THE LAW A FARCE

HOMESTEADERS ARE NO LONGER RESIDENTS.

Commutation Clause Opens Up the Way to Fraud—Laws Should Be Repealed to Save the Public Land for the People.

For more than forty years the phrase "Homestead Law" has been pleasantly familiar in American ears. It opened a way for millions of people to get a foothold upon the land. The idea was that as long as there was any portion of the public domain fit for agriculture and not otherwise appropriated, any citizen, or even any alien who had declared his intention to become a citizen, might obtain 160 acres of it by filing his claim and paying certain nominal fees and settling upon it to make his home in good faith.

It was a beautiful act of paternalism—Uncle Sam the rich and loving father, dividing his estate among all his children, natural and adopted. And the plan worked as beautifully as it sounded so long as there were farms to be had in that part of the public domain which receives a good natural rainfall. Practically the land of such land has now passed away from the government. There is a vast empire yet left—an empire for which tens of millions will some time dwell—but every acre of it must be irrigated before it will be fit for homes. When this is done, one acre will be equal in productive capacity to four acres depending upon rain fall.

The central thought in the Homestead Law, as the name implies, is that a family should settle down to the enjoyment of an independence from the permanent tilling of the soil. When it is used for any other purpose it becomes a misnomer and a disgrace.

The law sought to make sure of the permanence of the settler's home by providing that he should live upon and cultivate his homestead entry for five years before getting final title. If a family could remain that length of time upon a quarter section it would certainly become established and attached to the soil. In the view of the law makers, neither less nor more could be asked as a demonstration of good faith.

But the commutation clause goes very far for nullity this wise provision of the law in regard to the five years' continuous residence and cultivation. Under this clause, title may pass to the settler at the end of fourteen months, on payment of $1.25 per acre.

The commutation clause is entirely unnecessary to the settler who intends to comply in perfect good faith with the letter and spirit of the homestead law. While it would be going too far to say that no one has ever availed himself of the means of shortening his residence upon the land for a worthy purpose, it is a fact that the method is chiefly used by those who wish to evade the real intent of the law.

There is a great struggle for value in the pasture lands in the West. The country continues to grow, and with it the demand for beef and mutton. The public pasture available for live stock does not grow, but becomes relatively less. Stockmen see the shadow of coming changes in land laws when they will no longer be able to use the range without restrictions and without price. Naturally enough they desire to make themselves secure in the possession of as much good grazing land as possible. There is a way in which this may be done, and this is by means of the homestead law and convenient "dummies" to make entries upon it.

The homestead law is all right, but the commutation clause is all wrong. The honest settler does not need it; and the country does not need the other kind of settlers. The president has urgently demanded the repeal of this feature of the law, and backed by an enlightened and insistent public opinion, his demand should certainly carry with congress.
WILLIAM E. SMYTHE.

BROOKS-LA FAVE.

Well-Known Residents of Athena Were Married Today.

John J. La Fave and Miss Inez F. Brooks were united in marriage this morning at the office of the justice of the peace, Judge Fitz Gerald officiating.

The principals in the ceremony are both well known residents of the Athena country, where they have lived for several years. The groom is the step-son of Frank Martin, one of the large farmers of the reservation. Mr. and Mrs. La Fave will reside on the farm belonging to the former in the future.

HENRY S. THOMPSON DEAD.

Passed Away Sunday After an Illness of Twenty-Six Days.

Henry Shirley Thomson died at the home of his parents, Mr. and Mrs. O. F. Thomson, on Birch creek, Sunday morning at 6 o'clock, after an illness of 26 days with typhoid fever.

The deceased was a son of Mr. and Mrs. O. F. Thomson, well known residents of this county, and was a brother of Asa B. Thomson, La Grande land office. He was 26 years of age at the time of his death and well known and universally liked in the county and place of his residence.

The body was embalmed by Baker & Folsom of this city, and will be kept until all of the brothers and relatives are able to reach the home before burial. If they arrive in time the funeral will be held tomorrow under the auspices of the Masons, of which order the deceased was a member.

BREVITIES.

Z. Houser, of Echo, spent Sunday in the city.

C. A. Barrett, of Athena, is in the city today.

C. G. Knight, the Helix pharmacist, spent Sunday in the city.

F. Chase, of Echo, was a Pendleton visitor for a short time yesterday.

R. Jones, of Echo, was the guest of friends in the city over Sunday.

C. L. Pinkerton, of Weston, is in the city for a short visit on business.

Mr. and Mrs. McIntyre, of Athena, were in the city for a short visit today.

M. A. Ferguson of the Adams Advance, was a visitor in the city today.

Miss Lula Narple, of Pilot Rock, was the guest of friends in the city yesterday.

J. N. B. Gerking, of Athena, is in the city, having business before the circuit court.

S. Athena, of Weston, is in the city to appear as a witness in the case now before the court.

Alex Still, one of the prominent residents of Milton, was a visitor in the city yesterday.

Wm. Stewart, of Meacham, who visited over Sunday in Pendleton, returned home this morning.

Miss Bessie McBride, the stenographer in the office of the county recorder, visited in Adams over Sunday.

W. A. Walker, of Weston, was in the city to appear as a witness before the court on Saturday afternoon.

Mr. and Mrs. W. H. Gillette have returned to their home at Echo after a week's visit with friends in the city.

James Isaacs, one of the land owners and farmers of McKay Creek, is in the city today for a short business visit.

Alex McIntire and his brother Archie, of Gurdane Flat, near Athena, were in the city today to do some trading.

J. W. Sullivan returned this morning from a visit to his homestead on McKay creek where he spent Sunday.

F. H. Beathe, of Weston, the road-master of Umatilla county, was in the city Saturday and yesterday on business visit.

C. A. McAlavey, of Helix, one of the prominent farmers of that section, is in the city today for a short business visit.

Walter Adams, the agent of the W. & C. R, spent Sunday at his ranch on Birch creek, looking after his stock and the coming crops.

Herman Uhlig, who has been making his home here with Mr. and Mrs. L. G. Therkelsen, will leave tomorrow for his home in Portland.

C. F. Sperry and R. C. Sperry, both of Jobe, were the guests of the Hotel St. George for a time yesterday, having come here on business.

Exhibited Creamery Products.

George Maple has returned from a trip to Boise City, Salt Lake City and Payette, Wash. At the latter place Mr. Maple is interested in a creamery and he had the products of the institution on exhibition at the Boise City fair, where they took the premium. The firm now hold first premiums in the states of Washington and Idaho. Mr. Maple was in Salt Lake City for some time on a pleasure visit.

Ear Badly Injured.

This morning, as the train came to a stop at the O. R. & N. depot, the 5-year-old child of a family en route to Portland, fell in the isle of the car and split her ear open. Dr. Cole was called and placed a first dressing on the injured member. The child will be taken to a hospital at Portland, where the injury will be permanently dressed, as there was not sufficient time for it to be done while the train was here.

Down From Meacham.

William Stewart of Meacham, is in the city today on business, and will return home in the morning. He says there are only about 200 cords of wood for sale on the dump at that place, the remainder of the 1,800 cords now piled up there, belonging to the Walla Walla dealers. Wood is selling for $3 and $3.50 on board the cars at that place and are being furnished about as fast as ordered.

Eleven Cars of Sheep.

S. J. Cameron, of North Yakima, will ship eleven cars of sheep to that place this evening over the W. and C. R., where he will winter them for the spring market. The sheep are range sheep bought of Charles Cunningham of this city, and will be sent to the markets in the spring.

Helix is Booming.

Already two butcher shops are to be found in the busy village of Helix and it is reported that the third will be started immediately. Rich-ards, Botts and Johnson will start a shop, Fanning and Abrahamson are in the field, and Alba Bros. are already in the butcher business here.

Moved to Pendleton.

Mr. and Mrs. Frank Martin, who have for many years resided on their ranch on the reservation, near Athena, have leased their property there and will reside in the future in Pendleton, having come here several days ago in search of a home.

House and Lot Sold.

The Bently-Hartman Abstract Co. sold a house and lot on Saturday afternoon for M. A. Alumford to Lee Baker for $1,150. The house is now in the same block as the old Academy building, and the transaction was a cash one.

Forty-Acre Tract Sold.

W. P. Daniel and Minnie Daniel, his wife, have sold to Joseph Snyder for $1,000 the southwest quarter of the southeast quarter of section 7, in township 2, north of range 32 east, being a tract of land in the vicinity of Swift's Station.

Will Help in the Warehouse.

J. D. Gregoire, of Adams, is in the city, having come to assist Arthur Knight in the warehouse for a couple of weeks. The company has a large shipment of wheat from the Mission warehouse, and Mr. Gregoire will oversee it.

Has Finished Seeding.

T. Jas Kirk, of Athena, is in the city today. Mr. Kirk has just finished seeding his large ranch, and is now ready for the rain to come and start the coming harvest.

Charles Cunningham will ship 10 cars of sheep out over the W. & C. R. this evening for North Yakima, where they will be fed for a time and then sent to the markets of Seattle.

NOTES BY JUDGE HARTMAN ABOUT THE ASSOCIATION.

Diverse Conditions Surrounding the Same Problem in Different Parts of the State—The State Association Will Be the Agency for Great Betterment of the Highways.

G. A. Hartman has returned from a trip to Portland, where he went as a delegate to the state convention of the Good Roads Association. The judge reports a very pleasant and profitable visit.

The convention was a good one and will have beneficial results. Some good plans were discussed, and some very able papers were read and speeches made. Eastern Oregon was very poorly represented in proportion to the rest of the state, there being but a very few delegates present from this section.

The interests of the two parts of the state are exactly diverse. In the valley the great problem is to keep out of the mud, while here it is to escape the dust. In the valley the minds of the road masters are employed all the time in devising some plan that will prevent the improvements made to the roads from sinking out of sight in the mud of winter, while here the attempt is to keep the dust down, so that you can follow the road and see to drive. But the association is fast devising ways of road building that will have much to do with the ultimate good of the state in general. What will prevent mud will also go far towards preventing dust, and in this respect the same plans are good for both sides of the state.

Systems Improving.

In the past it has been the custom of the road-makers in the valley to plow up their roads in the fall and spring, run a roller over them, and then leave them to become quagmires when the rains come. This epoch has passed, and each year more and better roads are being constructed on a plan that will last, so that in time all of the valley roads will be good the year through. This country will take pointers from the other side and the construction will be lasting here also.

But the conditions here are not the same as they are in the valley. There the population is denser, and it is easier to work the roads. Here they stretch out over large reaches of territory and are harder to work and the burden is greater on the individual. But in the regions close to the cities it will not be long until the roads are permanent and as good in winter as in summer, for the rain here is less, and the soil is such that it takes but little work to make a solid and serviceable roadway.

WILL BE FURNISHED DOWN BY THE WESTON YARD.

Three Hundred Fifty Thousand Brick Will Be Used in the Puri Bowman Building—Work Will Be Pushed Vigorously.

The first load of brick for the Puri Bowman building is expected to arrive in the city today from the brick yards at Weston, and the shipments will continue daily until all of the material for the building is on the ground. There will be 350,000 brick furnished by this yard, which will make about 35 carloads. It will be shipped at the rate of two and three cars a day.

The work on the superstructure will be started as soon as the material for the floor beams and joists can be got from the mill. The wood work is now delaying the construction and as soon as the lumber yards get the material the work will be started, perhaps about the first of the month.

The pressed brick for the front of the building is now on the way from Colorado Springs, and will be here in a few days. As soon as it comes and the floor beams are in, the work will commence and be pushed through until the completion of the contract.

INSIDE THE LIMITS.

Charged With Discharging Firearms Contrary to Ordinance.

Neil Dupuis was arrested this morning charged with having violated a city ordinance by discharging firearms inside of the city limits. He was arraigned, and while admitting that he had fired the gun denied that it was inside the city limit. the court allowed a plea of not guilty and asked the city attorney to look into the case.

It seems that for some time there has been a gang of boys who make a practice of shooting chickens belonging to the residents of the outskirts of the city and taking them to the woods, where they were converted into "slum puddin'" in the good old boin style. This is what was done in the case, the defendant having shot a chicken belonging to Robert Hazlett and being caught with it in his possession. The case will come up for trial at the convenience of the city attorney.

Cattle Around Ukiah.

Dan Coombs, of Ukiah, is in the city for a short visit on business. Mr. Coombs is one of the principal cattlemen of the Ukian country, and this is the first visit to the city for nearly a year. He reports grass good in his section of the country, and the cattle in good condition for the winter weather.

PROCEEDINGS IN CIRCUIT COURT

TITLE TO A STRIP OF LAND WAS INVOLVED.

Question Considered of Whether a Mortgage Deed Is a Conclusive Final Title—Held That It is Not—Interesting Suit for Wages Alleged to Be Due.

In the circuit court this morning, the case of the First National Bank of Walla Walla against D. McDonald, was non-suited on the motion of the attorneys for the defense.

The case has been in the courts for a long time, and has been tried more than once. It is a case involving the possession of a disputed strip of land between the ranches of Alex Dalker and the defendant. The ground for non-suit was that the plaintiff was simply a mortgagee and had no right to bring action.

While the bank has a title to the land, it is simply a mortgage, though in the form of a deed executed by Alex Walker as security for money advanced by the bank to him with the agreement that as soon as Walker repaid the money advanced the title was to revert to him. Therefore, the bank having no permanent title is not a legal party to the suit and the court so ruled.

Suit for Wages.

The case of R. C. Baker vs. B. F. McElroy is before the court this afternoon. This is a case brought to recover wages alleged to be due the plaintiff from the defendant for services rendered in the harvest field. The plaintiff alleges that he worked for $3.50 a day, and the defendant that the contract was for $2.50. The case was tried in the justice court and decided in favor of the plaintiff, but appealed to the circuit court by the defendant. H. E. Collier represents the plaintiff, while Hailey and Lowell are looking after the interests of the defense.

STEADY DEVELOPMENT DOWN IN CALIFORNIA.

Sixty Thousand Dollars State Money Will Be Used for Demonstration Purposes—Great Expansion and Increasing Importance of the System in That State.

An appropriation of $60,000 made by the California legislature last winter for the development of irrigation in the state, the greater part of which is being expended by the United States Geological Survey, has served to exploit greatly the latent capacity of the state for developing irrigation as well as to emphasize the urgent need of definite policies for future work along similar lines.

The topographic and hydrographic branches of the survey have together undertaken the mapping of the irrigable lands of the Sacramento valley and are pushing the work vigorously. During the coming winter there will be surveyed at least four million quadrangles on a scale of one mile to the inch, with contour intervals of 5 feet. It is the intention, if feasible, to complete the survey of the Sacramento valley on this scale from this appropriation. Other topographic work is being carried on simultaneously in the drainage basin of Kings river.

Work of stream gaugings in California has been greatly extended by the survey and gauging stations are now maintained on 25 streams. In addition to this, a general reconnaissance is being carried on in the drainage basin of the Sacramento river for the purpose of discovering existing reservoir sites, and for the survey thereof.

Under the direction of Mr. J. B. Lippincott, supervising engineer, his assistant, Mr. E. H. Green, is making a careful examination of this whole drainage basin, with a view of determining upon a comprehensive scheme for the irrigation of the Sacramento valley. Unusual character of the climate, which permits of semi-tropical fruits, and the abundance of the water supply.

MANCHURIA DEMANDS AMERICAN PRODUCTS.

Consul Henry B. Miller Says Americans Should Study Needs and Peculiarities of That Country—Will Be Greatest Market on Earth.

Henry B. Miller, consul at Niuch Wang, advises all Americans doing business in that territory and those expecting to do so, to make a careful study of Russian systems, ideals, methods and character. In four lines—cotton goods, kerosene, lumber and flour—our goods will be met by Russian competition.

In the matter of economic conditions, Russia has every advantage in flour and lumber, and will soon be our most active rival in these lines in the general trade of China, says Bradstreet.

Kerosene Russia can produce cheaper and sell much cheaper, although the product is inferior in quality, but this is not so serious a drawback for the Chinese trade. In cotton goods, while her trade is growing, it is handicapped by inability to meet American prices. Manchuria is a rich and undeveloped country, and is capable of sustaining millions more of people than now occupy it.

Under the Chinese government it was growing fast in population and trade. Its growth of exports and imports were far in excess of any other part of China, and is no part was American trade improving so fast. All of this growth was a result of expansion in agriculture alone. Manchuria has great opportunity for further expansion in agricultural lines, and under Russian occupation there should be a splendid market there for plows and various kinds of agricultural implements.

If the iron, coal, copper, silver and gold mines are developed, it ought to become a good field for American capital, machinery and skill in mining. For the present the market ought to increase for beer, wines, tinned meats, vegetables, milk, fruits, etc.

Harbin, Liao Yang, Dalny and Port Arthur are increasing in Russian population, and should be good markets in all of these lines.

Insane Train Robber.

Jerome O'Shaven, insane, held up the north-bound Northern Pacific near Spokane, Tuesday. When the train stopped in answer to his signal, he climbed on board and ordered the conductor to carry him to Spokane, or he would immediately discharge the entire crew, as he had authority from the superintendent. He was delivered to the officials.

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480 Acres

Of 40 bu. wheat land 2 miles from Pendleton. 20 acres set to alfalfa. Running water, good improvements.
One-half sec. of fine wheat land, on Tutuilla, 4 miles from Pendleton. Plenty of water, good improvements. 160 acres which can be set to alfalfa, all subject to irrigation. Ditch through it.
920 acres of fine dairy and stock ranch. Cuts 100 tons of wild hay and 150 tons grain hay. Two running streams, abundance of pine timber. Place all under fence. Open range near by.
480 acres good wheat land one mile from town. 300 acres summer fallow.
200 acres land all well adapted to running sheep. Good improvements, including sheds, bands, etc. Well every 400 acres. Hay, farm machinery horses and camp outfits included.

We have a long list of property just like this in large and small tracts, and we can suit you on the price.

COME AND SEE US
E. T. Wade & Son
P. O. Box 150
Phone Black 1111 Office in E. O. Bldg.

STATIONERY WEEK AT FRAZIER'S

Special sale of fancy box stationery this week only:—
One lot 60c make price 30c
One lot 50c make price 25c
One lot 40c make price 20c
One lot 35c make price 15c
Lot of odds and ends at 5 and 10 cents.
See our window
Frazier's Stationery Store

Road Work Still in Progress.

A crew of six men and three teams is working on the county road about seven miles from Pendleton, on Wild Horse creek. Nearly all the roads in the county have been repaired this summer, and their condition was never better at this time of the year.

Stroke of Apoplexy.

Mrs. P. R. McDuff left this afternoon for Olympia, where she was called by the illness of her mother, Mrs. S. D. Grout, who suffered an attack of apoplexy a day or two ago.

Daughter Born.

Friday afternoon a daughter was born to Mrs. Fred Gordon, at the family home on Willow creek.