

RULINGS ON LAND CASES

IMPORTANT DECISIONS RECENTLY MADE.

Secretary of Interior Decides Points of Law in Desert and Homestead Cases—Some Decisions of Interest to Entrymen.

The following important points in law regarding homestead and desert land entries have recently been made by the Secretary of the Interior:

Homesteads.

While absence from the land on account of sickness will, under some circumstances, be held excusable by the Department, if it is accompanied by only short residence, meager improvements and cultivation of the entry, the final proof will be rejected.

Entries made prior to the act of Aug. 20, 1890 (26 stat. 391) or settlements made prior thereto and subsequently carried to entry should not be considered in determining the quantity of land an entryman or settler may acquire under the limitation of said act.

When one claims the right of entry based upon settlement or residence, that residence should be continued until the entry has been allowed.

Where a soldier's widow makes entry in her own personal right, she cannot claim that the period of military service of the husband should be deducted from the five-year period of residence required upon a homestead entry. Section 2307, Revised Statutes, applies only to the land entered by the deceased soldier.

The act of June 28, 1910, provides merely for a leave of absence for three months, and will not cure a default existing prior to the date of the act.

A withdrawal of public lands for forestry purposes creates an adverse claim, which defeats the right of any mere subsequent settler.

Temporary absence on the part of the entryman on account of climatic conditions has been excused by the Department only when the circumstances surrounding the entry clearly indicate a bona fide intention to maintain a home upon the entry.

An additional entry of lands under the enlarged homestead act of February 19, 1909, must be contiguous to the original entry.

A CHARITY CONCERT.

Gayarre Sang and Schurmann Passed the Hat in the Street.

The famous Spanish tenor, Gayarre, was once at Barcelona in company with the impresario Schurmann. They were strolling down the Rambla and met two street mendicants, one of whom was singing while the other begged. Gayarre was touched at their wretched appearance and suggested giving them a couple of lousis, but changed his mind and said that he might do better still.

"I will sing and you shall go round to collect the money. Nobody will ever have heard me sing so cheaply, and the contributions will be a charity. Let us begin at once."

No sooner said than done. The celebrated tenor asked the poor singer for his repertoire and then attacked the grand air of "La Traviata." Scarcely had the first notes been heard before a crowd began to assemble, and a whisper went round: "It is he! It is Gayarre."

The applause was tremendous, and as an encore he sang "Il Barbiere di Siviglia," finishing up with a popular Spanish song. The enthusiasm then broke all bounds, and Schurmann, having filled his own hat, had to borrow Gayarre's. The contents, amounting to a little over \$185, were then poured into the hands of the astonished and grateful mendicants, and the two improvised street performers had the greatest difficulty in forcing their way back to the hotel, where Gayarre remarked:

"Well, I hope you are pleased with the takings. As for me, I have never sung with so much pleasure. It is good to help others."

To complain of destiny is only to expose our own feebleness of soul.—Maeterlinck.

NOTICE FOR PUBLICATION.

(Isolated Tract. Public Land Sale.) U. S. Land Office at The Dalles, Oregon, December 13th, 1911.

Notice is hereby given that, as directed by the Commissioner of the General Land Office, under provision of Act of Congress approved June 27, 1906 (34 Stat., 517), we will sell at public auction, to the highest bidder, at 10 o'clock a. m. on the 8th day of February, 1912, at this office, the following-described land: SW 1/4 SE 1/4, section 1; NW 1/4 NE 1/4, and NE 1/4 NW 1/4, section 12, township 16 north, range 10 east, Willamette Meridian, No. 09294.

Any person claiming adversely the above described land is advised to file their claims, or objections, on or before the time designated for sale, or C. W. MOORE, Registrar.

NOTICE OF CONTEST.

DEPARTMENT OF THE INTERIOR, United States Land Office, Lakeview, Oregon.

To Ed. D. Smith of Tappanish, Washington, Contestee.

You are hereby notified that Grove H. Caldwell who gives Bend, Oregon, care of C. S. Benson, as his postoffice address, did on October 21, 1911, file in this office his duly corroborated application to contest and secure the cancellation of your homestead, Entry No. Serial No. 9397, made April 27, 1909, for sec. 7, Twp. 11, S., Range 9, E., Willamette Meridian, and as grounds for his contest he alleges that said entryman never established or maintained residence upon said tract nor has he ever cultivated or improved the same.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be cancelled thereunder, without your further right to be heard thereon, unless before this office or on appeal, if you fail to file in this office within twenty days after the publication of this notice, as shown below, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office proof that you have served a copy of your answer on the said contestant either in person or by registered mail. If this service is made by registered mail, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made stating when and where the copy was delivered, if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the postoffice to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the postoffice to which you desire further notices to be sent to you.

Date of first publication December 13, 1911.
Date of second publication December 20, 1911.
Date of third publication December 27, 1911.
Date of fourth publication January 3, 1912.
A. W. ORTON, Registrar.

NOTICE OF CONTEST.

DEPARTMENT OF THE INTERIOR, United States Land Office, The Dalles, Oregon, December 4, 1911.

To John Kramer of Sub-Harvey St., Vancouver, Wash., Contestee.

You are hereby notified that Edward E. Prosser who gives Bend, Oregon, care of C. S. Benson, as his postoffice address, did on October 21, 1911, file in this office his duly corroborated application to contest and secure the cancellation of your homestead, Entry No. Serial No. 9397, made March 19, 1909, for sec. 7, Twp. 11, S., Range 9, E., Willamette Meridian, and as grounds for his contest he alleges that said entryman never established or maintained residence upon said tract nor has he ever cultivated or improved the same.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be cancelled thereunder, without your further right to be heard thereon, unless before this office or on appeal, if you fail to file in this office within twenty days after the publication of this notice, as shown below, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office proof that you have served a copy of your answer on the said contestant either in person or by registered mail. If this service is made by registered mail, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made stating when and where the copy was delivered, if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the postoffice to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

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Date of third publication December 27, 1911.
Date of fourth publication January 3, 1912.
C. W. MOORE, Registrar.

Notice of Sale of Stock for Unpaid Assessments in The Fall River Irrigation Company.

TO WHOM IT MAY CONCERN: Be it known that under and by virtue of a resolution of the Board of Directors of The Fall River Irrigation Co. duly made and adopted, the said The Fall River Irrigation Co. will, on the 30th day of Dec., 1911, at 2 o'clock p. m. at the company's office at the residence of M. J. Main in Sec. 15, Twp. 20 S., R. 11 E., in Crook County, sell at public auction the following portion of stock for delinquent and unpaid assessments due thereon, to-wit:

200 shares subscribed by J. E. Sawhill, due on same, \$111.50.

This notice is ordered published in the Bend Bulletin, a newspaper published in the neighborhood of said company, for the period of 30 days.

Dated this 29th day of November, 1911.
THE FALL RIVER IRRIGATION COMPANY
By M. J. MAIN, Pres.
A. D. LEWIS, Secy.

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Visitors welcome
N. P. Weider, N. G.
H. J. Eggleston, Secretary.

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Meets on Thursday on or before the full moon of each month. Visiting brothers always welcome.
H. C. ELLIS, Secy. C. M. REDFIELD, W. M.

M. W. of A.

Pilot Butte Camp No. 8794
Meets every Tuesday in hall over postoffice.
Visiting Neighbors always welcome.
C. I. Bonell, V. C.
W. W. Orcutt, Clerk.

Deschutes Lodge No. 103

K. of P.
Meets every Wednesday evening at 8 p. m. in Castle Hall, post-office Bldg. Visiting Knights welcome.
Chas. D. Rowe, C. C.
K. M. Ladewig, K. R. A. S.

Business and Professional.

Sylvester L. Staats

Attorney at Law.

OFFICE: Next Door to Bulletin

W. W. Faulkner, D. M. D.

DENTIST

Bulletin Building, Bend, Oregon

WARD H. COBLE

Attorney at Law.

Office in Deschutes Bank Building Opposite Postoffice, Bend, Oregon.

U. C. COE, M. D.

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OFFICE OVER FIRST NATIONAL BK.
Office Hours: 10 to 12 a. m.; 1 to 3 and 7 to 9 p. m.

C. S. BENSON,

ATTORNEY AT LAW

OFFICE IN FIRST NATIONAL BANK BLDG., BEND, OREGON

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LAWYER

FIRST NATIONAL BANK BLDG., BEND, OREGON

George S. Young

CIVIL, MINING AND IRRIGATION ENGINEER
Oregon Street

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Table always supplied with the best that the town affords. Neat and Comfortable Rooms. BEND, OREGON

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The Collar That Makes Man and Beast Happy.



H. J. Eggleston

Manufacturer of Harness and Saddles—Dealers in Wagons, Buggies and Farm Implements—Hay and Grain for sale.

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VIA THE DESCHUTES BRANCH OF THE Oregon-Washington Railroad & Navigation Co. Through Car Service from Bend to Portland.

Daily Train Schedule:

| | | | |
|---------------------|-----------|------------------|-------------------|
| Leave Bend | 6:30 a.m. | Lv. Portland | 7:50 & 10:00 a.m. |
| " Redmond | 7:21 a.m. | " The Dalles | 12:40 p.m. |
| " Opal City | 8:00 a.m. | " Deschutes Jct. | 1:30 p.m. |
| " Metolius | 8:22 a.m. | Arrive Madras | 5:45 p.m. |
| " Madras | 9:00 a.m. | " Metolius | 6:00 p.m. |
| Arv. Deschutes Jct. | 1:15 p.m. | " Opal City | 7:06 p.m. |
| " The Dalles | 1:55 p.m. | " Redmond | 7:45 p.m. |
| " Portland | 5:45 p.m. | " Bend | 8:35 p.m. |

For further information call on any O.-W. R. & N. Agent or write to

WM. McMURRAY

General Passenger Agent, Portland, Oregon.



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The Bend Bulletin and the Portland Daily Telegram during 1911 \$4.50. This offer expires Dec. 20.