

# HOMESEAKER HELPED BY NEW RULING

### PRACTICE CODE IS CHANGED BY BALLINGER

#### Secretary Reduces Cost of Private Contests and Eliminates Speculators—Collusion Impossible—New System for Serving Notices—Other Changes of Interest.

Important changes in the rules of practice in the United States land office effective Feb. 1, 1911, have been made, according to advice received at the local land office, says the La Grande Observer. The new code has been prepared with a view of reducing the work connected with the handling of contests in the local offices and reducing the costs to persons desiring to contest abandoned entries in order to secure the land for the purpose of establishing a home thereon. By means of an oath, a more effective manner of reaching those filing collusive contests is provided. The professional locator who often files many contests in order to sell his preference right to enter the lands after he has successfully contested the entries is entirely eliminated. A brief statement of the important changes in the rules has been prepared by Receiver Colon R. Eberhard, of the local office. It follows:

**Contestants Must be Qualified.**  
The first important change is that making it a prerequisite to the filing of a private contest that the person instituting the proceeding be qualified to enter the land and this fact he must set forth in his affidavit of contest, together with a statement of the character of filing he intends to place on the land, if successful. A contestant must also swear that the proceeding he asks to institute is not collusive. Otherwise, the requirements at the time of filing the affidavit of contest are practically the same as at present. Equally important is the change in the form of the notices or summons issued to the defendant. Heretofore this notice informed the defendant that at a certain time and place a hearing for the purpose of taking testimony in the contest against his entry would be had. And regardless of whether any appearance was made by or on behalf of the defendant, the testimony of at least two witnesses was required to be taken for the consideration of the land office; while under the new practice, the notice will state "that unless the adverse party appears and answers the allegations of said contest within thirty days after service of notice upon him, the allegations of said contest will be taken as confessed." Under present practice, usually one officer of a local land office alone issues the notice; under the new practice, both are required to sign the notice.

**New Manner of Service.**  
Heretofore it has been the usual mode to serve the defendant with the notice of contest by delivery of the same to him in person, if he could be found in the state in which the land lies; otherwise by publication in a newspaper. The new rules provide that the notice may be either handed to the defendant in person by any person over 18 years of age, sent to him by registered mail, or published in a newspaper within the county in which the land is located, and when the latter method is used copies of the notice must also be sent the defendant by registered mail to the postoffice nearest the land, the address of record in the land office and at the present address of the defendant, if known. When service is not made by publication, a copy of the original affidavit of contest must also accompany the notice of contest, which in this respect is similar to the practice of serving a copy of a complaint with the summons in an action at law under the Oregon code. It is also provided that no contest proceeding shall abate because of any defect in the manner of service where in any case it is shown that a copy of the notice actually came into the hands of the defendant. In case the defendant makes and files his sworn denial of the charges, it is provided "that the register and receiver will forthwith fix time and place for taking testimony and notify all parties thereof not less than 20 days in advance of the hearing."

**Trial Procedure Unchanged.**  
There is no material change in the procedure at the trials, except the power to summarily stop irrelevant examinations by attorneys is broadened and authority to exclude witnesses not testifying is expressly given local officers, though such power has been exercised here for many years when occasion arose.

**Costs Taxed Equitably.**  
The most important change is in the manner of taxing costs in all cases except private contests where a preference right is to be exercised. In the latter event, the contestant will continue to pay all costs, though it will be borne in mind that the new procedure will in all those cases where no appearance is made by the defendant eliminates any fees for taking testimony or necessity for the employment of an attorney, except to prepare his original papers. In all other cases each party must pay the cost of taking the direct examination of his own witnesses and the cross

examination on his behalf of other witnesses. The cost of noting motions, objections, and exceptions must be paid by the party on whose behalf the same are made. In this respect in particular will the burdens of extended, and in many cases useless, cross examinations be transferred from the party offering the witness to the party making the long examination. Only in minor respects are the other rules in force changed and those would be of no particular public interest. New blanks will be supplied soon.

### GAME LAW CHANGES MANY.

**Senator Merryman Would Increase Bounty on Timber Wolves.**  
Salem, Or., Jan. 11.—Drastic changes in many of the game laws are promised during the present session of the legislature, if plans of Senator Merryman of Klamath, Crook and Lake do not go awry. One of the principal moves that will be made in this direction, so far as is now known, will be an effort to increase the bounty on timber wolves in the Cascades. It is said that the deer in the Cascade range are becoming practically extinct, owing to the ravages of these animals, and that one timber wolf will slay and devour 50 deer in a year. A heavy bounty would, says Senator Merryman, increase the number of deer to a remarkable extent in a comparatively short time. Senator Abraham is also interested in this movement.

Among other features that will mark one of the bills to amend the game laws will be to cut the limit on ducks to 25 in a week and prohibit the sale of ducks at all times; open the season on grouse in Klamath county from August 15 to November 1; allow the killing of 15 quail in one week; open the season in Klamath county on doves from August 1 to September 1; give a season on trout in Klamath county from February 15 to May 15; allow catching of salmon, except with seine or explosives, from May 15 to February 15, and place the limit on deer to two. Senator Merryman says that his section of the country is one of the best for sportsmen in the northwest and his constituents, he explains, are more vitally interested in the game laws than in any other form of legislation. Numerous other amendments and proposed game acts are expected from other quarters of the state. A number of other bills amendatory of the game laws have been prepared by the Portland Rod and Gun club association and will be introduced in the session.

### HE RESCUES HIS ARRESTER

**Poacher Thanks Gendarme Who Falls Into Flooded House.**  
Paris.—During the recent floods in the valley of the Rhone two gendarmes were sent to arrest a poacher at Le Mesnil. In order to get at their man they had to get in through the roof of his house, during which proceeding one of the gendarmes fell into the water. Although aware of the gendarme's errand, the poacher rescued the gendarme. On being complimented on his bravery, he thanked the gendarme for coming to arrest him, telling them that everybody else seemed to have forgotten him, and that he was almost famished.

### THE EXECUTIONER'S PUPILS.

**Japan, Looking for Humane Method, Seeks Deblier.**  
The French executioner, M. Deblier, has given a lesson in headcutting to a Japanese mission which is making inquiries in Europe and America into the easiest and most humane method of executing criminals. M. Deblier escorted the mission to the shed where the "Red Widow" waits, and after a long description of each detail of the grim machine, gave a performance of an execution, cutting off the head of a dummy figure for the instruction of the visitors.

### CHINESE BANKERS UNITE.

**Reported American Bank Plan Brings Concerted Opposition.**  
Hankow, China.—Chinese bankers along the Yang-tse Kiang perfected an organization today to combat a reported plan for a Chino-American bank. According to rumors, such an institution was proposed during the visit here of a delegation of American business men from the Chamber of Commerce of the Pacific coast. The opponents of the project contend that they see in it only another evidence of foreign encroachment.

### Too Much Face.

You feel as if you had one face too many when you have neuralgia, don't you? Save the face, you may need it; but get rid of the neuralgia by applying Ballard's Snow Liniment. Finest thing in the world for rheumatism, neuralgia, burns, cuts, scalds, lame back and all pains. A. C. Koepfen & Bros.

### MONACO GETS NEW REGIME.

**Prince Albert in Decree Fulfills Promise to Subjects.**  
Monte Carlo.—Prince Albert of Monaco has issued a proclamation establishing a constitutional government for the principality of Monaco in fulfillment of his promise made following agitation by his 1200 subjects.

Few things are harder to put up with than the annoyance of a good example.

## NEWS OF THE NORTHWEST

**Postal Bank Will Open.**  
Klamath Falls, Ore.—Postmaster Emmitt has returned from Washington. He will on Wednesday open the postal savings bank in this city.

**Refuse Liquor License.**  
Greenwood, B. C.—So far the provincial government has refused to grant any new hotels liquor licenses in the towns between Penticton and Midway.

**Klamath to Publish Wide.**  
Klamath Falls, Ore.—At a special meeting of the Klamath Chamber of Commerce a move was launched for the raising of \$5000 publicity fund for the present year.

**Tent Kills Wife's Love.**  
Albany, Ore.—Alleging that her husband spent his money in riotous living and then moved with his wife and two children into a tent, Mrs. R. H. Lindgren filed suit for divorce in the state circuit court here against Eric A. Lindgren.

**Trouble Ahead for Physicians.**  
Walla Walla, Wash.—The Walla Walla Valley Medical society contemplates the prosecution of several physicians. No statement has been issued from the society, but preliminary steps have been taken.

**Bonanza to Get Big Hotel.**  
Bonanza, Ore.—A move is on foot here for the organization of a company for the erection of a large hotel for Bonanza. The plans are for a building constructed throughout of concrete, three stories high and with all modern appliances.

**Seaside Creditors to Meet.**  
Astoria, Ore.—Judge F. J. Taylor, referee in bankruptcy, has fixed January 23 as the time for holding the first meeting of the creditors of the Seaside Lumber & Manufacturing company, a bankrupt. A trustee will be appointed at that time.

**Albany Bars Fight Pictures.**  
Albany, Ore.—The police prevented the presentation of motion pictures of the Jeffries-Johnson fight. They were advertised to be shown at a local theatre, but the chief of police notified the management not to present them.

**Big Strike Reported.**  
Bandon, Ore.—G. A. Blake, a pioneer trapper, is trying to interest Portland capital in a gold-mining claim he says he has located near the Coos-Curry county line, about ten miles south of this city. The samples of ore he is showing assay \$20 to \$22 to the ton.

**Stricken at P. O. Window.**  
Lind, Wash.—While Mrs. Willard was standing at the registry window at the postoffice signing a registry receipt, she was suddenly taken ill, dropped her pen and almost falling to the floor. She was carried to her home on a stretcher, where she died within about an hour.

**Bored Holes to See Her.**  
North Yakima, Wash.—Gus Trollinger, colored, was fined \$99 and costs by Police Judge Bohndorf on complaint of Mamie Hall, colored, that he annoyed her with attentions. She alleges that he even bored holes in the door to her room in order that he might see her while she slept.

**Pacific "U" Debates Idaho.**  
Pacific University, Forest Grove.—The biggest event of the year in forensic circles at Pacific will take place Friday night, when Pacific University meets the University of Idaho in debate. The local teams are composed of men who have had previous experience, and a good debate is anticipated at both Moscow and Forest Grove.

**Takes His Bible to Jail.**  
Spokane, Wash.—Although he carried his Bible into the cell with him when arrested, Arthur Tower admitted to Justice Stocker in police court that he had stolen \$42.80 from R. E. Baker in the Great Northern hotel and had tried to escape with it to Havre, Mont. Tower is a member of the Volunteers of America.

**County Buys Auto.**  
North Yakima, Wash.—Purchase of an automobile, one that will stand an endurance test, has been decided upon by the Yakima county commissioners, the decision being one of the first steps of the new board on taking office. Long distances, so frequently traveled by the county officials with resultant livery cost, caused this resolve.

**Rainbow Seen at Night.**  
Vancouver, Wash.—A rainbow at 12:30 a. m. was the novel sight of a few residents of the city, who were returning from Portland on the last ferry. The moon was shining in the west and the rainbow was in the east apparently beyond the garrison, and reaching from some point in Oregon far to the left in Washington.

**Medford Man Found Frozen.**  
Medford, Ore.—Information that A. C. Dase, thought by papers found on his person to be a resident of Medford, was found frozen to death on the road between Jordan Valley, Ore., and Delmar, Idaho, January 2, has reached here. The body was found by cowboys, who took it to Delmar for burial. The police here are searching for friends or relatives of the man.

Dr. Clifford was to preach in Birmingham. Arriving without a ticket, he was refused admission to the meeting. "But I am Dr. Clifford, and I am due to preach in another minute and a half." "Oh! are you?" said the incredulous policeman. "I have let in two Dr. Cliffords already."

### DOCTORS FAILED. RESTORED BY PERUNA.

**Catarrh of the Lungs Threatened Her Life.**  
Miss Ninette Porter, Braintree, Vermont, writes: "I have been cured by Peruna."  
"I had several hemorrhages of the lungs. The doctors did not help me much and would never have cured me. I saw a testimonial in a Peruna almanac of a case similar to mine, and I commenced using it."  
"I was not able to wait on myself when I began using it. I gained very slowly at first, but I could see that it was helping me."  
"After I had taken it a while I commenced to raise up a stringy, sticky substance from my lungs. This grew less and less in quantity as I continued the treatment."  
"I grew more fleshy than I had been for a long time, and now I call myself well."

Ask Your Druggist for a Free Peruna Almanac for 1911.

### PACKEY McFARLAND WINS OVER JOHNNY McARTHUR

Kansas City, Jan. 10.—Packey McFarland of Chicago, won the decision over Johnny McCarthy of San Francisco in a ten round bout here last night.  
The Chicago boy, after leading by a wide margin in every round, left the ring unmarked. McCarthy's face was badly bruised. His nose bled profusely from the third round until the end of the battle.  
McCarthy fought a game fight, but his blows were ineffective. He played for Packey's wind and kidneys in every round. McFarland's dazzling footwork caused the San Francisco man to miss at least a third of the blows he started. When McCarthy did land, his punches did not seem to carry force.

### Saves Two Lives.

"Neither my sister nor myself might be living today if it had not been for Dr. King's New Discovery," writes A. D. McDonald of Fayetteville, N. C., R. F. D. No. 8, "for we both had frightful coughs that no other remedy could help. We were told my sister had consumption. She was very weak and had night sweats but your wonderful medicine completely cured us both. It's the best I ever used or heard of." For sore lungs, coughs, colds, hemorrhage, la grippe, asthma, hay fever, croup, whooping cough—all bronchial troubles—its supreme. Trial bottle free, 50c and \$1.00. Guaranteed by Koepfens.

### PREDICTED COLD WAVE ARRIVING IN NORTHWEST

Portland, Ore., Jan. 10.—The cold snap which was predicted to last several days in the northwest was ushered in today with snowstorms in eastern Washington, parts of eastern Oregon, Montana and Idaho. Rain is falling along the western coast.

Reports show the temperature has dropped from 10 to 40 degrees since yesterday. The wave is coming from Alaska and is working east. Snow will probably save the crops from damage.

### Old Soldier Tortured.

"For years I suffered unspeakable torture from indigestion, constipation and liver trouble," wrote A. K. Smith a war veteran at Erie, Pa., "but Dr. King's New Life Pills fixed me all right. They're simply great." Try them for any stomach, liver, or kidney trouble. Only 25c at Koepfens.

# Three Fine Houses For Sale

ONE FINE BUNGALOW—on North side, worth \$5000, if sold at once \$4,000 will buy it. This is a brand new house and modern in every way. I want to show it to you. Call at office any time between 8 and 5 p. m.

SPLENDID 9-ROOM HOUSE on Jackson street, fine lawn, house modern and well arranged. This is a fine buy at the price. Part cash, balance easy terms.

THE J. M. CRAWFORD HOUSE on Jackson street can be bought at less than it is worth. Mr. Crawford refused \$5000 for the place once, but now as he has moved away from Pendleton \$4000 will buy the property.

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