

LIEN FIXED FIRST

State Decides on Arid-Land Reclamation Contract.

WILL EMPLOY CIVIL ENGINEER

He Will Also Determine Charges for Irrigation—Applications to Improve Over 250,000 Acres in Oregon Now on File.

The State Land Board has decided upon a form of contract for the reclamation of arid lands that is expected to be acceptable to all concerned. The state is to make the estimate of the cost of the reclamation works, thus governing the amount of the lien to be established under the contract, and for this purpose will appoint an engineer to act for the state. The applicant, it is understood, interposes no objection to this course. They have contended that the estimate of cost must be adopted in the beginning, or it would be impossible to finance the enterprises, and this seems to be provided for now. The estimate of cost will be made in advance, so there can be no future question about the amount of the lien, and it is to be made by a representative of the state, and not left to the unquestioned estimates of the applicants. Applications to reclaim more than 250,000 acres of arid lands are now on file in the State Land Office, most of it being in the Deschutes Valley.

SALEM, Or., Feb. 28.—The State Land Board today reached a final decision in regard to the form of contract that will be made with irrigation companies for the reclamation of arid lands. The form adopted is expected to meet the approval of the several concerns which have been in dispute. In fact, the board has decided that it will give an applicant a contract for the reclamation of arid land at a price to be estimated by a civil engineer appointed by the State Land Board. This price will be the amount due the reclamation company, and the amount for which the company will have a lien upon the land. The state engineer will also fix the rate the company may charge per year for use of water by settlers upon reclaimed lands. The State Land Board has reached this decision after consulting with a number of well-known attorneys in this state. A difference of opinion has existed concerning the proper interpretation of the law, and this difference has caused the delay. The attorneys for the irrigation companies urged immediate action, upon the ground that development of the arid regions in Eastern Oregon is being delayed. The board took the position that while it felt a desire to promote the development of Eastern Oregon, it must follow the law strictly, and hence refused to yield to the demands of the applicants until the advice of attorneys had been obtained.

Law is Inconsistent. The principal difference of opinion was in regard to the agreement that should be made governing the amount due the company for its work of reclamation. The land law passed by the last Legislature is inconsistent in important particulars. Section 2 provides that the State Land Board is authorized to enter into contracts for the reclamation of arid lands, and in create liens, which, when created, "shall be valid against the land reclaimed for the actual and necessary expense of reclamation, and reasonable interest thereon from the date of reclamation until said land has been reclaimed." In section 11 it is provided that the State Land Board shall, by the contract, "fix the amount due the person or corporation for the reclamation of said land, and the annual charge for the maintenance of the irrigation system, and create a lien which shall be valid on and against the land reclaimed for the amount due, as agreed upon, and interest thereon at the rate of 6 per cent per annum from the date of reclamation, until said lien shall have been satisfied." Under these two conflicting provisions the board at first took the view that the amount due should be the actual cost of reclamation, which could be determined only after the work has been completed. The applicants for contracts, on the other hand, contended that the board must fix the amount due in the contract and for this amount the company should have a lien, though the actual cost may prove to be greater or less.

Provisions of Contract. The board has been advised by its attorneys that the amount due should be fixed in the contract, and that in determining the amount the board may adopt such means as it may deem best. Contracts will therefore be drawn according to this view. Applicants will be re-

FROM WEISER TO REDDING

SCHEME FOR A NEW TRANSCONTINENTAL RAILROAD.

Eureka & Eastern to Connect the Northern Pacific With the California Seaport.

SALT LAKE, Feb. 28.—A special to the Herald from Chicago says:

Of the several schemes for a transcontinental railroad, one representing a capitalization of \$25,000,000, furnished by American and Englishmen, is declared by its promoters to be most likely the first in operation. Senator Clark, of Montana, George H. Proctor, of New York, and Lord Thurlow, of England, are the active spirits in the enterprise, and they are being aided by J. J. Hill, E. H. Harriman and other capitalists. The plan contemplates the building of a connecting railroad from the Northern Pacific in Idaho to the Pacific Ocean at Eureka, Cal., a distance of 800 miles. Lord Thurlow, who represents the English capital, is interested, and Mr. Proctor is now on their way to look over the route that has been selected for the Eureka & Eastern Railroad, as the connecting line will be called. The Eureka & Eastern

Summary of Arid Land Law. The law provides, in brief, that any person who desires to reclaim arid land shall make application therefor to the State Land Board, submitting at the same time a plan of the proposed irrigation system. The application must also contain an estimate of the cost of constructing the irrigation system, and the annual cost of maintenance. The Land Board then makes a contract with the applicant for the reclamation of the land, and the State Land Board makes an application to the Secretary of the Interior for a contract with the United States to convey the lands when reclaimed. The irrigation company is given full and exclusive possession of the land from the time the contract is made. The company must begin work on its ditches within six months after the contract shall be made with the Secretary of the Interior, and by the end of the first year 10 per cent of the necessary expenditures must have been made. The work must be completed within a reasonable time as may be fixed in the contract. After land has been reclaimed, any tract of the United States shall secure title to 150 acres thereof by paying the holder of the lien the proportionate amount due on the tract desired, provided the State Land Board shall designate the proportion of the amount of the lien which the desired tract bears to the whole tract subject to the lien. The deed to the land is to be executed by the State Land Board, and will be in the form of a quit claim.

Many Applications on File. Applications have been filed for contracts for the reclamation of a total of more than 250,000 acres of arid land. Many of these applications are from individuals and partnerships of individuals who desire to reclaim land for their own personal use. The form of contract determined upon today will be used in all cases, with such minor variations as may be necessary where individuals are seeking only 100 acres each. The most important application is that of the Pilot Butte Development Company, for about 100 acres on the upper reaches of the Snake River, in Crook County. The company estimates the cost of reclamation in that case at \$10 per acre.

Races at Oakland. SAN FRANCISCO, Feb. 28.—Favorites fared badly at Oakland today, only two getting home in front. The weather was fine, but the track was still heavy. Ranch carried off the riding honors by leading three winners. Jackson was first in the first race, but after racing with Edinborough he stopped, and the second choice won easily. Prestano, a 1-2 favorite, was written by a neck by Killdoe in the last event.

Two Killed by Robbers. RIDGEWAY, Pa., Feb. 28.—Hartel Sweeney, an aged farmer, and his daughter Mary were found dead tonight in their home at Wilcox with their skulls crushed, and the bodies much decomposed. Sweeney was quite well to do and the supposition is that robbery was the motive.

A Saloon-keeper's Crime. LEAVENWORTH, Kan., Feb. 28.—Frank Burtanek, a saloon-keeper, today killed Daisy Carpenter in his place in this city and then killed himself. Burtanek came here a year ago from Oretta, Neb., where he has a wife and three children.

Racing Season at Butte. BUTTE, Mont., Feb. 28.—The Montana Jockey Club directors last night decided upon the number of purses and stakes to be run in the coming season. The opening day will be Saturday, June 12, and the meeting will continue at least 40 days.

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Called by His Alma Mater to Be Professor

A. A. Atkinson.

PACIFIC UNIVERSITY, FOREST GROVE, Feb. 28.—Graduated by Pacific University last year, A. A. Atkinson today returned to accept the chair of biology made vacant by the resignation of Professor Albert C. Sweeney, who has gone to the State University to become professor of biology. Vice Professor F. L. Washburn, resigned. Professor Atkinson is well qualified for his new position. Since his graduation he has been pursuing a specialty in biology at the State University. In appreciation of his scholarly attainments, he was granted a scholarship at that institution. Professor Atkinson was prominent in all student societies, and his return is especially pleasing to the students.



A. A. Atkinson.

No secret has been made of the matter. The Bulletin has published from time to time the ordinances of our City Council and Health Officer in regard to the disease. There have been no deaths from smallpox, and nearly all persons who have had it are now recovered. Our public schools opened today, after a two months' vacation. Churches and Sunday schools held their regular meetings last Sunday for the first time in 1902.

BROTHER OF THE VALET.

William L. Jones on the Stand at the Patrick Trial.

NEW YORK, Feb. 28.—Charles F. Jones was on the witness stand again today in the trial of Albert T. Patrick. His recent testimony was accompanied by a few unimportant questions, and as the defense had no question to ask in cross-examination he was excused. At today's session, Jones identified several of Swanwick & Sons' check books. He was not permitted to tell of the purchase of chloroform for his brother. Today he said he had bought a four-ounce bottle of chloroform, a two-ounce bottle of chloroform and a two-ounce bottle of laudanum at his brother's request and had forwarded them to New York.

Wife Murderer Hanged.

PEORIA, Ill., Feb. 28.—Joseph E. Hinkle was hanged here today for the murder of his wife in this city September 18, 1901. Hinkle passed last evening in religious devotion, slept well through out the night, and went to the scaffold calmly. According to evidence introduced at the trial last November Hinkle killed his wife because she refused to support him by an immoral life.

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