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## Secretary Fisher Interprets the Application of New Homestead Law

Washington, July 25.—Every homestead entryman who made his initial filing prior to June 6, 1912, and who had not submitted final proof prior to that date, will be expected to complete his proof under the three-year homestead law unless, by October 4, next, he files with the local land office a statement to the effect that he wishes to complete proof under the old law which his filing was made. This, in brief, is the interpretation which Secretary Fisher places upon the new law, and he holds that under the language of the act, such interpretation is mandatory, and no discretion is given him.

Senator Borah, of Idaho, recently wrote the Secretary asking as to the consequences which will follow the failure of an entryman who had made entry prior to June 6 to elect to make proof under the old law, and inquiring whether he might not proceed to prove up under the old law, if he should have complied with the terms of that law at the time of offering proof. In reply, Secretary Fisher quoted a provision of the three year law, inserted when the bill was in conference, which stipulates that entrymen who initiated their homesteads under the old law, "by giving notice within 120 days after the passage of this act, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act."

In his letter to Senator Borah Secretary Fisher says:

"At the time this legislation was under consideration, and during the conference on the bill I expressed the opinion that legislation along the lines proposed in my last annual report would be more advantageous to the new law should not be made applicable to existing entries except upon the election of the homesteader. The bill was modified to meet certain of my suggestions, in some of which you concurred, but it was apparently thought by those entrusted with the framing of the legislation that the advantages bestowed upon the homesteader under the new law were such that it would be greatly to the interest of all entrymen to accept its provisions. Because thereof the department was directed to send a copy of the act to each homesteader (as has been done) and it was explicitly provided that a limited privilege should be accorded to a previous entryman to elect to have his entry taken out of the operation of the new law.

"It seems to be plain under this legislation that the failure of the entrymen to elect, where the notice was mailed, subjects his entry to adjudication under the new law without respect to the reason that influenced him or caused his failure to elect to have his entry adjudicated under the old law.

"I think, however, the provision of the new law which vests the Secretary of the Interior with the power, upon a satisfactory showing under rules and regulations prescribed by him, to reduce the required area of cultivation, will permit the department to prevent any undue hardship and to bring about a substantially uniform administration of the two statutes. The new law in reducing the period of r s

idence required, has at the same time attempted to establish certain safeguards to insure bona fide and progressive cultivation.

"The requirement is that the entrymen shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one sixteenth of the area of his entry, beginning with the second year, and not less than one eighth, beginning with the third year of the entry, and until final proof. The old law required with respect to each entry proof of 'cultivating the same for the term of five years immediately succeeding the time of filing the affidavit.' The words 'the same' can refer only to the entry, and if strictly construed would require the cultivation of the entire tract entered for the entire period of the five years. Such a construction, however, would have been, in my judgment unreasonable, and the language of the act has properly been liberalized in its construction by the General Land Office—by holding that the cultivation intended to be required was only such cultivation as husband-like methods and the circumstances of the case reasonably justified and permitted. It would have been a liberal construction of the old law to have established the general rule for which the new law provides—that of requiring the cultivation of at least one sixteenth of the area during the second year after entry, and at least one eighth during the third year after entry.

"The authority to require more than this amount, where the circumstances clearly justified such a requirement as evidence of good faith and bona fide homesteading, and upon the other hand, the authority to accept a lesser area of cultivation under general rules and regulations, enables the Department to protect public interest and at the same time secure the flexibility essential to wise administration. I believe that an even larger area could wisely have been required as a general rule, provided a reduction could have been permitted, wherever the circumstances justified.

"It is true that if an entryman under the old law is to be governed by the provisions of the new law he would be required to make proof that he has cultivated one-sixteenth of his entry during

the second year and one-eighth during the third year and each succeeding year, unless a reduction is authorized by general rules and regulations prescribed by the Secretary of the Interior. I believe, however, that in adjusting the new law to the existing conditions, it is entirely proper for the Secretary of the Interior to prescribe rules and regulations under which the substance of the new requirements will be obtained, without insisting upon literal compliance with those requirements as to the precise years of the homestead period, during which the cultivation was made. In other words, I can, by regulation, reduce the amount of cultivation for the second or third, or any other year or years, requiring no specific cultivation therein, where the proof shows good faith and that the required cultivation has in fact been performed, although not in the second or third years of the homestead period.

"Entries made under the new law should as a general rule, be held to a bona fide compliance with its requirements, both as to the amount and time of cultivation; but in view of the impracticability of applying the time requirements to entries made under the old law, I believe it is proper to establish a rule and regulation that will secure the essential feature of substantial cultivation. This would be secured where the old entryman has cultivated one-sixteenth of his entry during one year and one-eighth of his entry during the next and succeeding years, even though the one-sixteenth was not cultivated during the second year after his entry was made.

"I do not feel warranted in passing an entry to patent upon one year's cultivation. Therefore the mere fact that a showing is made of cultivation of one-eighth of the land at the time of proof will not in itself be sufficient. I have accordingly prescribed the following rule to govern action on proof when the homestead entry was made, prior to June 6, 1912, but, through failure of election, must be adjudicated under the new law.

"Respecting cultivation necessary to be shown upon such an entry, in all cases where upon considering the whole record, the good faith of the entryman appears, the proof will be acceptable if it shows cultivation of at least one-sixteenth for one year and of at least one eighth for the next year and each succeeding year until final proof, without regards to the particular year of the homestead period, in which the

cultivation of the one-sixteenth was performed."

"I believe it will be possible," says the Secretary in conclusion, "to find proper methods of protecting all meritorious cases. If your intention is directed to any instances in which this is not being accomplished, I will be greatly obliged if you will inform me."

## Central Oregon Has Wonderful Possibilities

"There are few waste acres in Central Oregon, and instead of the possible wheat yield of that region being placed at 45,000,000 bushels in the coming years, I forecast fully 100,000,000 bushels," said Phil S. Bates, editor of the Pacific Northwest, an agricultural paper of Portland, following his return from a 2000 mile journey covering 18 days, in the country beyond the Cascades.

"I have been over that country on different routes," said Bates.

"I have read many reports of its possibilities. But not until seeing the country where the new homesteader is producing, with the crops ready for harvest and appreciating that tens of thousands of acres of this land was recently pronounced hopeless desert, could I realize what the future of the country really is.

"This country has wonderful possibilities. To the inexperienced man, it at first appears impossible. But when you have once crossed a basin which had nothing but jackrabbits and ooyotes as representatives of life, and return a few years later to find scores of homesteads scattered about it, and on these homesteads good crops being made, the inexperienced man must change his views. That is what is happening. That country is settling. Every man who goes and makes any effort to understand the game, is winning.

Most all the southern and central district have from 10 to 20 inches of precipitation. As any man knows who has followed the progress of dry farming, any average farmer can make a crop with nine or ten inches of water.

They are doing it in Montana, and they are doing it in Central Oregon. Of course a man cannot do this without using some sense, and applying well known dry farming principles. But the farmer desiring to learn will find it easy to acquire this knowledge.

"I saw on this trip out in what has for years been known as the desert country, farmers that had wheat yields for this season reaching 15 to 20 bushels an acre. This is a good year for

## New Clifton & Cornett Building To be Ready by January 1

Men and teams are now at work excavating for the foundation of the new Clifton & Cornett building, corner Main and Fourth streets.

The structure will be of concrete, two stories high, with a frontage of 38 feet on Main street by 100 feet on Fourth street. The Main street front will be plate glass, with big, roomy show windows for the display of dry goods, ladies ware, etc. The Fourth street side will have ample plate glass windows to properly display the different departments of the store—gents' furnishings, clothing, boots and shoes, groceries, etc.

The store will be equipped with every modern convenience for the display of goods and the comfort of patrons. The cost will be somewhere between \$10,000 and \$20,000 and will be ready for use about the first of the year.

The confidence and faith of these gentlemen in the future of Prineville should inspire everyone to get in and work for the advancement of the town. We are the natural distributing point for an immense scope of country. Our resources are practically unlimited, and with united effort Prineville should continue to be the biggest and best town in all this interior country.

the dry country, but many of these with such a showing have not been compelled to adopt many dry farming methods. There will be few if any years out there when good dry farming methods will not bring forth wonderful results.

"There is water in that country. By irrigation alone, and going outside the Deschutes basin, more than 1,000,000 acres of land can be cultivated. All that soil as a rule is rich, and when watered, produces wonderful wheat crops. If only half of this additional 1,000,000 acres beyond the Deschutes basin is sown to this cereal this year, the average yield should be 15,000,000 bushels a year. By using to better advantage water now on land of that country, and when the farmers have a market for wheat, 10,000,000 bushels more than is now turned out is possible from land now irrigated.

"Then take the dry farming possibilities. A volcanic ash soil is found practically everywhere. How much of the vast untouched area can be cultivated is hard to estimate, but when the people need food and are willing to work for it, there can be no doubt that the population of that region, which is now almost too small to count, will multiply amazingly. Professor Shaw, the Hill head of the experiment station work, said after a visit through the country we traversed, that 100,000,000 bushels of wheat a year for Central Oregon was not a high estimate. I heartily believe it. Dry farming will accomplish wonders there. If you will go into that great Christmas Lake and Fort Rock basin, where for years the road led for miles through a beautiful, level tract, and see the homestead shacks now being reared, and see what these first

homesteaders are producing, your eyes will be opened, and I think the 100,000,000 bushel estimate for the wheat yield of the future Oregon will be declared fair.

On our tour through the country I talked to the farmer, and found him remarkably well contented. There are families from the Willamette Valley and other parts of Oregon who have taken up land and are putting it into shape to make a fortune. They get this land for the filing fee, or pay but a few dollars an acre. The first year they have to do plowing and preliminary work. The second year till the land, and perhaps sow rye or a little wheat. About the third year they are in readiness to get a good crop, and that is what a multitude of them are getting this season.—Portland Journal.

## Good Roads Enthusiasts Visit Prineville

Samuel Hill and C. P. Chamberlain of Mayhill, Wash., and C. E. Babcock, of McMinnville, Oregon, were a party of good roads enthusiasts that passed through Prineville last Friday on their way to the Pacific Highway Association, which meets at San Francisco August 5.

Mr. Hill is a son-in-law of the great railroad builder, and like him, does things. Mr. Hill has revolutionized road building in the state of Washington. He had a big job on his hands, and he knew it. He also knew that practical methods given a practical test would do more to convert the farmer to his way of thinking than anything he could do or say; so he built seven miles of the finest roadway under the sun and presented it to the state of Washington. Each mile is built of different material, so that the wear, tear and cost of the upkeep of different kinds of road material is reduced to a mathematical certainty.

Mr. Hill wants a Pacific highway from the Columbia river at Biggs to Old Mexico, he says. There would be only thirty miles of heavy construction work between Biggs and Prineville, and the road would be open throughout the year. This would give Central Oregon the winter road to California, while the road west of the Cascades could be used in summer. "In my address before the Pacific Highway Association I will call attention to the need of a Central Oregon highway."

Mr. Hill sent Governor West a plan for the building of a road that he believes, if adopted, will revolutionize the road construction methods of this state. It is a survey of a road to be built from Biggs to Wasco, but the idea and plan controlling it can be applied to any other road in Oregon.

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**News Snapshots Of the Week**  
The battleship New Hampshire went into drydock in New York for repairs after being rammed by steambot. Carmi Thompson succeeded Charles D. Hilles as secretary to the president. Illinois authorities investigated Chicago and Alton wreck near Chicago, in which thirteen were killed. Lieutenant Becker of the New York police was accused of being partner of Herman Rosenthal, the gambler who was assassinated. Arbitration board began hearings on demand of railroad engineers for more pay. Members of the board are: 1, Daniel Willard; 2, O. M. Elditz; 3, Dr. Albert Shaw; 4, P. H. Morrissey; 5, C. R. Van Hise; 6, Oscar S. Straus, chairman; 7, Frederick N. Judson. The board is meeting at Manhattan Beach, New York. Many engineers have been called as witnesses and have told of long hours of duty at pay they consider inadequate considering the risk and responsibility.