

ANOTHER DECISION

and Office Again Rules In Favor of First Applicant Against Settlers

Another decision from the General and Office, similar to that in the case of Ansel, Lake and Johnson vs. Casebeer, which was published last week, reached the Lakeview office today. This last decision is the case of Ed Lake, Ariel L. Poore and Jesse G. Ansel against William H. Casebeer, the land in controversy being the northeast quarter of section 34, township 33 south, range 14 east. The lands were returned to the public domain subject to settlement September 28, 1907, but not open to entry until October 28, 1908, having been temporarily withdrawn for forestry purposes. All of the applicants filed settlement at the same time and their improvements were practically the same. However, Casebeer made the first application, which was allowed by the local office. The other applicants were granted a hearing, the same taking place January 9, 1908, and subsequently the local officials found in favor of Casebeer and recommended that his entry remain intact and that the subsequent applications be rejected, which decision the Commissioner sustains.

The Commissioner's findings are practically the same as in the former case, he holding that in such cases the burden of proof is upon the contestants to show settlement not only prior to defendant's entry, but also prior to his settlement, and having failed to prove their qualifications as homesteaders, which is a necessary proceeding in such cases.

At the hearing Ansel failed to appear and the Commissioner holds that the application of Ariel L. Poore, although rejected, is superior to that of Lake, because the latter made his improvements on lands other than those in controversy, his entry covering the south half of the quarter section in controversy and the south half of the adjoining northwest quarter, he making his improvements on the southeast quarter of the northwest quarter of said section 34.

Lake's position is somewhat peculiar, inasmuch as the Commissioner holds that he is practically down and

out in both cases. In the first case it was shown that he did not reach the northwest quarter, the land in controversy, until some twenty minutes after the other applicants had effected settlement, he having settled upon four tenths in a string and entered upon the land at the extreme eastern boundary. As to the second case Lake is again out because of the fact that his improvements are on lands other than those in controversy, as previously stated. This latter decision is in accordance with the rulings of the Department that where an entryman desires to secure lands located in more than one particular quarter section the improvements on one will not apply to the others where the contest is based on the question of the location of the same.

JOHN CLEVELAND HOLMES.

Mr. John Cleveland Holmes died Wednesday morning at 9:15 o'clock, near Merrill. Mr. Holmes was born in Kenosha County, Wisconsin, and came here two years ago from Medford. He was 72 years of age. He is survived by three children, Onetta, George and Ernest Holmes of Alabama. He also leaves two sisters, Mrs. Lida C. Elison of Kenosha, Wis., and Eda E. Lee, Klamath Falls, and brother, Wm. Holmes of Wisconsin.

AT McHATTAN'S.

Beautiful, rich and sparkling. The cut glass at McHattan's.

My umbrella covers have arrived. Now bring in your umbrella.

A pretty line of "Festoon" neck-chains, 50 pairs of the newest things in collar pins.

Handsome rail pins and brooches.

New watches with medium and high grade movements.

Swell line of enamel clocks, 8 day, and the latest, fancy bronze clocks, one day time.

Gorham's sterling silver flat ware in the "Jefferson" and "Chantilly" patterns.

Pretty and snappy new sterling silver novelties.

1847 Rogers flat ware in sets and single pieces in the most popular pattern, "The Vintage."

Spex, Auto glasses, smoked glasses and eye glass reefs.

Conklin's self-filling Pens have no equal.

If you are after wedding presents or Christmas gifts I think you can find something in my stock.

McHATTAN.

ABE RUEF IS GUILTY

Jury Returns Verdict at 4:10 This Afternoon After Being Out 25 Hours

SAN FRANCISCO, Dec. 10.—THE JURY IN THE RUEF CASE, AFTER BEING OUT FOR 25 HOURS, RETURNED A VERDICT OF GUILTY AT 4:10 THIS AFTERNOON.

SAN FRANCISCO, Dec. 9.—A merciful arrangement of James L. Gallagher and Andrew M. Wilson, the chief witnesses in the trial of Abraham Ruef on an indictment for bribery, characterized the opening portion of Henry Ach's defense.

Ach was vehement in delivery and eloquent in his address. He repeatedly called upon the jurors by name when propounding questions that called for no reply. After speaking for two hours, he became so exhausted as to be obliged to ask the Court for announcement of the usual recess. In the course of his remarks Ach said:

"Ruef is the victim of a dastardly plot, supported by the debauched and perjured testimony of Gallagher and Wilson. After your verdict is rendered, and after you jurymen are discharged I am going to ask you whether or not you believe these witnesses of the prosecution."

Ach declared that Gallagher and Wilson still enjoyed the fruits of the bribes in which they admitted being engaged, and said the only reason they had not refunded the thousands of dollars they had taken, was that nobody had asked them to do so.

The opening argument for the state was made yesterday afternoon by Assistant District Attorney O'Gara. Hiram Johnson closed for the prosecution this morning.

One of the concluding remarks of the Assistant District Attorney was as follows:

"God forbid that any verdict you might return should place Abraham Ruef and his band of thieves again in control of this city. Show by your verdict that this city has asserted its manhood and has relieved itself of

the dishonor and disgrace he has brought upon it."

The attorney concluded their arguments and the case, which has lasted over 100 days, went to the jury at 3 p. m.

FAVOR CRATER LAKE ROAD.

Taxpayers of the Upper Country For It-Interesting News From the Fort.

Burns & Utter, the new sawmill firm, who have located on Annie Creek, expect to have their mill ready for operation in about ten days. They have a fine belt of timber to draw from in the Forest Reserve, and will turn out some first class lumber.

Tickets are now on sale for the annual Masquerade Ball at the Melrose Hall. Everybody is looking forward to a good time, as this is where we make the jolly dances.

J. H. Hessig and W. D. Kingdon visited our school Friday, and Mr. Mulkey seated them on the worst old seat in the house, hoping to influence a favorable vote in the matter of purchasing new seats, which was discussed Monday at a special election.

The near approach of the surveying crew, which is now camped at Barclay Spring, on Modoc Point, is especially gratifying to the pioneers of this section, and hopes are now held forth for the early completion of the extension. We understand the contract for the grading has been let as far as Modoc Point, and if this is true, it seems we have some foundation for our hopes.

"Dad" Vose made a shipment of furs Friday, the first this season. He is trapping on Beaver Marsh, in the northern part of this county.

Local Camp 5486, M. W. of A., held the annual election Saturday night, electing a full set of officers for the ensuing year. After the business of the hour was concluded an informal "feed" was enjoyed by the members present.

J. E. Vose drove stage the latter part of last week.

A special school meeting was held today for the purpose of electing one director to fill the unexpired term of John R. Sellers, and to levy a tax to provide for three months additional school and for painting and furnishing the building with new seats. E. S. Turner was elected unanimously for director, J. H. Hessig and Lou Brannon "also ran." In the matter of the tax a levy of 2.7 mills, was voted after a short discussion regarding the amount to be raised, \$700.

Uncle Hiram came down from his trapping camp near Mt. Scott, Saturday.

Mr. Totten, of the steamer Winema, was in town Monday for a few hours making his monthly collections. While here he stated that the Adam's dredge was now at work at the mouth of Wood River, and he expected them to have a new channel opened into the river that afternoon, and the Winema would move them up the river at once.

A petition to the County Court for the Medford-Crater Lake-Klamath Falls road, is being circulated here, and though it has been in circulation but a short time, it has been signed by nearly every taxpayer.

Wm. Nicholson, Jas. Kelton and J. P. Loosley went to Klamath Falls Sunday morning, being selected as jurymen to serve during the session of the December term of Circuit Court, which met Monday.

Several stockmen have been gathering up their cattle to feed them for the spring market.

REQUESTS MORE MONEY FOR CRATER LAKE PARK.

Among the Secretary of the Treasury's estimate of money needed for public work, which has been presented to Congress, is a recommendation for an appropriation of \$21,745 for Crater Lake Park. This is \$5000 more than was asked for by Superintendent Arant in his annual report. Mr. Arant's estimate only covered the actual amount necessary, and it is evident that there is some one in

amount asked for by the Secretary Washington who appreciated the importance of Oregon's national wonder and has recommended an addition to the appropriation. It is quite probable that Congress will allow the of the Treasury.

With this sum it would be possible to make many important improvements at Crater Lake. More roads are needed and the trail down to the lake should be broadened and hand rails built, so that it would not be such a difficult and dangerous trip as it is at present.

HARD TO KEEP PROMISE.

The City Council at its meeting last night granted building permits for the erection of ice houses to S.T. Summers and Fred Schallock. No action was taken on the request of M.H. Caseboom for a permit to erect a barn on his property in the Nichols addition. Four members of the Council have signed the petition of Mr. Caseboom and practically agreed to vote for the permit. On investigation it was found that the proposed location of the barn might prove a detriment to adjoining property owners and those members of the Council who signed the petition were up against it. It is stated that Mr. Caseboom on the strength of the promises went ahead and purchased his lumber and made preparations for erecting the building.

NEW CASES FILED.

Emil Peil vs. F. L. and Clare E. Wright. Attachment. Plaintiff's attorney, F. H. Mills.

Wm. Lashua vs. K. Sugarman. Action to recover money. Plaintiff's attorneys, Benson & Stone.

Margaret Illington, for two years star in "The Thief," and season before that leading lady for John Drew, has retired from the stage for good, according to a statement made last Monday night by Daniel Frohman, her husband. He said: "Miss Illington will never under any circumstances play again. I had hoped she would be able to resume her engagement with 'The Thief' for this winter, but believe now this course will not be advisable, and she will never go on the stage again. In a few days Miss Illington will go west for the winter."

Last Sunday evening a party of relatives invaded the home of Mr. and Mrs. E. C. Albin to welcome them to Gale. Those present were: Mrs. R. C. Anderson, Miss Clara Anderson, Dannie Anderson, Mrs. G. C. Slate, Mrs. Grace Anderson, Horace Hickman, Will Graham, Frank Anderson, Mr. and Mrs. Chas. Anderson, Miss Gladys Anderson, Walter Ellis and Mr. and Mrs. E. C. Albin.

The Summer school is going to have a Christmas tree.

Jim McClure is moving to his ranch on the Merrill road this week.

Suits that fit and fit to suit and suits the pocket book that fits the pocket at the Portland Store. 8

Fine line of watches. Winters 2

PASSES LAW IN QUICK TIME

No Delay In Granting Petition of Businessmen for Peddlers-Hawkers License

"Every auctioneer, hawker, peddler or pawnbroker before transacting business or engaging therein, within the city limits of Klamath Falls, shall procure a license from the Police Judge of said city, and it is made unlawful for any person or persons to carry on or engage in such trades or business, or any of the same without first having procured such license.

"The amount to be paid by every such auctioneer, hawker, peddler or pawnbroker, for the license required by section 1 of this ordinance shall be \$25 per day, etc.

"Every person or persons engaging in any such trades, calling or business mentioned herein without first having procured the license as herein required shall, upon conviction thereof before the Police Judge, be fined not less than \$10 nor more than \$25, or be imprisoned in the city jail for a period of not less than five days or more than fifteen days, or by both fine and imprisonment."

The above ordinance was passed by the City Council at a special meeting held this morning. It had attached to it an emergency clause and went into effect immediately upon its passage and signature by the president of the Council, as acting Mayor.

The ordinance was introduced at the meeting last night and was passed to its second reading. As there were only four Councilmen present besides the president, it was not possible to secure a three-fourths vote declaring an emergency so that it could be passed on the same day as it was introduced, and therefore another meeting was called for this morning.

It seemed to be generally understood at the meeting that this ordinance was not to be enforced against the farmers of Klamath County disposing of the products of their farms.

HIGH SCHOOL NOTES.

The students were very agreeably entertained by Rev. G. LeRoy Hall, who gave a reading accompanied by a short talk. The students all enjoy Rev. Hall's talks, and we are sure all who attend the entertainment which he is to give at the Baptist church will enjoy it.

The preliminary debate was held at 2:30 this afternoon. We enjoyed some very good speeches from the debaters. Mr. Dunbar, Miss Shives, and Rev. LeRoy Hall were the judges. They decided in favor of Erwin Rolfe, Carlisle Yaden and Vincent Yaden.

AT THE OPERA HOUSE.

New tonight—The Devil, The Reconciliation, Bargain Sale, New songs.

LOST—Large black fur muff. Finder please return to Mrs. Cross, Lakeside Inn. 2t

K K K STORE

Do Your Shopping at this Store.

Largest stock of Toys and Dolls. Xmas Goods. Appropriate Gifts for all.

Here are a Few Suggestions for

K K K STORE

LADIES

FINE UMBRELLAS
SHOPPING BAGS
PURSES
FANCY JULIETS
FUR TRIMMED (All Colors)
FASCINATORS
AND SHAWLS
NEWEST STYLES
DRESS SHOES
FINE WINTER WAISTS
LACE CURTAINS
TABLE SETS
CLOTHS AND
NAPKINS TO MATCH
FANCY HANDKERCHIEFS
AND COLLARS
HDKF. BOXES
WORK BOXES
MANICURE SETS
TOILET SETS
RUBBER BOOTS
RUGS
COATS AND
PONY JACKETS
SWEATER COATS
INDIAN BASKETS, ETC., ETC.

MEN

SUSPENDERS AND
NECKTIES (one in a Box)
FANCY BOX IN
XMAS BOXES
XMAS HANDKERCHIEFS
SUIT CASES
KID GLOVES
SUEDE SILK LINED GLOVES
WOOL MITTENS
AND GLOVES
FANCY WAIST COATS
SLIPPERS, ALL STYLES
WALK-OVER DRESS SHOES
WINTER CAPS
COLLAR AND CUFF BOXES
NECKTIE BOXES
PAJAMAS, NIGHT GOWNS
FINE UMBRELLAS
A STETSON HAT
WOOL BOX
OVERCOATS
FINE SILK SHIRTS
SWEATER COATS
FINE DRESS SHIRTS
FANCY WOOL UNDERWEAR
RUBBER BOOTS AND SHOES
ETC., ETC.

CHILDREN

TOYS OF ALL KINDS
DOLLS DOLLS
BOOKS GAMES
BALLS GUNS
TOOL CHESTS
TRAINS GUNS
MECHANICAL TOYS
RUBBER BOOTS
COATS CAPS
MITTENS
KNICKERBOCKER SUITS
FINE DRESS SHOES
AND SCUFFERS
HOODS TONES
ETC., ETC.

Fine Doll and Automobile to be given away Xmas.

K. K. K. STORE

THE SANTA CLAUS STORE

It Takes Good Taste

To decorate a home properly. First you must have beautiful wall paper. It must be well put on. It must be durable as well as beautiful. We handle the newest patterns, the most beautiful shades and the best qualities. The price also recommends them.

ROBERTS & HANKS
HARDWARE MERCHANTS