volume 3, I am commanded to sell all that certain piece and parcel of land situate in the county of Klamath, state of Oregon, bounded and particularly described as follows:

Forty-six (46) feet off the entire easterly side of lot six (6) of block forty-eight (48) in Nichols addition to the city of Klamath Falls.

Notice is hereby given that on Friday, the 12th day of January, 1912, at 2 o'clock p. m., in front of the court house in the county of Klamath, I will, in obedience to said order of sale and execution in foreclosure, sell the above described property, or so much thereof as may be necessary to satisfy plaintiff's judgment, with interest thereon and costs to the highest bidder for cash.

W. B. BARNES,
Sheriff of Klamath County
By JOHN G. SCHALLOCK, Deputy
J. C. RUTENIC,
12-14-1-11 r Att'y for Plaintiff