

Crook County Journal.

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NO. 50

VOIDS ITS DEEDS

Action of State Land Board

School Lieu Script

How Base is Created From Which a Goodly Profit is Made

Salem, Nov. 20.—(Special to the Oregonian)—The proceedings for the creation of 100,000 acres of "base" in Eastern Oregon, made public through The Oregonian dispatches from Baker City, disclose the further fact that the State of Oregon has entered upon a policy of attempting to avoid its own deeds by using, as "base," lands which it has already sold. If the state shall continue its present course regarding mineral base, titles to hundreds of tracts of school lands heretofore sold by the state will be rendered unsound and hereafter no man can claim title to school land through the mere fact that he has a deed from the state. As it is commonly expressed, the state has begun selling its land twice—first selling the land in place at \$1.25 per acre, and then permitting base hunters to condemn the land as mineral; whereupon the state renounces its claim to the land, relinquishes it to the Government, selects other land in lieu of it and sells the lieu land to another purchaser. The first purchaser is ousted from possession given back his \$1.25 per acre, with interest at six per cent.

"If a private individual should do what the state is doing, he would be branded as a fraud," said a prominent man yesterday, who has had considerable to do with state and land matters.

If the state is to continue the policy now entered upon, it should at once give notice to the general public that any man who accepts a conveyance of school land based upon a deed from the state must do so at the risk of being ousted by the state at some later time, unless he knows beyond question that there is no mineral upon the land.

The manner in which a purchaser from the state may be ousted under this lieu land scheme may be stated in the form of an illustration: John Smith finds school land that he believes to be worth the price the state asks for it. He pays the amount required, and receives either a certificate of sale or a deed. He sells it to a newcomer from the East, and it passes through the hands of several persons who rely upon the deed or certificate of sale from the state as an absolutely safe title. Finally some operator in "base" lands discovers that this land has mineral on it. He begins proceedings to adjudicate its mineral character, publishes his notices in some obscure paper, and gets his decision from the Federal Land Department without the owner of the land knowing anything about it. This done, he asks the State Land Agent to permit him to use this land as "base" and the request is granted. This land which has already been sold by the state is then surrendered by the state to the general Government, and the state takes other land instead. Some new purchaser, who has paid the base hunter \$1.50 per acre for the base, gets a deed to the lieu land and the first purchaser finds himself a trespasser on Government land. If he will come to Salem and surrender his deed, the state will give him back his \$1.25 per acre and interest but he is out his improvements.

This is a policy the state has recently adopted and it has been

brought to light by the protest made in Baker City. A large quantity of the 100,000 acres, which it was sought to have adjudicated has already been sold by the state and in answer to inquiries State Land Agent L. B. Geer informs The Oregonian correspondent that if the land should be declared to be mineral he would use it as base for the selection of lieu land. In other words, he would make application, over the signature of Governor Geer, to relinquish the state claim to this land and take other land instead. On the face of it, this proceeding would seem to be a breach of faith with the first purchaser and The Oregonian correspondent inquired how the state could lend itself to such a scheme. Mr. Geer replied that the state never acquires title to mineral land. The general Government gave the state every 16th and 36th section, except mineral lands, etc. Now, if a 16th or 36th section be mineral, the state does not acquire title to it and cannot give title. A man who wants to buy school land should first ascertain whether it is mineral, and if it is, he is presumed to know the law and should not buy it.

To Exploit Borax Field.

A sample of crude borax from a deposit about ten miles square, lately discovered in Eastern Oregon, has been sent to Woodard & Clarke for testing by W. C. Cowgill and Professor A. H. Willis, of Baker City. Professor Willis is the engineer and geologist who discovered the deposit. The deposit appears to be very rich, in many places being almost pure borax, as it crops out of the ground. Most of the borax in use now is distilled from lake waters and marshes, a rather expensive process, and the price is higher than usual, about \$150 a ton owing to the fact that all the borax producing fields in the United States are controlled by a trust, and the additional fact that borax boracic acid are entering more largely into use in manufactures than ever before, in the face of a constantly increasing demand. P. J. Tormey, of San Francisco, who controls the drug business of the Pacific Coast, and L. C. Clarke, of Woodard, Clarke & Co., of this city, have undertaken to exploit this new field. The deposit appears likely to prove a richer one than a gold mine, and will add very largely to the wealth of Oregon.

The Irrigation Convention.

The Oregon Irrigation Association which met at Portland Nov. 18th and 19th was successful in accomplishing all that was anticipated by the originators of the movement, viz: That the reclamation and irrigation of the arid lands of Eastern Oregon, be conducted on broad lines, superintended and directed by the National Government. When Mr. Williamson and his associates started this work by organizing the Oregon Irrigation Association, they met with opposition from two sources, one the schemers under the Carey act, and another from the political enemies of Mr. Williamson, both within and without his party. These two factors must be borne in mind all the time in the study of the subject of National Irrigation in Oregon.

These two factors account for the vituperative abuse heaped upon the people of Crook county by the Oregonian both editorially and through its correspondents. Not because the people of Crook county are of any moment to this crowd, but because Crook county has produced a

man in Congressman elect William Green, who threatens to interfere with their graft, political and otherwise.

The first move in the Association to defeat the object of the originators was to elect new officers. This movement was defeated by the strength and unanimity of our delegation. The speeches of various persons were only the vaporings incidental to conventions of all kinds, except those made by officers and engineers of the National Government. One spoke of the Department of Agriculture and told of the amount of water necessary to irrigate, and of the need of proper state laws to govern the use and ownership of water. The other, Mr. Davis, an engineer of the Geological survey, explained how the state must act in order to procure its share of National funds, viz: by local demand for the same. Then came the presentation of the various projects from many counties to secure National irrigation.

The closing work of the association was to have its proceedings published in pamphlet form, first having each county desiring National effort present its project in a short succinct form of not more than two thousand words. The next meeting shall be held in Pendleton in June and the annual meeting in Baker City next November.

The work now before the Crook County Irrigation Association is first: The preparation of its project clearly and succinctly in an article of two thousand words, then regular work as circumstances may direct until the Government engineers get to work in our field, and never let up in our endeavors until the desired object is attained. It may be further added that Crook county's delegation consisted of fifty as representative men as could be found in any part of the state. They were responsible to a large extent for the good results obtained from the Convention, and worked honorably and earnestly to keep the balance of power out of the hands of the ring headed by Gen. Odell and the State Land Board, which they succeeded in doing.

Haycreek Notes.

Miss Annie Hazen is around again, having fully recovered from her recent illness.

Mr. Lou Brown, Willis Brown and Mr. and Mrs. Ralph Brown have gone to Fossil to spend Thanksgiving with their sister and aunt, Mrs. Lucy Wilks.

Mr. Jack Hastings is making preparations to leave soon for Southern California, where he goes for the benefit of his health.

Mr. Jack Hasting and C. M. Cartwright, of Haycreek left on Sunday. Mr. Cartwright for his home in Portland, and Mr. Edwards goes to England, and from all accounts he intends bringing a Mrs. Edwards home with him.

Joe Stuart is improving and will be glad to see him out once more.

A party from Dallas, Oregon returned from the timber section at Bend, on Saturday and report the snow being quite plentiful at that place.

The settlers on the Agency Plains have taken advantage of the recent rains, and plowing seems to be the order of the day. From the black fields seen in all directions. There will be large crops next year.

County Commissioner Healy was in from his farm in the Haystack country Saturday and reports that farming operations have been postponed on account of the freeze. No damage has been done to grain however and it is not likely to result in anything serious.

LAND IS NOT ARID

Green's Report on The Deschutes

May Lead to Wrangle

So Says The Oregonian's Correspondent at Washington

Washington, Nov. 21.—Inspector Green reports to the Secretary of the Interior that the lands selected by the state of Oregon under the Carey act, and known as list six—that is, the lands intended to be reclaimed by the Pilot Butte Development Company—are not arid. He reports well-developed juniper trees scattered over the area; therefore he concludes, the lands are not subject to reclamation under the Carey act. This report will unquestionably lead to a prolonged wrangle and may be the means of preventing for some time reclamation in the Deschutes Valley either by the Government or by private enterprise.

Before the Pilot Butte Company closed its contract with the state, as the records show, it took the precaution to secure the opinion of the department as to whether or not the growth of juniper trees would be held as an indication that the lands selected by the state were or were not arid. The State Land Agent simultaneously asked the opinion of the department as to the character of these lands. He stated in his letter that the land "is entirely destitute of water and is strictly a desert, but on certain portions there is a scattering growth of junipers. The juniper, and especially the scrubby variety growing on this desert, is not suitable for lumber, can be used only for wood and fence posts and there is no more of such wood on any quarter section than will be necessary for the use of the settler on the quarter section. It can not be made into lumber and be shipped away, and can be used only in the immediate vicinity of its growth."

In transmitting his letter to the Secretary, Commissioner Herman expressed the opinion that the rule of the department, which holds that "lands containing sufficient moisture to produce a natural growth of trees are not to be classed as desert land" should be liberally construed, "for the reason that the land is doubtless unfit for cultivation without irrigation, or else it would have been entered long ago."

In reply to Commissioner Herman's letter, Secretary Hitchcock issued instructions in which he said:

"A growth of ordinary forest trees on land in the arid region may, as a general rule, be accepted as evidence of the non-desert character of the land. It is, however, a mere presumption that lands containing sufficient moisture to produce trees will produce agricultural crops, but, like all presumptions of fact, it may be rebutted by proof showing that the land is actually desert in character and will not produce agricultural crops without irrigation. A sparse and stunted growth of trees which may exist with little moisture, and is frequently found upon arid land actually unfit without irrigation for ordinary agricultural purposes, is not within the spirit and intent of the rule."

These instructions were reported to the State Land Agent and to the Pilot Butte Company, all of which is cited to show the precautionary steps taken by this company to ascertain, before making a contract, whether the lands

it had in view would be held subject to the Carey act.

No action is likely to be taken on Green's report for two or three weeks. The case is waiting its regular turn. There is no record, along with this report, a great mass of affidavits filed by the Pilot Butte Company showing the land to be arid and not capable of producing crops without irrigation. These affidavits were filed under the Secretary's instructions above quoted and are from Congressman-elect Williamson, the Oregon State Engineer, ex-Surveyor General Pengra, President Lytle, and Chief Engineer Hammond, of the Columbia Southern Railway; J. M. Moore of Portland, and many others of known reliability who have personally gone over the ground. There is also filed an exhaustive analysis of the soil and statement of precipitation, by months, on the Upper Deschutes. This mass of testimony is all diametrically opposed to Green's report, and shows the land to be arid.

There was a "horse on" Second street this morning. Yes, 300 of 'em, came tearing down that boulevard (which, by the way, is against the law) keeping up a terrible dust (that is "has been" dust). They are the property of G. H. Russell, who brought them all the way from Prineville, and are bound for the Yakima country, where they will be broke and fed preparatory to placing them on the Sound market. The trip down was a hard one, consuming eight days, mostly through heavy rain storms. Two days, however, were spent at Shaniko, from which place it was the intention to ship them, but the scarcity of cars prevented and they were driven down.—Dallas Chronicle.

Wedding Bells.

One of the happiest events of the season, to at least two persons, was the marriage of Miss Marie D. Cottor to Charles Brock in the parlors of the Hotel Poindexter, Sunday morning, November, 23. Promptly at the appointed hour the strains of the wedding march floated out upon the air and the bridal couple entered led by the bridesmaid and groomsmen, Miss Jackie Brock and Mr. Will Brock, sister and brother of the groom. The bride was elegantly attired and the groom was dressed in conventional black.

Miss Berna Poindexter presided at the piano and did justice to the occasion.

The ceremony was performed by Rev. H. C. Clark in his usual impressive manner, in the presence of a few invited friends and relatives. Those present being Misses Ethel Liggett, Maud Vanderpool, Maggie Glaze, Jackie Brock, Berna Poindexter, Mrs. Haner, Mrs. H. C. Clark, Rev. H. C. Clark, Messrs. Will and Ed Brock, Charles Swalley and W. T. Fogle.

The young people will take up their residence on the Deschutes where Mr. Brock has a ranch. He also is a contractor and builder in the new town of Bend.

The Journal unites with their many friends in wishing this estimable couple a long and prosperous journey over the troublous stream of time.

"Now is the Appointed Time"

The O. R. & N. Co. has just issued a handsomely illustrated pamphlet entitled, "Oregon, Washington & Idaho and their resources." People in the East are anxious for information about the Pacific North West—If you will give the O. R. & N. Co. agents at Shaniko a list of names of eastern people who are likely to be interested, the booklet will be mailed free to such persons.

NEWS BRIEFLY TOLD

Items of Interest Gathered Here and There

Some Stolen, Others Not

Callings From Our Frontiers—News Notes of the Week—Timely Topics.

That this town will be sweet for some time to come may be inferred from the fact that there is now here and on the road upwards of 14000 pounds of candy.

Next Monday night is the regular semi-annual election of the Artisans and a good attendance is desired.

Last week this office received the initial number of the Oregon Law School Journal. It is edited by S. T. Richardson, more or less known in this section of the state. It presents a very neat appearance and seems to be well fitted to fill the position it occupies.

One of the most important happenings in this state of recent date was the sale of the Oregon Wonder mine at Prairie City last week. This mine is one of the biggest things on earth and is destined to revolutionize mining in Eastern Oregon. Take into consideration the fact of a ledge of free milling ore 600 feet wide and a mile in length that is exposed to the extent that it only requires quarrying to place it in the mill. This will reduce the cost of production to a minimum and make this prospect more than a rival of the great Treadwell in Alaska.

Report of the Johnson Creek School for the term ending Nov. 21st 1902.

No. of pupils on register at close of term, boys 7; girls 14; total 21. No. of days attendance 814; absence 57. Average No. belonging 15. Average daily attendance 14. No. of visitors, parents 11; members of school board 3; others 13.

Miss Mary Kirkham was neither tardy nor absent during the term. Miss Anna Beard missed only two days.

Those neither tardy nor absent during the last month were Mary Kirkham Anna Beard and Mable Ray.

C. B. DINWIDDIE,
Teacher.

Shoes. A full line of Ladies', Gents and Children's shoes. S. J. & Co.

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