

HILL'S SURVEYORS BOUND THIS WAY

Leave Bend This Morning to Survey Along East Fork Deschutes TO STRIKE NEAR HEAD OF UPPER LAKE

Some One Talked Too Soon and Orders Are Sent to Put Surveyors in Field WILL FOLLOW OLD S. P. ROUTE

Department Decision Holds Actual Residence Evidence of Good Faith Despite Lack of Cultivation.

The many friends of Miss Restora French will be pleased to learn that the contest case against her homestead, which was brought by the government, upon complaint of a special agent, has been decided in her favor by the Commissioner of the General Land Office.

Her attorney in the case, C. C. Crower, has just received notice from the commissioner's office that the decision of the local officers at Lakeview, is reversed and final certificate authorized to be issued.

This case is of more than ordinary interest, as the decision clearly sustains the contention of her attorney that good faith in the matter of actual residence, as shown by various circumstances, is of greater importance than the mere matter of cultivation or lack of cultivation of the land.

Miss French took this homestead at Klamath Falls about seven years ago and has made it her actual home, having all her personal effects and household belongings there ever since to the present time, and although she had taught several terms of school in country districts, her effects and household goods have always remained at her home and she has always been at home several days in almost every month of the year. But owing to her lack of means and the great difficulty in getting laborers for spring land during the great demand for labor in this vicinity, she has not been able to cultivate as much as she otherwise would have done, though some land has been tilled in every year.

Her final proof, which she made last year, was held up because of a defect which had been begun by the government, and she could not get a hearing of the contest until last December, when it was tried before United States Commissioner Alex. Martin Jr. The contest was bitterly contested by the special agent, who was heard of the time, and was vigorously opposed by the attorney for the homestead claimant.

The officers of the Lakeview land office decided against the claimant, and their decision apparently wholly upon what they considered a lack of cultivation of the land, and seemed wholly to ignore all other evidence of actual residence and good faith. The department appears to have given weight to many other circumstances and to the judgment and honor of the witnesses, all of whom testified for the government as well as

for the claimant, testified to the effect that the homestead was her actual home, and her only home, during all the time in question, and the commissioner holds that she acted in all respects in good faith.

AT THE IRIS

Those who have visited the South and studied the negro in his home will enjoy the "Black Aristocrats" playing at the Iris this week. The negro voice at its best, full of melody and rich tones, is heard in the songs of this high-class couple whose dramatic ability in rendering character parts is especially fine. "The Swanee River" struck a tender chord in the hearts of the audience last night while the "Habit" song made a decided hit.

The moving pictures were all fine and were put on with the promptness of a railway schedule, which Mr. Gammon insists upon as being a prime requisite of a popular playhouse. That his judgment on this point, as well as on all other matters in the show line, is good is proven beyond doubt by the crowded houses nightly at the Iris.

TONIGHT AT THE OPERA HOUSE

"The Mysterious Mr. E," whom as yet though many have guessed—who has recognized, again delighted a large audience last night by his clever singing and funny monologue. Tonight he will sing an amusing comic song, "The Fortune-Telling Man," and tell a string of yarns which will bring a laugh to the lips of the saddest despite himself.

"The Dog Detective" finds the things who have imprisoned a wealthy old gentleman with the intent of extorting \$20,000 dollars from him before they again set him free. Then a beautiful colored film showing Cupid

and the good he does for mankind with his last four darts, reconciling lovers and sweethearts in somewhat the same manner that Puck does in "A Midsummer Night's Dream" without causing the amusing muddle that Shakespeare's joyous little fairy does.

"The Lost Heiress" and the amusing chase in search of her, and "Father's Glue" and the pranks two youngsters play with it.

When you come tonight—as you will—don't forget your baby's photo and enter it in the contest as a competitor for the beautiful prizes donated by Mr. Holtkemper Jr.

Mayor Sanderson states that the Public School Board has decided that if the sawmill people will erect a school building on the Upper lake the board will provide a teacher and the necessary furniture, which proposition will doubtless be accepted, as with the coming of winter it would be a hardship on the younger pupils to be compelled to attend our public school on account of the distance and the lack of transportation facilities at the present time.

Originally Made by Engineer Graham Some Years Ago

NOTES LOST IN 'FRISCO FIRE

Not Certain to Enter This City from the North, as Feasible Route Has Been Located from the East.

"Jim" Hill's surveyors are headed for Klamath Falls. That is the word that has reached this city and it is this information that has thrown consternation into the ranks of the local engineers of the Southern Pacific representatives here. Already a crew of surveyors are headed for the northern end of the county for the purpose of heading off the Hill men. This fact is denied by Engineers Hooy and Church, but the information comes from reliable sources.

Five days ago The Herald was in receipt of confidential information to the effect that Hill surveyors would start south from Bend this morning. A party has already gone ahead for the purpose of reconnoitering, the main force to follow in a few days. This crew is to be under the personal supervision of the chief engineer of the Hill company and the work was to be rushed with all possible speed. Absolute secrecy was to be maintained until the survey had been run past Odell.

Someone talked, however, and the Harriman people were apprised of the contemplated move. Orders were issued to place men in the field at once and be prepared to cover the tracks of the Hill men. This has been done, and no surprise need be manifested if the announcement is made that work has been commenced in certain of the strategic points north of Odell.

There is no certainty that Hill is coming into this city from the north. He may possibly come in from the

east. The survey now under way is to ascertain if a better route can be secured through the Odell country than has already been surveyed from Bend and running between East lake and the Pauline mountains.

The route that the Hill men will follow will be along the Deschutes river, following the east fork and passing west of the Walker range. This is the most feasible route into this county and has already been surveyed by the Southern Pacific. This

For Sale—August Only A Summer Resort on Klamath Lake

This is a sporting proposition for men of wealth—it is not a farm. Unequaled trout fishing June to November. Deer hunting on the premises August 1 to November 1. Duck shooting superior to any in the State over thousands of acres of wild celery and rice September 1 to February 1. Ground and pheasant shooting on the place October 15 to November 15. Best starting place in county for a bear hunt. Crater lake automobile road will run through the place for a mile and a quarter. Navigable water to the property, unsurpassed drinking water and power to develop the property. More bottom land and fine garden land than any place on the lake. Thousands of pine and fir trees and thousands of quaking aspens. More varieties of wild flowers and natural grasses and vetches than any place in the county. If you develop this property as it can be developed there is no resort in the county that can compare with it. No amount of talking will describe it; let us show you. We have been offered more than twice what it cost, but have a price at which you may take it; below which we will keep it.

J. G. PIERCE
at Odell
Buenos Aires Addition
Casper Avenue, or
W. T. STOVE
At Odell, Ore., S. W. Cor. 1st St.

STILL LOVES HIS NATIVE LAND

Will Educate Son at a New Jersey Institution of Learning.

Dr. George Martin, one of the leading dentists of Berlin, Germany, is in the city on a visit to his brothers, Alex. Jr. and William. Dr. Martin of Berlin is one Oregon boy who has made his mark abroad in his profession, and although he would not admit it, it is known that he counts among his patrons a goodly number of the titled people in Germany. In speaking of this city, he stated that it had been five years since he had visited here, and during that time this place had grown beyond anything he could imagine. While the Doctor has been prosperous abroad, he still has the love of his native mother country at heart, and doubtless intends that his children will be inspired with the same feeling, for he has made arrangements to place one of his boys in a private school at Lawrenceville, N. J., so that he will grow up Americanized. Dr. Martin will return to Oakland in the morning, where he will be rejoined by his family and make a tour of the East before returning to Germany. He will sail on the 27th of September.

If Dr. William Martin, who is now up on Crystal Creek, should return home, fix his whiskers up similar to those of his brother George and change clothes with him, he could go on to Berlin and manipulate the Emperor's molars without him knowing the difference, as striking in the resemblance between the two brothers.

Definite information as to the work of the Hill engineers will not reach this city for perhaps two weeks, when it is not at all unlikely that crews of men will be placed in the field north of Odell ostensibly for the purpose of beginning work on the Oregon Eastern, but actually to hold on to the strategic points of entrance to Klamath county.

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K. K. K. STORE.

The following people have returned from the huckleberry patch, where they have been for some time past: Chas. Low and family, Mrs. W. B. Barnes and family, Fannie Virgil, Nina Noel and Iva Fox, Chas. Askin and family of Los Angeles. Mrs. Askin is a sister of Mrs. Soule of this city. The Low boys report that huckleberries are very scarce this year, and that it keeps a person busy to pick two gallons in a day, and it is necessary to go back two or three miles for them.

Judge Thomas Drake returned from Oakland last night, where he has been visiting his family for some time past.

Edison records for August now on sale at Winter's Jewelry Store.

THAT INTERSTATE FAIR

The meeting to be held tonight at the courthouse to discuss the proposition of holding an interstate fair in this city during October, as outlined in a petition addressed to this paper, signed by all the prominent business men in this city, from all indications will be largely attended by the business men and all persons having the welfare of the city at heart. The response to this call by the business men of this city should be a hearty one on the part of the residents, for through the medium of a fair of this nature more good will come to the country, both in trade and in the settlement of the lands, than can be accomplished in any other manner. A fair of this kind will show the world our wonderful resources and possibilities. Such a display is being eagerly waited for by outsiders, who want to be shown before definitely deciding on locating here. The object of this meeting is indeed a worthy one, and The Herald will in every manner possible use its utmost endeavors in the furtherance of this project.

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