

ENTRYMEN MUST SHOW GOOD FAITH TO SECURE LAND

Residence on Public Land Must Not Be Merely Pretense—Boise Land Office Ruling.

Mere pretense as to residence on public land does not constitute compliance with the land laws, for good faith has not been shown and therefore the register and receiver of the Boise land office in a decision handed down late yesterday held for cancellation the homestead entry in the contest case of William P. McClintic versus Stephen A. Pennick, involving valuable land described as the north half of the southwest quarter, section 36, township 14 north, range 1 west.

Contest instituted.
Pennick made homestead entry 8195 on May 6, 1905. On November 15, 1906, he offered commutation proof. This proof was rejected on June 25, 1907, for insufficient residence. An appeal was filed, and the commissioner by letter "C" of October 28, 1907, affirmed the rejection. The entryman again offered commutation proof on November 5, 1908. This was rejected on November 9, 1908, because of insufficient residence. On appeal this action was affirmed by the commissioner April 19, 1909. On May 21, 1909, the entryman again made application to offer commutation proof, and such proof was made on July 23, 1909. This proof was rejected by the register and receiver on the ground that the offering of these proofs in succession under the condition of the case constituted evidence that the entry was not made for the purpose of establishing a home thereon. An appeal was taken on September 25, 1909, which remains pending.

Residence Was Pretense.
The register and receiver dispose of the contest, concluding their opinion in the following language:
"During all this time, while all these proofs were pending, this entryman never did anything, excepting to fix up the cabin, which would indicate that he intended to make a home on that land. His home was on the deeded land and he did not plan to have a home on this land. He kept no stock on this land; had no chickens on this land, nor did he have anything else there excepting this small house, worth \$50 or \$60. No home surroundings had been provided for at any time. His wife stated his home was not on the homestead prior to February, 1909. At all times up to the time he finally left the property he maintained a home on the deeded land, and any residence he may have maintained on the homestead was a mere pretense for the purpose of gaining title."
"In the light of all the facts brought out by this record, we cannot view this case in any other way. It should be further stated that immediately after offering the third commutation proof this entryman moved away. He moved some of the things from the homestead to the house on the deeded land, and from there he moved them away to a distant point. He has never lived on this homestead for a moment since offering the last commutation proof. There is no satisfactory evidence that he offered this proof because of conditions making it desirable to do so. His first commutation proof was offered about the time he was married. He stated he offered the last proof on account of his wife's ill health, and his explanation of the second proof is of somewhat different character, but there is nothing which would warrant the conclusion that this entryman had any reason for offering commutation proof other than that which he seemed to entertain from the start that he would commute the entry and secure the tract for the family holdings which were being accumulated in that immediate locality."

SOCIETY

(Continued from Page Four)

cake and fruit. A birthday cake graced the table in each room, one containing eight lighted candles and the other four lighted candles.

Engagement Announced.
Mr. and Mrs. W. E. Ehler of Boise announce the engagement of their daughter Georgia to Mr. Albert S. Hale. The wedding will take place some time this fall or in early winter.

Society Personals.

Dr. Wheate and Mrs. Wheate have left the barracks, where Dr. Wheate has resigned his position, and have purchased a beautiful home at the corner of Fifteenth and Ada streets.
Mrs. Frommewiler, who has been visiting her daughter, Mrs. Scharf, left for her home in Boston on Saturday.
Mrs. W. O. Taylor of Twin Falls, with her little son, has joined her two young daughters in Boise and with them will be a guest at the home of her parents, General George H. Roberts and Mrs. Roberts, for a number of weeks.
Miss Irene Grunbaum will leave this afternoon for Washington, D. C., to resume her studies at Miss Summers' school for young ladies.

On Monday the musical section met with Mrs. McReynolds, 912 Hayes street.

The dramatic section of the Columbian club held a social meeting at the home of the chairman, Mrs. E. G. Davis, corner of Jefferson and Third. Mrs. Oberdorfer entertained the members of the Shakespeare section Wednesday afternoon at her home on Jefferson street.

Congress of Mothers.

The state executive committee of the Idaho Congress of Mothers was held in Boise August 26. Important business, including revision of the constitution to conform with the progress of the National congress, the appointment of a strong advisory board and the outlining of legislative work was transacted. The state president, Mrs. E. D. Nichols, reported three new mothers' clubs from the northern part of the state with a paid up aggregate membership of 94. The banner in number is reported from Coeur d'Alene with a membership of 60. The new presidents from the north are Mrs. R. E. McFarland, Coeur d'Alene; Mrs. James K. Taylor, Wallace; and Mrs. E. L. Stickney, St. Maries. Teachers from various parts of the state are writing for information on organizing the work and many favorable reports are coming in, showing unprecedented interest in the welfare of the constructive work of parent and teacher. This interest has very largely been aroused by the distribution of literature through the chairman of that department, Mrs. J. K. Dickie, and is evidence that mothers are only waiting to be organized for the real conservation work for Idaho. The outlook for the work in Boise has never been brighter and a successful year is expected.

Columbian Club Notes.

The Columbian club's hospitable doors will be opened Thursday evening at 8:30 o'clock by its program committee, Miss Irvin, chairman, with a housewarming in the Columbian club house on Franklin street between Eighth and Ninth, next door to the Elcheberger flats, when the incoming officers will be welcomed. All members of the club are cordially invited to be present and each member has the privilege of inviting a guest. Husbands, fathers and brothers are especially welcome.



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Entry Is Canceled.

In the case of Gilbert Satrang, 37 L. D. 685, it was stated:
"Residence within the meaning of the homestead law must be established and maintained with the intent to make a permanent home upon the land to the exclusion of a home elsewhere. It can not be acquired by mere occupancy with a view solely to acquiring title by a colorable compliance with the law, but actual residence must be maintained in good faith with the intent to make it permanent."
"The record shows that this entryman never put himself within the rule therein laid down. He did not establish and maintain a residence in good faith with the intention of making it permanent. His occupancy was solely for the purpose of acquiring title to the land, and his compliance with the law was merely colorable. For these reasons we hold the entry should be canceled."

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(From Judge)
Little girl (reading about Cornelia)—"Mother, are we children jewels?"
Modern mother—"No, darling. If you were, I'd pawn you all and go abroad."

PREFERS DRAMATIC TO MUSICAL ROLES



Francis Reeve.
George Edwards, the manager of the Gaiety Theatre, London's foremost musical comedy playhouse, complains that every girl that becomes popular in his theater leaves him as soon as an American engagement is offered. Francis Reeve is one of the number. She received American offers the night of her first success and accepted one that came at the end of her first Gaiety season. That was four years ago, and she has been here ever since. She left musical comedy at the end of the first season to take up the legitimate drama and has never regretted the change.

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