

## IMPORTANT LAND RULING

### Decision in Contest Is Favorable to Homesteader

## LAND IS TIMBERED

### Attorney Makes Substantial Improvements and Shows Good Faith

A very important land decision has been rendered by the Commissioner of the General Land Office, which will be of interest to many Klamath county homesteaders, who have had contests against their claims. The homesteader was favored, where it was proven he had shown good faith by making substantial improvements, even on the land was more valuable for the owner.

James C. Meservey filed an affidavit contesting the entry of William W. Ryne on a portion of sec. 2, T. 37-10, R. 12, in substance, that defendant failed to reside on, cultivate and improve the land as required by law. The decision reads:

There are some circumstances shown in this case that do not indicate good faith on the part of the defendant in making said entry for a homestead. There is some evidence tending to show that he desired it chiefly for the timber on the land, that he has furnished it, that he established a residence on the land and remained continuously for several months and has not been absent therefrom for as much as six months at one time, taken together with the fact that the entry was made less than two years before the contest was brought, indicate good faith on his part in entering it for a home. The evidence as a whole fails to establish plaintiff's charges. Said contest is, therefore, dismissed, and the entry held valid.

## Merrill Has a Candidate

The many friends of Prof. J. H. Hobbs are trying to persuade him to enter the race for the nomination for county School Superintendent. Mr. Hobbs is a genial gentleman well liked by all who know him and has been very successful in school work in this county as well as in other parts of Oregon. He has been in his present position for three successive years, and his patrons

all speak highly of his work. This end of the county is surely entitled to something and as so many of the aspirants for the nomination are residents of Klamath Falls, and as Merrill has no man in the field Prof. Hobbs should win hands down.—Merrill Record.

A telephone communication today stated that Prof. Hobbs had consented to make the race, and that petitions were being circulated.

## Good Words for Holgate

Harry L. Holgate returned to his home in Klamath County, Thursday, after a week's visit among Corvallis relatives and friends. Since leaving the Government service, three or four years ago, he has taken an active part in the development of that progressive, prosperous section of Oregon known as the Klamath country. He is now conducting a bank at Bonanza, a rapidly developing town about 25 miles from Klamath Falls.

Harry is one of the tactful, brainy young men of the state and we are glad to learn that he is doing well. A recent dispatch to The Oregonian states that he will be a candidate for joint senator from Klamath, Crook and Lake Counties. He is popular and a hustler and should make a good showing in the coming primaries. His familiarity with the needs of Oregon coupled with his unusual experience in the preparation of laws and the handling of legislation make him an exceptionally well qualified person for the place. Besides this he has a statewide acquaintance among men of standing and influence which would be of invaluable aid to him in securing legislative action.

As he is an old Corvallis boy and a graduate of the OAC, his many friends here will anxiously watch his campaign for the nomination and earnestly hope for his success.—Corvallis Gazette.

## Looks Like It

H. J. Winters visited Dorris Sunday and some of his intimate friends passed out the information that he had gone there to join the benedictines. The fact that he has since been passing out cigars to all his friends who have called at his jewelry store makes it appear that the report is not manufactured out of whole cloth.

As there was not a quorum present the city council did not hold its regular semi-monthly meeting last night. There will be no meeting until the first Monday in March unless a special meeting is called by the Mayor.

W. R. Davis, the stage man, conducted an excursion yesterday to Teter's Landing on the steamer Klamath. Quite a number of the business men of the city went along.

## HIS LAST STATEMENT

### Admit Johnson's Declarations As State's Evidence

## DEFENSE REGISTERS OBJECTION

### Widow and Several Others Testify Johnson Was Rational at Times Before Performing the Operation for the Removal of the Eye

When court convened at nine o'clock Judge Benson announced that he had not been able to reach a decision as to the admissibility of the statements of Johnson relative to his death or recovery. He accordingly excused the jury and had subpoenas for Drs. Merryman, White and Parker.

Mrs. Johnson, Mr. Hixon, Mr. Phillips, Mr. Dennis, Mr. Casey, Mrs. Hattie Wilson, A. L. Leavitt and Mrs. Gentry were called and gave additional testimony as to the condition of Johnson prior to his death. The court took the matter under advisement and at 11 o'clock court took a recess until 1:30.

The court convened at 1:30 and Judge Benson decided that the statement to Hixon and Mrs. Johnson by Johnson on Sunday morning prior to the time of the operation for the removal of his eye, be admitted. To this the defense entered an objection on the ground that it was made in view of impending death, as being irrelevant and immaterial.

Ed Hixon a laborer was the first witness called. He said:

"On Christmas morning Mrs. Johnson sent for me to assist her in caring for her husband. I remained there until his death ten days later. During that time he was rational and intelligent. When rational he seemed to be in possession of all his faculties and his mind seemed perfectly clear. These periods would be of varying duration, lasting from ten minutes to half an hour.

"On Sunday December 29, an operation was performed to remove his eye. That morning when I came into the room we talked about the operation and Johnson said, 'The operation will do no good, for I am too badly injured.' We talked about the trouble he had at the time he was injured and he said 'When I reached the door, Petersteiner hit me

with the butt end of a cue and knocked me down. While I was down Frank, (meaning Corpron) the big bartender jabbed the small end of a cue in my eye. Then I got up and got out of the door, when Petersteiner hit me twice.'

At the time of the operation I was present at the time Dr. Maston operated on him and saw the doctor remove a sliver of wood from the eye. (Witness here identified the sliver and it was marked for identification.)

"Between the time I came and the operation he was rational about half of the time. After the operation he had less lucid intervals, but several times he referred to the fact that he would not recover."

On cross examination Hixon was badly mixed up on two important points—that of what was actually said and what occurred at the door of the saloon. On cross examination he stated that Johnson said that the blow struck by Petersteiner was outside of the door and on the sidewalk; while he previously stated that this blow knocked him down inside the door, and was there followed by the blow in the eye by Corpron. He finally admitted that most of his testimony on this point was supposition.

As to the conversation held prior to the operation he was doubtful as to the exact words, and was uncertain as to whether Johnson referred to the disfigurement of his face through the loss of his eye, should he recover.

Mrs. J. M. Johnson was next called and stated that Christmas morning between 6 and 7 o'clock her husband came home. He was muddy and bloody and his head was tied up. He undressed and went to bed, complaining about being cold. He soon went to sleep. He was rational and seemed to know what he was saying. He was delirious about half the time until he died. Sunday following Christmas Dr. Maston removed a sliver of wood from his eye and later removed the eye.

"On the morning of the operation I had a conversation with my husband relative to the assault that was made on him Christmas eve. He said that Petersteiner hit him on the head with a billiard cue and knocked him out the door on to the sidewalk and that the bartender jabbed him in the eye with the small end of the cue.

"He protested against the removal of the eye, for he saw no reason why it should be taken out for he might as well die with it in as out. After the operation he expressed a wish that he was in Portland, where he could go to a hospital and receive proper care and attention. Though I told him he would get along all right, he believed he would not get well."

The state brought out, by the witness, the fact of Johnson's death and burial. The defense then took the witness in charge for cross-examination.

## Meeting Tonight

The Chamber of Commerce will hold a regular meeting tonight. The City Council, members of the Civic Federation and the public has been extended an invitation to meet with the chamber for the purpose of discussing extending the boundaries of the city, so as to get more

revenue, and other important matters of interest to the city. The committee appointed at the mass meeting to secure data on obtaining city water, will make their report this evening.

Senator Bourne's letters to voters and candidates for offices in Oregon urging them to stand by statement No. 1, will not carry much force if the predictions of some of the wise politicians are to be fulfilled. They argue that the Senator has been away from the state so long that he is not in touch with the real situation, and for this reason his letter will in a measure be ignored by the rank and file of the party and also the party leaders. In Multnomah county not half a dozen candidates for the Senate and House will pledge themselves in favor of statement No. 1.

A. J. Bale, who has been visiting E. J. Murray for several months left for San Francisco on yesterday's boat. He will stop at Los Angeles before his return East.

It is reported that D. V. Kuykendall and C. F. Stone will be candidates for the nomination for prosecuting attorney on the Republican and Democratic tickets.

Leslie Rogers, of the Klamath county bank will act as deputy county treasurer during the illness of Treasurer Alva Lewis.

H. J. Winters, the jeweler, returned last evening from Dorris, where he has been visiting his branch store.

Saturday was the tenth anniversary of the destruction of the battleship Maine in Havana harbor.

The basket ball game will be Friday evening this week, instead of Saturday.

## LICENSED TO TEACH

### Applicants Are Highly Successful in Passing the Examinations

Prof. Dunbar and H. F. Murdoch have completed the examination of teachers for state and county papers. These gentlemen state that this has been one of the strongest classes that has been examined for some time. The average grade of the entire class was 90 per cent. Following are the successful applicants: County papers—Edith Newton, Sarah Griffith, Rachael Applegate, Lulu Wilkerson, Nellie Wood, Ruby Nicholas, Archie Kirkendall, C. Lambert, T. H. DeLap, John Irwin, C. E. Mulkey and T. E. Griffith. State papers—Byron Hall, Ella Callahan and Anna Conn.

## FOR BETTER MAIL SERVICE

### Should Present the Matter to the Department

## PEOPLE MUST ACT

### Stages Carrying Mail Should Leave Pokegama as Soon Train Arrives

The people of Klamath Falls have an opportunity of receiving their mail 13 hours earlier than at present if they wish it. Do the various clubs and organizations of this city intend to remain inactive, or will they win the praise of our citizens by doing something towards improving our mail service?

The postoffice department has shown a disposition to accommodate the people as soon as they learned what their wishes were. Klamath County hasn't the only mail line in the United States, and Uncle Sam is not going to order any change, as long as the people, by their apparent disinterestedness, appear satisfied with the present service. Postmaster Murdoch states that he is ready and willing to endorse any recommendations or petitions made by the commercial bodies of the city, tending toward the improvement of the service. Under the contract the department can order the mail contractor to leave Pokegama with the mail immediately upon its arrival at that place.

If this was done the mail would arrive here early in the morning and the patrons of the office would have all day to answer their correspondence. This would also be a great convenience to the local office. Under the schedule the entire mail from Pokegama, Fort Klamath, Bonanza, Lakeview and way stations, arrive here within a few hours of each other in the evening. This necessitates working a greater part of the night and sometimes, on account of the bulk of mail, it is not possible to get it all distributed in time to make up the outgoing mail in the morning. Instead of the outside mail laying over at Pokegama, it should be here being distributed during the day, and there would be only the east mail to handle at night.

C. D. Arthur, of Lakeview, came in last evening from the railroad en route home, having in custody Ellis Wilhelm, whom he apprehended in Eugene on a charge of horse stealing in Lake county. Louis Gerber and I. D. Applegate left this afternoon for Merrill.



## Do It Now!

When the birds commence to chirp and the flowers blossom and the sun is just warm enough to make you satisfied with life then is when you will want to get in tune with nature and tog up with a nice suit or two. Don't wait too long. Come and see the gingery, snappy patterns we are showing in our Spring Suitings.

WHY BOTHER WITH ILL FITTING "Ready Mades" when we are ready to fill your every whim at the same prices.

GET THE TAILORING HABIT

# KKK STORE

KLAMATH FALLS  
FASHION SHOP

## GOOD LUCK

Attends the Fisherman that uses

### OUR FISHING TACKLE

Fly Hooks, Spoon Baits, Reels,  
Lines, Steel and Bamboo Rods.

They are constructed for scientific fishing and no matter how unskilled the fisherman success will attend his efforts if he uses our tackle. . . . .

## Roberts & Hanks

Phone 173, Emma Block