

## Land Office Rulings on Isolated Tract Sales

Department of The Interior.  
General Land Office,  
Washington D. C. June 6, 1910  
Registers and receivers, United States Land Office.

Sirs: The sale of isolated tracts of public lands outside of the area in the state of Nebraska described in act of March 2, 1907 (34 Stats., 1224), is authorized by provision of the act of June 27, 1906 (34 Stats., 517), amending section 2455 of the Revised Statutes.

1. Applications to have isolated tracts ordered into market must be filed with the register and receiver of the local land office in the district wherein the lands are situated.

2. Applicants must show by their affidavits, corroborated by at least two witnesses, that the land contains no salines, coal, or other minerals; the amount, kind, and value of timber or stone thereon, if any; whether the land is occupied, and if so the nature of the occupancy; for what purpose the land is chiefly valuable; why it is desired that same be sold, that applicant desires to purchase, the land for his own individual use and actual occupation and not for speculative purposes, and that he has not heretofore purchased, under section 2455, Revised Statutes, or the amendments thereto, isolated tracts, the area of which, when added to the area now applied for, will exceed approximately 160 acres; and that he is a citizen of the United States, or has declared his intention to become such. If applicant has heretofore purchased land under the provisions of the acts relating to isolated tracts, same must be described in the application by subdivision, section, township, and range.

The local officers will prepare a notice for publication on the form hereinafter given, describing the land found to be unentered, and fixing a date for sale which date must be far enough in advance to afford ample time for publication of the notice, and for the affidavit of the publishers to be filed in the local land office prior to the date of the sale. The register will also designate a newspaper as published nearest to the land described in the notice. The notice will be sent to the applicant with instructions that he must publish the same at his expense in the newspaper designated by the register. Payment for publication must be made by applicant directly to the publisher and in case the money for publication is transmitted to the receiver, he must issue receipt therefor and immediately return the money to the applicant by his official check, with instructions to arrange for the publication of the notice as heretofore provided.

If on the day set for the sale the affidavit of the publisher, showing proper publication, has not been filed in the local land office, the register and receiver will report that fact to this office, and will not proceed with the sale.

The sale will be kept open for one hour after the time mentioned in the published notice. At the expiration of the hour, and after all bids have been offered, the local officers will declare the sale closed, and announce the name of the highest bidder, who will be declared the purchaser, and he must immediately deposit the amount

bid by him with the receiver, and within ten days thereof furnish evidence of citizenship or of declaration of intention to become a citizen, nonmineral and nonsaline affidavit, Form 4-062, or nonsaline affidavit, Form 4-062a, as the case may require. Upon receipt of the proof, and payment having been made for the lands, the local officers will issue the final papers.

No land will be sold at less than the price fixed by law, nor at less than \$1.25 per acre. Should any of the lands offered be not sold, the same will not be regarded as subject to private entry unless located in the state of Missouri (act of March 2, 1889, 25 Stats., 854), but may again be offered for sale in the manner herein provided.

The passing of Chief Justice Fuller is widely deplored for he was an able jurist. The manner of his death was ideal. Quietly without suffering, or dread of change, the eminent jurist took his leave of his life in a room in his restful summer home made sacred by the death therein of his wife a few years ago. An affectionate daughter was with-in call and at his summons came forward to receive his last sigh. The busy wires summoned other members of his family and all are hastening to Chicago—the home city of the Chief Justice before he was called to the Supreme Bench. In Chicago the funeral will be held. He had attained the age of 77 years and died as he expressed a wish to die when his time came, in the quietude of his summer home.

## New Law Protects Every Interest

The following is the substance of the affirmative argument filed with the petitions for the proposed new law providing a fair and impartial method for the creation of new counties:

This measure will provide a just and simple method for which there is admitted need for creating and organizing new counties, without calling upon the voters of the whole state to decide such local matters. The same method is made available for new towns and municipal districts.

It is to be expected that old counties will resist division of their territory to form new counties; and yet in course of development new counties must be created. A way that will obtain justice for the old counties as well as new, and make these matters largely self-regulating, is provided in this bill. The requirement is that the petitioners must deposit money to pay the expenses of the proceedings, which money will be lost if movement is found to be without merit, will discourage petty and unworthy schemes. On the other hand where there is real need for the new corporation, it cannot be smothered by mere force of voting numbers, swayed by local feeling. And the tribunal that will determine the merit of the matter will be composed of three disinterested commissioners appointed by the Governor. They are directed "to examine all the facts bearing on the need of such new corporation, with reference to the general welfare of the State at large as well as of the people locally interested". Thus the commission will be as far as possible removed from local jealousies and prejudices and will have power to ascertain all the facts necessary to a correct comprehension of the case. It may, if it shall find advisable, fix boundaries different from those named in the original petition to the Governor. This will prevent improper dismemberment of present counties.

The public interest having been, from all points of view, examined, considered and determined by this disinterested commission of competent men, the question whether the voters of the proposed new corporation care to assume the responsibilities of self-government remains. To settle this (if the commission shall report favorably as to the public interest) an election is to be held in that area alone. It is to be observed that the question of boundaries (usually the most vital one) is not left to the election in the new county.

After creation of the new county, all matters between it and the county or counties from which it is taken are to be settled by arbitrators—each party to name one and the Governor to designate a circuit judge from another district to act as a third member. This is as fair

a means as could be devised for such a service.

Six weeks' publication of notice of intention to file petition for the new corporation is required. Everything must be done openly and above board, which of itself is a large guaranty of justice and good faith.

A distinctive feature of this measure is that neither the old county nor the new county is permitted to sit in judgement upon the interests of the other. All controversial matters go before impartial bodies for settlement, when decisions will be rendered free from partisan bias or local feeling. It is made the business and duty of these bodies to ascertain the truth and consider every public interest involved. Without such a law these important matters are forced to the decision of the voters, who in most cases have neither the means of finding out the true situation nor the power of modifying boundaries or making other adjustment that the public welfare might require—even if they had the patience to examine into and decide all such local questions.

The legislature cannot now create a new county by special act. Therefore in the absence of such a law as is here proposed, the matter of creating such new corporations must be handled by the cumbersome crude and unsatisfactory method now necessary.

### BUSINESS CONDITIONS.

(Extract from editorial in New York Herald, May 30, 1910.)

The only unfavorable element in the situation is the unfavorable attitude of federal lawmakers and state officials towards the railways and the spirit which would prevent the companies from moderately advancing their charges to offset the increased cost of operation. When the manufacturer is obliged to pay higher prices for raw material and increase wages he does the only possible thing in the circumstance and correspondingly raises the charge for his product. The railways are obliged to pay increased prices for supplies and higher wages, and it is only reasonable that they should get more for what they sell, namely transportation.

That they are impelled to raise their charges is plain from current traffic returns showing increased gross takings while costs of operation have increased in still greater ratio, with resulting decrease in net earnings. Unless the greatest of all industries is permitted to prosper the country cannot be prosperous.

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Sunday school at 10 a. m.  
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ELDER J. H. BARRETT, Minister.

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All are invited.—A. S. Wright, Pastor.

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