



A SELF-DENYING WRECK IN THE PATH OF A LINER.

Over a year ago the Treasury Department invited bids for the construction of a craft specially equipped for the destruction of the many derelicts which are a continued menace to vessels on the high seas.

This derelict destroyer, which has been named the Seneca, has a wireless equipment, which enables her to receive and give information as to the location of derelicts. In addition, the vessel is provided with an ammunition room, stowed with high explosives, for sinking and blowing to pieces floating hulks and wreckage. As in warships, provision is made for flooding the magazines in case of any emergency. The destroyer is furnished with an equipment designed to assist her in salvage and life-saving work, for which her size and the 1,700-horsepower engines will render her highly efficient.

It would seem to require some vessel, specially equipped as this one is, to clear the seas of the wrecks which now incubate them. In recent years it has been the custom for a rescuing ship, after taking off the crew of a storm-beaten vessel, to set fire to the wreck. But a derelict is rarely, if ever, destroyed by this means, and for the good reason that when a wooden sailing vessel, which is the type of craft that the majority of derelicts are made of, reaches a condition when its crew finds it imperative to abandon it, the hull, as a rule, has become waterlogged, and the effort to destroy it by fire are almost always unsuccessful. Such fires as are kindled do little else except to burn away the upper works, thereby leaving the wreck still more invisible.

Through its hydrographic office, the Navy Department contributes much to the safety of all who travel upon

the seas. It publishes charts, sailing directions and other aids to navigation; it is constantly searching out the dangers of the ocean and putting its results into convenient form. It is truly the "track walker" of the great deep. A recent issue of its monthly chart shows five derelicts now washing about the North Atlantic. And, with the perversity of inanimate things, they seem ever to be where they are least wanted and where their presence is most potential of harm. Partially submerged, scarcely detectable by day, and almost if not wholly invisible by night, their very existence is unsuspected, and the question of plunging into them at night or in thick weather is one of merest chance. The sudden and sullen things make no signal, give no warning.

The danger that lies in them has been frequently exemplified. Many disasters are known to have been due to collision with these half-hidden dangers, and it is believed that many in that melancholy roll of "missing" have staggered away from such impact to plunge under with bows crushed in and water roaring into holds and fire rooms.

Most derelicts are the wrecks of lumber-laden sailing vessels, "floating on their cargoes," as the Lloyds phrase it. But not long ago a steamship was added to the list, and drifted about the North Atlantic as a menace to shipping for nearly four months. This was the Dunmore, wrecked on the coast of Europe. No action was taken for its destruction until the British government, moved by numerous complaints, sent out a squadron of warships to search for and destroy the wreck. The search proved unavailing, the vessel probably having foundered before the quest was begun.

STATE CONTROL OF WATER.

Paper Presented at Recent Meeting of Oregon State Grange.

By John H. Lewis, State Engineer.

When we see the miracles wrought by irrigation and think of the potential energy of our streams as representing thousands of acres of the most valuable coal lands, it is no wonder that we hesitate to challenge the statement that the water resources of Oregon are today its most valuable asset. Yet our legislators have persistently refused to enact laws governing the use and distribution of this valuable commodity. Far-sighted corporations are rapidly acquiring perpetual franchises to the use of water for power development, without present or possible future compensation to the public, from whom the privilege is acquired.

Through the lack of a reliable record of vested rights to the use of water, the public has no means of ascertaining the location and amount of unappropriated water which is available for new uses. Large quantities of water are being held without use through actual or threatened litigation, and the intending investor or settler moves on to more progressive states, where water rights can be secured by application to the state officers, and when granted are protected, the same as other property rights. The holder of these questionable vested rights joins with the power interests in opposing the enactment of any law providing for public control and making beneficial use the basis of rights to the use of water.

How Water Is Appropriated.

Any person can acquire a water right by simply posting a notice at the proposed point of diversion, stating the amount of water claimed, the intended use, and recording a copy of the notice at the county court house. If the water is to be used for irrigation purposes, a certified copy of the notice must be filed with the state engineer within 30 days thereafter. It makes no difference if the waters of the stream are already fully utilized at points below. The notice can specify any amount, even though such amount exceed the regular flow of the stream. It may be impossible to use the water beneficially for the purpose as claimed, but that makes no difference so long as construction is commenced within six months. Your title is then complete, but the record is not completed by the filing of proof that work has commenced. By refiling every six months, a water right can be held without the performance of any work until some legitimate investor tries to secure control of the same water right. Then work must be commenced and prosecuted with due diligence. Under this law one of our leading attorneys has stated that a one-armed man with a shovel, employed at the intake, can hold a water right indefinitely. Thus the legitimate investor must first buy off the notice man, who has contributed nothing to the public welfare. Even the payment of this blackmail does not give him clear title to the necessary water, for the apparent supply may, perhaps, all be fully utilized in the adjoining counties below, through which the stream runs.

In the absence of state control, the only way for this investor to even guess at the amount of unappropriated water is to first measure the stream, and then travel down the same, measuring the maximum capacity of each ditch, to ascertain how much of this water has already been appropriated. If the stream is a hundred or more miles in length, this task alone would discourage the most enthusiastic investor or settler. Then the records of water filings, under our present laws, must also be examined to ascertain how many rights have been initiated which may ultimately become vested and prove prior in time to his right. Notices claiming water, posted in thickets along the banks of a stream, cannot be found and are, therefore, of no value to him. The county records are of but little, if any more value, as the recorded claims to water invariably exceed many times the regular flow of the stream. For example, the records of Baker county show claims to the waters of Powder river for irrigation purposes amounting to over eighty times the flood flow of this stream at Baker City during 1905, and the 1,145 recorded claims for all purposes amounted to over one hundred and eighty times this flood flow. These claims, therefore, cannot all be vested rights, and it is impossible to ascertain from the record which, if any, are valid, or ultimately may become vested. Besides, many ditches have been built and water diverted without any public record whatever. In a separate record will be found court decrees affecting titles to the water of this same stream. These decrees may divide the water among a minority of claimants, without any consideration whatever of the rights of the public in the unappropriated waters. The county record thus serves only to cloud title to unappropriated water and discourage investments.

The stream under consideration by the investor may flow through or border on two or more counties where water titles are equally as complicated as described for Baker county. To abstract the water records of the Deschutes river would require a journey of practically 1,000 miles, and the examination of the worthless records of five counties.

Under the 1905 act, all filings for irrigation purposes were to be recorded in the state engineer's office at Salem, but no penalty was provided to enforce this provision. Out of 138 filings in Baker county under this act, only five were recorded at Salem. Thus what was intended for a complete re-

cord is, therefore, of no value to the public.

Resulting Litigation.

The conditions in California are identical with those in Oregon. The Commonwealth club has labored for years to secure the enactment of modern water laws, and in the proceedings of this club we find the statement that the bar of California was delighted to find in their primitive water laws such a fruitful source of income, and did nothing to remedy conditions. "The statutes in question have been the foundation of some of the large fortunes of California, but these fortunes are held exclusively by the attorneys of record of the misguided individuals who availed themselves of the privilege granted by these statutes."

A case is reported where ditch "A" sued ditch "B" and upon the sworn evidence introduced obtained a decree giving it a priority of twenty cubic feet of water per second. Ditch "B" sued ditch "C" with the same result, and ditch "C" thereafter sued ditch "A" with the same result, and there were still 25 ditches diverting water from the same stream whose rights were not determined.

Along the Walla Walla river in Oregon, litigation to secure a proper division of the stream has been in progress for about 30 years, without settling a single issue. This experience is typical of many other communities and should serve to demonstrate the failure of the present system of distributing water by the courts, through injunction proceedings.

There are approximately 200 ditches diverting water from this stream in a distance of 10 miles, for the irrigation of some 5,000 acres. Nearly 500 persons or corporations have been made parties to the latest suit, and 25 lawyers retained to protect the various rights. When the decree is rendered, the relative rights of the various ditches will be known, but how will the water be divided among them? The pioneer irrigator knows that the court cannot deny him his usual water supply, and though his right has been determined for perhaps the second or third time, the question is still, how to get this water at the time when needed. How will he determine which of the many ditches above is diverting water without right, in order to bring an injunction suit against it?

The decree is binding only on the parties to the suit. New appropriations can and will be made, thus forcing new litigation. The same conditions which brought on the present suit still exist and this decree, without additional legislation, will be of no more value in settling conditions than former decrees.

The supreme court, by consistent decrees, has enacted practically all the water law of this state. To expect the court to provide in their decrees for the complicated administrative machinery to make water decrees effective looks like a complete shifting of the burden from the legislature to the courts. This, in the opinion of leading water right lawyers, is not possible.

One of the leading attorneys in the Walla Walla river case estimates that the present suit will ultimately cost between \$20,000 and \$25,000. This enormous drain upon the agricultural resources of this small valley, for a negative result, cannot help but retard settlement and discourage capital.

The purchase of a water right in Oregon means the purchase of a lawsuit. No litigation over water rights in this state has ever settled any issue so that it cannot again be raised. The decrees are binding upon only the parties to the litigation. These decrees often serve to clutter title to the unused waters, as the state, interested in preserving the unappropriated waters for future users, has not been represented in court at trials of these cases.

Conserving Our Waters.

In the arid portion of this state the area of irrigable land far exceeds the regular water supply. The summer flow of these streams can be increased many fold by the storage of water in the mountains, and using the natural channel to convey such water to the place of intended use. This class of development, which is encouraged and protected in Wyoming, Idaho and other states, is absolutely impossible in Oregon, except under the most favorable conditions. Capital will not invest in such storage works until the state provides the necessary administrative machinery for protecting stored water as it passes down the stream past numerous ditch diversions to the place of intended use.

No State Protection.

It is not a crime in Oregon to steal water. In fact, the law encourages it. As stated above, any person can acquire a water right by posting a notice or digging a ditch and diverting water, regardless as to the area of crops destroyed at the lower end of the valley by such wrongful diversion. Without the necessary administrative machinery, and a reliable record of vested rights to the use of water, it would be impossible to enforce any criminal law covering water, even if enacted.

Theft of water in an arid region is as serious a crime as destroying the crop of another, since it amounts to the same thing in the end, yet this state maintains no department having control of diversions from public streams. There is no department to which the homeseeker or investor can write to ascertain if the water rights claimed for constructed works are as represented, or whether any unappropriated water remains in a certain stream. Even if unappropriated water exists, there is no method provided by law for acquiring clear and undisputed title to this water from the public, to whom it belongs.

It requires constant litigation on the part of early appropriators to secure their rights. Where the price of justice exceeds the value of the water right, the place must be abandoned.

(CONCLUDED NEXT WEEK.)

THE ORIGIN OF FLOWERS.

There were no roses till the first child died,
No violets, no balmy breath heartsease,
No heliotrope, nor buds so dear to bees,
The honey-hearted woodbine, no gold-eyed
And white-lashed daisy-flower, nor, stretching
wide,
Clover and sowslip-cups, like rival seas,
Meeting and parting, as the young
spring breeze
Runs giddy races paying seek and hide;
For all flowers died when Eve left Paradise,
And all the world was powerless
awhile,
Until a child was laid in earth,
Then from its grave grew violets for its
eyes,
And from its lips rose-petals for its
smile,
And so all flowers from that child's
death took birth.
—Maurice Francis Egan.

Glockner's Scheme

"Pretty as a little red wagon, ain't she?" said the storekeeper, admiringly, as he stood in the doorway and watched the poppy-trimmed straw hat going down the street. "She's a stirrin' up a right smart o' trouble, too, they tell me."

"It's nachel she should," observed Marvin Parsons, his gaze also following the retreating hat. "There'd orter be a law compellin' any gal that's got more'n her fair share o' good looks to settle down on some one feller for better or for wuss by the time she gits to her eighteenth birthday."

"That mout work, an' then again it moutn't," said Washington Hancock. "A some respec's it's right an' fair, an' others it 'ud work hardship."

"How's that?" asked Solomon Baker.

"Who was it broke old Bigley's 2-year-old for him?" asked Hancock.

"Dave Harper, wasn't it?" said Parsons.

"Dave it was," said Hancock, with a grin. "Who was it loaned Bigley his wagon an' worked half a day fittin' a good new reach to it, an' never charged the old man a cent for the use of it for over a year?"

"I guess that was Jim Sellers," said the storekeeper.

"Who's Bigley's hired man?" Hancock inquired.

"He ain't got none," answered Parsons. "I don't call to mind that he's had one for four or five years. Why?"

"Yes, why?" repeated Hancock. "That's what I'm asking you fellers. If you don't know I c'n tell you. It's

bein' he don't need no hired man's long's he's got Malviny. An' he don't need to lack for anythin' Jim Sellers has got for the same reason an' Dave Harper will break all the colts for him that he c'n raise."

"Oh, shucks!" said the storekeeper.

"There was old man Glockner," said Hancock. "He had a gal, that was jest sech another as Malviny Bigley. She was red-headed as Malviny's dark complexioned, but they was both alike in one way. All the boys was plumb crazy over Joanna Glockner an' all the gals jest nachelly deespleed her. She was the plumpest, peachiest, sassiest little gal I ever laid my two eyes on. I reckon the Lord Almighty never turned out a prettier job in the woman line before or sence. If He did there was a lot of young fellers that got the wrong idee about it. They was swarmin' around the Glockner place thick'er'n flies, and it went on that-a-way for high to four years."

"Flu'y Caleb Wells got Joanna off by herself one day an' says he, 'I ain't comin' 'round here no more.'"

"Why not?" asks Joanna, smilin' up at him. "Don't you like us?"

"I like you too blame well to stand around an' watch a hull passle o' coots makin' sheeps' eyes at you," says Caleb. "I've tried my derndest to get you to say whether or no you'll take me, an' bein' as you can't make up your mind I'm goin' to sell the place an' move out to Utah."

"How do you know I can't make up my mind?" she says. "Praps I've made it up. But o' course if you're goin' to Utah it ain't no use my tellin' you. How many wives do you allow you'll take out there?"

"Caleb ketches holt of her an' she didn't squirm none particular.

"I reckon I won't go to Utah," says Caleb. "Mizzoura's good 'ernuff for me."

"But there's this about it," says Joanna, after a while. "Things has got to go on jest the same as they has been goin'. Paw's goin' to be mad 'nuff as 'tis."

"What do you mean?" asks Caleb.

"You go see paw an' ask him," says Joanna. "He's over by the corn crib watchin' Lee Robinson shuck. Paw's hands has got the rheumatiz an' Lee said he'd come over an' help him out. Mebbe Jack Ritchie's there, too."

"I'll see to Lee and Jack later on," says Caleb. "Here goes for the old man."

"He goes over to the corn crib an' there's the boys up on a wagon shuckin' away for dear life. Old man Glockner, he's settin' down smokin' his pipe

an' encouragin' 'em. 'I never see better, quicker, cleaner shuckin' he says, as Caleb walked up. 'I must have Joanna come out 'this afternoon an' see you all shuck. Why, here's Caleb! Howdy, Caleb? Do you reckon you'll ever git so's you can shuck corn as lively as that? Try it wunst.'"

"I hadn't got time, now," says Caleb. "I want to speak to you on some private an' particular business right away."

"The old man got up an' after tellin' the boys to keep right at it, he folloers Caleb around to the back o' the barn."

"I want to tell you that me an' Joanna's goin' to get married, an' I thought I'd see if you didn't want to give me your blessin'," says Caleb.

"The ol' man looked at him steady for a minut'. Then he says very slow: 'I don't want to give you a cussin' onless you drive me to it, Caleb, but you ain't goin' to do no sech a thing. You're welcome to come here with the rest of the boys an' be neighborly-like they all are, but I don't want Joanna to decide on nothin' yet awhile.'"

"Why not?" says Caleb.

"I've got my privit reasons," says the old man, strokin' his billy-goat beard. "An' I've also got a shotgun."

"It's in the house, ain't it?" says Caleb.

"Yes, it's in the house right handy," says the old man.

"Unless you're a better foot-racer than I take you for I can beat you to it," says Caleb. "Joanna's in my buggy right now an' if I can't make Squire Peterson's with her by the time you're out to the front gate with your shotgun I'll farm this place five years an' not charge you a cent."

"Old man Glockner looked over to the house, an' there by the gate, shore 'nuff was Joanna in Caleb's buggy."

"Caleb," says the old man, "why not let things go on the way they are for a few years an' not say nothin' to nobody? Then, if you want her you can have her."

"Caleb shook his head.

"Will you wait 'till after harvest then?"

"No, s'tree," says Caleb. "I'll wait long enough for you to get on a b'led shirt an' go with us to the squire's."

"See here, Caleb," says the old man. "That's no use bein' mullish about this thing. I'll compromise with you. You wait 'till evenin'—until after Lee an' Jack has got that corn shucked an' in the crib—an' I'll go with you to the squire's. But I'm bound to get that much done. It's the last free help I'll get."—Kenneth Harris in Chicago Daily News.