

SEEDS! SEEDS! SEEDS!

FIELD AND GARDEN SEEDS

New stock of Seeds that grow.
Garden Seeds, package and bulk, in great variety, at the lowest
Market prices.

3S MILLING CO.

124 Sixth Street

Klamath Falls

FISHING TACKLE

Ambition's totin' of her load—
"Come on!" I hear her holler,
An' Fame's a-trudgin' down the road
A-beggin' me to follow.
But somehow I can't seem to hear
Above the willer's swishin',
An' Fancy shoutin' in my ear,
"Come on an' go a-fishin'!"

The Gun Store

J. B. Chambers, Prop.

Phone 69

Lamb B'ld'g

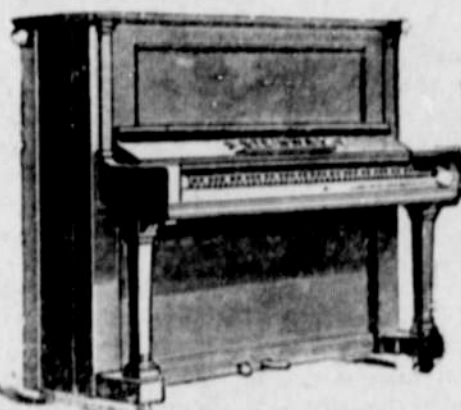
Don J. Zumwalt, President E. M. Bubb, Vice-Pres. and Treas.
Bert E. Withrow, Secretary

Surveyors and Irrigation Engineers

KLAMATH COUNTY ABSTRACT CO.

ABSTRACTING

Maps, Plans, Blueprints, Etc. KLAMATH, FALLS, OREGON



KLAMATH FALLS MUSIC HOUSE

Sole Representative of Sher-
man Clay & Co.'s Pianos, the
Steinway and other leading Pi-
anos. Other makes at moder-
ate prices. Tuning and Repairs.
Agency for Singer and White
sewing Machines, Oliver Type-
writers, Victor and Edison Rec-
ords and Machines. Books, Sta-
tionery and Pictures.

R. MADSEN, Proprietor
719 Main St.

Just now, Edison 4-minute Rec. ords, 31c; 2-minute Records, 21c.

Native Klamath Grown

Timothy Seed

8c per pound

Klamath grown--

it is acclimated

Raised at high elevation--

is of superior quality

Raised on new ground--

the seed is absolutely free
from foul weeds and grass-
es of all kinds.

Baldwin

Hardware Co.

MANY ARE VISITING THE FAIR SITE

PROGRESS ON PALACE OF MA-
CHINERY AND OTHER ACTIV-
ITIES ATTRACTS HUNDREDS TO
THE GROUNDS DAILY

SAN FRANCISCO, April 26.—Hun-
dreds of visitors journey to the Pan-
ama Pacific International Exposition
site daily to watch the progress on
the Palace of Machinery and other
activities. The construction of the
immense exhibit palace is not only
remarkable, but unique. From points
of eminence for miles around the
great brown framework, surrounded
by millions of feet of lumber await-
ing its placement may be seen. At
closer view the gigantic structure
looks alive. On workdays it is dot-
ted with tiny forms of men. Three
hundred and seventy men are at work
on the building, which is being con-
structed with surprising rapidity. In
the center of the columns are chords
for single beams of great thickness.
In the center of the columns are chords
for single beams of great thickness.
The chords are 110 feet high. To the
summit of them are attached the
arches, also fitted together on the
ground and hoisted in structural
completeness to their lofty eminence.
They are received at the top by scores
of men, who immediately rivet them
to the chords, and then connect the
whole to the next column by stan-
chions 25 feet in length. Machinery
Hall is being built in three naves.
This means four lines of columns
running the length of the building.

'UNCLE NATE' MERRILL SAYS HE WILL QUIT THE FARM NOW

"Uncle Nate" Merrill, who was here
on Monday, announced that he is go-
ing to retire from business if he suc-
ceeds in disposing of his big ranch
near the town of Merrill, in the south-
ern part of the county. Mr. Merrill is
77 years of age, and he feels that
the work and responsibility of run-
ning his big farm is becoming too
great, in addition to the other busi-



N. S. MERRILL
Pioneer Klamath County Farmer,
Who Retires at the Age of Seven-
ty-Seven Years.

ness which he has to attend to.

The N. S. Merrill farm, which ad-
joins the town of Merrill, is by far
the best improved place in Klamath
county. It contains 240 acres, with
150 acres in alfalfa. All of the land
is improved and under a high state
of cultivation, and is under the gov-
ernment irrigation system. Mr. Mer-
rill has given his attention principally
to raising mules, horses, cattle and
hogs, and has a small number of
dairy cattle. In addition he raises a
considerable quantity of apples and
small fruit.

In recent years Mr. Merrill has
constructed many new buildings of
the most modern type in the county.
His home and barns are all furnished
with electric lights and electricity is
used in operating his machinery
around the barns.

MILKING PLANT ON ADAMS RANCH

MERRILL, April 26.—An agent for
the Sharpless Separator company in-
stalled a mechanical milking appar-
atus at the Will Adams dairy. This
is the first contrivance of this sort to
be put into use in this valley, and its
success will be watched with much in-
terest.

The machine is operated by elec-
tric power, and with one attendant
is said to be able to milk two ordi-
nary cows per minute—milking them
at the same time.

The machine also operates a separ-
ator, so that the whole chore of milk-
ing, separating and washing up for a
dairy of sixteen cows can be done by
one person in an hour's time—and
with no tiresome effort.

Charles Gray, a well known Pine
Grove rancher, is here attending to
business matters. He is one of the
directors of the Klamath County
Dairymen's Association.

Miss Hazel Little of Dorris is the
guest of Klamath Falls friends.

BENSON REFUSES ALTERNATIVE WRIT

Holding that the county officials,
should they divert money raised by a
special tax into the general fund,
would be liable to fine and imprison-
ment Circuit Judge Benson Saturday
rendered an opinion adverse to the
plaintiff in the action of M. M. Oben-
chain against County Treasurer Daggett
for the payment of certain war-
rants, holding that this should be
done on account of the money in the
court house fund, the legality of
which levy is questioned.

In the same opinion Benson over-
rules the demurrer to the complaint
in the action of Charles Graves
against Treasurer Daggett, the opin-
ion being as follows:

"The attorney for both plaintiff
and defendant in the above entitled
suit have apparently conceded that
both suits involve the same questions,
and should be argued together. At
the outset, however, it should be
borne in mind that in the case of
Obenchain vs. Daggett the basis of
proceeding is a prayer for writ of
mandamus, to compel the defendant,
county treasurer, to use the fund
which has been set apart as a fund
for the construction of the new court
house, for the redemption of county
warrants, drawn upon the general
fund of the county; while the case in
which Charles Graves is plaintiff is a
suit for an injunction to restrain the
defendant county treasurer from seg-
regating and keeping as separate or
different funds any or all of the mon-
eys received from the tax levies set
out in paragraph 7 of the complaint
as follows:

"For salary purposes, 2 mills on
the dollar;

"For circuit court purposes, 1 mill
on the dollar;

"For jail purposes, 1-10 of a mill
on the dollar;

"For county poor purposes, 4-10 of
a mill on the dollar;

"For court house purposes, 3 1/2
mills on the dollar;

"And enjoining and restraining the
said defendant from paying out any
of the funds received from said levies
in payment of any warrants, except
general fund warrants, in order of
presentation and protest to date.

"A careful consideration will con-
vince a candid investigator that the
two proceedings are really wide apart
in their logic, and in the conclusions
to be arrived at therefrom.

"With reference to the case of
Graves vs. Daggett we may dismiss
the consideration of this cause very
briefly, for it is my opinion that the
nature of a tax, as to whether it be a
general or a special tax, is not to be
determined by the language of the
county court in levying the same, or
by the label which they may put on
it, but rather upon the purpose for
which the tax is levied.

"The distinction between a general
tax and a special tax is one that is so
plain and clear that I have been un-
able to find more than one adjudica-
tion of the thing by any supreme
court in the United States, and this is
the case of Sullivan vs. Walton, 20
Florida, 556, in which the court very
clearly and logically disposes of the
question of the difference between a
special tax and a general fund, and
their holding is fairly well expressed
in substance thus: 'A special tax is
a sum not embraced in the usual an-
nual expense incurred by the munici-
pality under its general powers, but
is a tax which does not apply to the
usual annual budget of a municipali-
ty.'

"We therefore conclude that since
the levy for salary purposes, for cir-
cuit court purposes, for jail purposes
and for county poor purposes are
items of the usual, regular and an-
nual budget of the county, that they
are therefore necessarily portions of
the general fund, and the county
court has no power, under the sta-
tutes of our state, to segregate these
funds, and differentiate them from
the general fund of the county; but
the construction of the court house is
clearly not an item of the customary,
usual and necessary annual budget of
county expenses, and therefore must
be in its nature a special tax. It fol-
lows, of course, that the demurrer
must be overruled, since the com-
plaint is good as to all, except the
court house levy. The court, is there-
fore, compelled to overrule the de-
murrer in the case of Graves vs. Dag-
gett, and an order may be entered in
accordance therewith.

"The question raised upon the sit-
uation of facts, in the case of Oben-
chain vs. Daggett, is not free from
difficulty. A careful examination of
the authorities disclosed the fact that
this question has never yet been pre-
sented to the supreme court of our
own state.

"There have been many Oregon de-
cisions cited by the able counsel on
both sides, which are supposed to
throw some light upon the vital ques-
tion in this case. I have examined
them all, with great care, but since
the questions considered and decided
therein are totally unlike the case at

bar, they render very slight aid in
the solution of the problem.

"I have also examined carefully ev-
ery citation from other states, sub-
mitted by counsel, but I find that they
are based upon constitutional and
statutory provisions so widely differ-
ent from our own as to be of small
practical value in the case."

Here follow extracts from the laws
of Oregon on the subject, among them
the following:

"In Section 937, L. O. L.: 'To pro-
vide for the erection and repairing
of court houses, jails, and other neces-
sary public buildings, for the use of
the county, and * * *

"Section 3675: 'When any moneys
shall have been collected or received
by any officer for any distinct and
specified object, no portion of them
shall be paid or applied to any other
object or purpose without due au-
thority, but shall be kept a separate
fund for such specified object, and
any officer failing to comply with the
provisions of this section, shall be
liable to a fine not exceeding \$500 or
to imprisonment in the county jail
not exceeding six months.'

"These statutes just quoted con-
stitute all of the laws of the state of
Oregon which throw any light upon
the question involved in this case, and
in the interpretation of these several
statutes I am frank to say that I wel-
come the modern demand that stat-
utes shall be interpreted without mys-
ticism in their logic, or finesse in
their reasoning, and that they shall
be taken to mean as nearly as possi-
ble what any intelligent layman
would understand them to mean from
a casual reading, and in the interpre-
tation of statutory provisions, unless
controlled by the authority of higher
courts, it has been, and is, my policy
to accord to each provision of law
the meaning which any intelligent
man would give to it.

"Let us then note what the stat-
utes of Oregon declare:

"First, We have the constitutional
provision that no tax shall be levied
except by virtue of some law.

"Second, The county court is di-
rected, at its January term in each
year, to levy any other taxes which
by law it is required to levy, and any
other taxes which it may determine
to levy, and which by law it is per-
mitted to levy.

"Third, We have the statute de-
claring that the county court shall
have power to provide for the erec-
tion of court houses, jails, etc., and it
seems to me to be perfectly plain that
if the county court has power to pro-
vide for the erection of a court house
there is a complete and ample war-
ranty of law, expressed therein, for
taking any necessary steps for rais-
ing the revenue to carry out their
purpose, and that it is intended by
this section of the Code to give them
full power to levy a special tax for
the purpose of providing means for
the construction of such court house,
and I am convinced that the power so
granted is clear and unequivocal, and
that it would require sophistry to es-
cape the logic of such conclusion.

"I would go further and say that
the statute implies not only the power,
but also the clear duty to provide,
by whatever means may be necessary,
the public buildings which are re-
quired for the orderly and expedi-
tious transaction of the people's busi-
ness.

"There has been some argument by
counsel to the effect that because the
erection of a new court house is a
'county purpose' or 'an expense to the
county,' that it necessarily follows
that the fund from which it is to be
paid is the general fund. I do not
regard this position as tenable, for,
while it is possible that the county
court might use the general fund
therefor, there is nothing in the law
or logic of authorities indicating that
they must do so.

"I therefore conclude that this
court not only has no power to issue
the mandate prayed for, but that if
the defendant should divert any of
the court house levy to the redemp-
tion of the general fund warrants, he
would be liable to a criminal prose-
cution under Section 3675, above
quoted.

"It follows that an order should be
entered, dismissing the alternative
writ in this cause, and a judgment in
favor of defendant for his costs."

WOMEN PLEADING FOR SUFFRAGE

WASHINGTON, D. C., April 26.—
"If the prices of the 'great staples' are
fixed by monopoly the tariff which
affects the cost of our children's food
and clothes is the only way to right
the wrong is through national legisla-
tion," said Mrs. Robert La Follette,
speaking for woman's suffrage before
the senate committee today.

"Women spend 90 per cent of the
\$10,000,000,000 paid annually for
food and clothes in this country. Why
shouldn't they vote?"

Mrs. Kent of California and other
prominent workers spoke at the meet-
ing.

COUNTY COURT TO BEGIN WORK

PLAINTIFFS MAY APPEAL THE
DECISION

Kuykendall & Ferguson Make No
Statement Until They Are Served
With a Copy of the Opinion—County
Judge Worden Says the Decision
Is a Legal Endorsement of the Acts
of County Court in Connection
With Court House

"The decision proves what we have
always supposed—that we have a
right to build the court house," said
County Judge Will Worden this af-
ternoon in the presence of County
Commissioner Merrill.

"It is an endorsement of our acts
to date in regard to the court house,
so far as the legal aspect is con-
cerned. We shall now go ahead and
construct the court house, as we said
we would."

No Statement

"We have not as yet been served
with a copy of Judge Benson's de-
cision," said Kuykendall & Ferguson,
attorneys for Obenchain and Graves
"so we are not in a position to make
a statement. We will be unable to
say what action we will take until we
know the decision."

The general impression prevails
that the case will be appealed to the
state supreme court by the plaintiffs.

SMALLEST ANGLER GETS THE BIGGEST RAINBOW

When the 5-year-old son of Patrol-
man Earl Sharpe began "pestering"
his dad to let him try his luck fishing
in Spencer Creek, the fond parent
demurred for some time, lest the boy
lose one or more spoon hooks and a
part of the line in the snags; when
the 5-year-old son landed a trout that
surpassed for size and weight any
caught by his dad on any other mem-
ber of the party, the pride of the
parent knew no bounds, and today
he is looking up boy's size tackle for a
lad who catches man's size rainbow
trout.

Sharpe and his son went to Spencer
Creek Sunday in company with Arch
Tindall, A. L. Wishard, Patrolmen
William Hall and Fred Greenwood, O.
D. Matthews and "Hub" Wakefield in
the latter's car. They got in on the
early morning fishing, and all had
splendid luck, landing thirty-nine fine
rainbow trout that fought like Tro-
jans.

Young Sharpe possibly inherited a
liking for angling from his father,
but at any rate, after he had wheed-
led his father into letting him have
his rod and line the youngster seated
himself on the bridge and angled in-
dustriously. So quiet was he about it
that the other members of the party
were brought to their feet in an in-
stant when the youngster yelled that
he had one, and the tug of the pisci-
catorial victim was so strong that the
rod was nearly bent double, and the
boy's quickness in getting off the
bridge to the shore saved him from
being pulled in.

There were several other parties
fishing at Spencer Creek Sunday, and
all reported pretty good success. The
best luck went to those who were at
the stream in time for early morning
fishing.

CAFE OWNERS TO BE EXAMINED, TOO

SAN FRANCISCO, April 26.—The
grand jury will resume its investiga-
tion of the graft charges against local
detectives. Strict confidence is be-
ing maintained as to the identity of
detectives indicted.

Cesare Ronchi, the famous cafe
owner of the Barbary Coast district,
will testify Monday. It is alleged that
the bunco men and detectives plotted
there together.

What's the Matter With the Old Watch?

It's not getting any younger, you
know, and once in a while it needs
a rest and overhauling. Railroad
watches are cleaned and overhauled
once a year to insure accurate time-
keeping. Why not bring yours in and
let us give it the attention that is
necessary for good time keeping.

FRANK M. UPP

Watchmaker, Jeweler and Engraver.
S. P. Watch Inspector
Willits Building

WE BUY

Hides, Wool Pelts

Rubber and Metal

ESKELSON & DACTFLBERG
337 Main Klamath Falls