

## WESTERN LAND FRAUDS.

**Ninety Per Cent. of the Present Land Claims Said to be Fraudulent—The Modus Operandi for Securing Cheap Lands.**

A Las Vegas, New Mexico, correspondent of *The New York Herald* writes: A discussion of the question of the settlement of the public domain of the United States is apt to speedily assume a narrow form, and the subject will naturally be contracted to a particular phase. It is impossible to intelligently consider the subject of the taking up of the national lands without touching on the violations of the law governing the settlement of the 160-acre plots by individual settlers. These violations have been frequent, and the results of the frauds have been so injurious to the welfare of honest settlers that the matter has become one of vital interest to the country at large, as well as to the lawmakers at Washington. Deception, fraud, perjury, and reckless indifference to honor, justice, and equity have prevailed in the western country, where desirable public lands are located, and the history of much of the pre-emption of Uncle Sam's soil is, when laid open to the sunlight of popular observation, but the record of unblushing and unprincipled wrong-doing.

The United States law recognizes several distinct methods of taking up the national lands by actual settlers—pre-emptions, homesteads, soldiers' homesteads, timber-culture claims, and under the desert-reclamation act.

Pre-emptions may be made by the head of a family, a widow, or a single male or female over 21 years of age, who may be either a legal citizen or one who has declared the intention of becoming one under the naturalization laws. Such persons may "enter" upon "offered" or "unoffered" lands to the extent of taking 160 acres. If the tract selected is "offered land"—that is, announced by the land commission as ready for settlement—the settler must file a "declaratory statement" (fee \$2) in the United States land office of the district within thirty days after settlement. Within a year from the date of settlement he must prove actual residence and cultivation of the tract, and the purchase at rates varying at \$1.25 to \$2.50 an acre, according to the location. "Unoffered" land requires a "declaratory statement" to be filled within three months from date of settlement and the final proof of residence and the monetary payment within thirty-three months. Would-be pre-emptors who own 320 acres of land elsewhere are excluded from the benefits of the law; neither can any person abandon his residence on his own land (not a town lot) and pre-empt government land. These two last mentioned provisions are of importance, and the fact of their existence should be remembered.

Homesteads may be entered by any head of a family, or a 21-year-old citizen, either actual or intended. Surveyed land to the extent of 160 acres is alone available. The applicant must attest to his qualifications and that the entry is made for his exclusive use and benefit for actual settlement and cultivation. The legal fee of \$10, with commissions ranging from \$4 to \$12, is also paid. Within six weeks residence must be taken up and continued with cultivation of the land for five years without interruption. At the end of this period four witnesses must be called to attest to the fact of residence and cultivation. The land office at Washington issues the patent on receipt of the certified proof. No sale of a homestead claim is recognized by law; homestead settlement may, however, be changed to a pre-emption after presenting proof of actual settlement and cultivation for six months. A six months' absence is permitted by law. The homesteader can not establish a legal claim by passing a single night on the 160 acres twice a year after throwing together a frail shanty and then call it a residence.

Soldiers' homesteads may be obtained by all who served ninety days in the army or navy during the civil war who were honorably discharged and remained loyal to the government. The period of army or navy service is deducted from the five years' residence required by the homestead law, but either he or his widow must actually reside one year on the tract.

Timber-culture claims are recognized where a person has planted and kept growing for eight years a specified number of forest trees. There are numerous provisions attached to this method of securing 160 acres of land, and the details are so numerous that the reader is referred to the law for a proper understanding of the subject.

Desert lands in Dakota, Idaho, Montana, Oregon, and Washington may be taken by a citizen to the extent of 640 acres. Such lands are defined to be all territory which will not raise a crop without artificial irrigation. Mineral and timber lands are not included. Attestation to the intention of reclaiming by irrigation within three years and the payment of 25 cents an acre are the preliminaries of securing the right to proceed, and at the end of three years a patent may be obtained by presenting proof of reclamation and the payment of \$1 an acre. Under the timber-culture and desert-reclamation acts residence is not required on the lands taken. In the case of homestead and pre-emption settlements the resident is not expected to till all of his land.

The law only requires actual residence and a reasonable amount of improvement—in other words, a fair and honorable intention on the part of the persons to whom the lands are practically given.

The homestead law enables the actual settler to secure a home without paying more for his land than the small entry fees on condition that he spends a longer time on the tract, with greater improvement and cultivation. The time of inhabitancy is the principal difference between the two systems, although the fixed principle of both is the building up of a homestead, with all that the term implies, on hitherto neglected publiclands. When both systems were established land was so abundant that there scarcely existed a temptation to make false claims.

The timber-culture law was simple in its intention. Vast tracts in western states and territories are treeless wastes. Then encouragement of timber-growing was provided by the law, and settlers were enabled to obtain rich farming lands by the simple carrying out of the spirit of the statute. Planting trees not only gave a home, but added to the beauty as well as to the actual value of a 160-acre tract. The planting of trees in some of the transmississippi states has changed the appearance of the face of the country, and formerly desolate prairies are now agreeably dotted by groves or vigorous perennials of the ornamental varieties. "Arbor days" are recognized by law, and millions of young trees have been planted on such occasions.

The desert land law intended the permanent restoration or reclamation of lands wholly unproductive in their sterility by artificial irrigation. Small tracts could not be well reclaimed, and therefore the number of acres fixed was 640. Only desert lands were available, and the experiment of itself has always been of doubtful value. The great American desert could doubtless be irrigated into blossoming fertility if there were only an adequate water supply, but at present the methods by which water—generally located at a remote distance—could be brought into practical use would be far too costly to be of practical benefit. The day will arrive when the sage-bush country will be absorbed by the coming population, but that is as yet far ahead in the progress of time.

When there is a seeming combination on the part of capitalists and their followers and dependents to evade the laws regulating the taking up of the public lands it is not strange that vast frauds should be perpetrated and that a wholesale perversion of the spirit and intentions of the framers should be brought about. The pre-emption law states that transfers and assignments of the pre-emption rights are null and void "prior to the issuing of the patent." The homestead act sets forth that the homesteader has not alienated the land, and that no land so acquired is liable for the satisfaction of a debt contracted prior to the issue of the patent.

And here it may be said that these land frauds are not perpetrated by one alone of the two political parties. The republicans having had the machinery of carrying out the law and guarding against its infractions in their hands are in no sense more to blame than the opposite party out of office, but as regards the enactors of the frauds democrats and republicans are, so to speak, "tarnished with the same brush," both being equally guilty. The land robbers know no party, and as here in New Mexico they are confined to no race, for the indigenous Spanish-American can give "points" to his Anglo-Saxon co-resident in the art of making a false claim appear a true one. That abuses of the land laws are too frequently dependent on improper administration as well in certain instances as on the corruption of officials there is no question, but even the most painstaking and virtuous land agent is liable to be deceived by the clever rogues with whom he is brought in official contact. Entries of pre-emptions and homesteads are not for sale or speculation. In the old days such abuses were almost unknown. As a general thing there was a settler for every claim and it was not considered difficult to comply with the fair requirements of the law. The pre-emption act served to stand between the settler and the moneyed purchaser from the government by private sale—since prohibited—and there was no occasion for employing fraudulent means to secure public territory. The prevention by act of congress of the purchase of land by private bargain was the entering wedge whereby the frauds became necessary.

The pre-emption law is the most frequently violated. The timber-culture law is practically a dead letter, and the desert-reclamation act is but a vehicle for the worst kind of knavery. All three could be repealed without the future honest settler being injured in the slightest degree. Under the desert lands law vast tracts have been absorbed by cattle companies, and lands which are not legitimately sterile or incapable of cultivation without artificial irrigation have been, through the connivance of surveyors in the employ of the land office, classed as deserts. Good bottom tracts have been passed off as sterile lands. Whole valleys and streams have been absorbed and the back country for miles rendered worth-

less under the operations of the desert law.

The timber-culture law was never of real value—a mere experiment at best. The soil and climate of much of the region to be planted forbid the successful rearing of young trees. If, as previously stated, an honest following of the law's provisions were made the settlers' lands would be greatly benefited, but this applies to certain localities. West of the 90th meridian the law can not be properly carried out, and the most barefaced perjury alone will enable anyone to prove up his claim at the final reckoning. The ordinary way the settler suits his conscience to his oath is by turning up the black prairie soil in shallow furrows, separated from each other by eight or ten feet of virgin unturned soil. A row of fragile cottonwood sticks, oftentimes without roots, and stuck in the furrows, and the "tree-planting" is done. Then the "planter" is ready to swear, and swear he does with alacrity and comprehensive zeal. Fires sweep over the young grove, nibbling cattle browse over it, and the chill blast of the blizzard howls around the sickly sapling. In the spring the vast majority of the young trees planted with roots are dead. Those without roots were never expected to live. But the planter is ready to swear, and his neighbors, on the principle that one good turn deserves another, go before the agent of the land office and are free to give their valuable opinions under oath that the trees are healthy and in good growth. So the fraud is completed.

The cattlemen have been prompt to recognize the efficiency of the timber-culture act in harmonizing with their personal schemes of aggrandizement. So they set their herdsmen at work making timber-culture entries in good localities—the banks of streams or spots where good shelter and water abound. The farce of "tree-planting"—generally "trees" of the rootless variety—is gone through, and the official papers are obtained, deeding the land, often to the extent of whole townships, to the cattle magnate, through his employes. It is an understood thing that ranchmen employ at large wages men who are to look out for stock and to make land entries as well. The employer chooses the location and furnishes the fees for the services of an attorney, who prepares the final proof papers. It is stated by land agents that these frauds are conducted with the utmost skill, and the papers are more carefully drawn than is ordinarily the case. Truth and honesty appear in every line, and the perjury is enacted with an ease and skill which would afford pleasurable emotions to the cynical observer whose trust in the virtues of human nature is but limited. Dr. Johnson, the grim old lexicographer, in defining a horse, added that in the buying and selling of the animal a man might cheat his own father with impunity and yet maintain a respectable position in society. It would certainly also appear as if the business of rearing the amiable bovine quadruped in large numbers on the plains of the west engendered within the brain of the herder an ingenuity and an especial adaptation for false swearing and the subornation of perjury quite marvelous to the average specimen of mankind.

### An Interesting Nationalist.

Dr. Kevin Ozod O'Doherty, the new nationalist M. P. for Meath, and for many years representative in the Australian legislature, received a splendid reception in the house of commons, a little, perhaps, in compliment to the colony. He was a leading rebel in 1848, and so is the vestige of an extinct revolutionary period, a living witness that there were patriots and perturbations before Parnell. The doctor is, as Falstaff said of himself, "a portly man, aged 50, or it might be 55." It is not easy to say, for the forty-eight is remarkably well preserved, and may be named as an extant testimony in favor of the claim that Australian air sustains in a particular degree the freshness of the human tissues. He is a trifle bald, and shows generally a relish of the saltiness of time. But the ancient rebel is well set up, square-built and sturdy, with certain possibilities of the Methuselah in his cut and carriage, and altogether one who might well have been a heady enthusiast in his hot youth. He walked up the floor of the house with a strolling Mark Twain gait, such as men acquire in the careless freedom of a new country and young society. As he passed Mr. Childers, seated alongside Gladstone, the minister and the member laid hold of each other in a cordial grasp, and talked with the warmth of men who had recognized in one another a long-lost brother by the strawberry-mark on the arm. They had both been members of the Australian legislature.—*New York World.*

### Real Good Hens.

A young married lady, who moved into the country from a city home, considered keeping hens a pleasant and profitable duty. As she became more absorbed in the pursuit her enthusiasm increased, and "hens" made a favorite subject of her thoughts and conversation. During one of her animated descriptions of success a friend inquired: "Are your hens good hens?" "Oh, yes," she replied, in a delighted tone, "they haven't laid a bad egg yet."—*Catskill Mail.*

## Sunflower Culture.

The cultivation of the sunflower, says *Rural World*, is now attracting the attention of many agriculturists, although no concerted action has yet been had in the matter. It is of easy cultivation, growing freely in all soils, and is not very sensitive to climatic conditions. Of course the better the soil the better the product. It is, however, a very exhaustive crop, taking from the soil a copious supply of potash, and therefore should not follow itself in rotation, unless this ingredient is very fully renewed. In some of the river bottoms and rich moist lands of the west a variety grows wild, and its seed are used by the Indians as food, but the variety most in cultivation is the "mammoth Russian," which, in good soil, grows to an immense size, twenty-four to thirty inches in diameter, and yields a large quantity of excellent seed. In some places, where wood is scarce, it is grown for fuel, the stalks making a very hot, though brief fire. In others it is cultivated only to utilize its seed for feeding stock, as it forms a good winter food for both fowls and horses, giving to the feathers of the one and the hairs of the other a bright glossy appearance, and making them lively and spirited, by feeding half a pint night and morning. It is said to give horses a greater power of endurance when mixed with their rations. It is also grown in some localities as a preventive of malarial diseases, its great absorption of nourishment from the air, being supposed to prevent the spread of miasma. In still other places it is grown as a substitute for bean poles, the leaves being stripped off and the stalks still attached to the roots make a good support for the vines. But its chief value lies in the clear palatable oil which can be obtained from the seed, and which is equal as a drying oil to linseed, and superior to that for many uses. There are no mills exclusively devoted to its manufacture in this country, but both the linseed and the cotton-seed-oil mills express it occasionally and are frequent buyers. It is not cultivated to any great extent in this country as a marketable crop, but is extensively grown in Russia, where it is said to average fifty bushels of seed to the acre, and one bushel of seed to yield about one gallon of oil. With the improved methods devised by the cotton seed crushers in this country, it is quite likely this yield could be increased, and the rich, moist lands of the west would probably largely increase the product per acre. There is no established price for the seed in our leading markets, but buyers at the mills report that they pay \$1 per bushel.

### The Classification of Book Lovers.

Mr. Sala has lately made a careful division of book-lovers into four classes, and people who enjoy the luxury of stocking their shelves from time to time will now be able to describe their motives in book-buying by the use of the terms which Mr. Sala has defined with characteristic illustrations. It is a misfortune that more euphonious terms could not be compounded from the Greek to characterize two of the divisions of the great and growing army of book-lovers, but in the general interest of accuracy and conformity there will be no revolt on the part of those who find themselves described as "bibliognostes" and "bibliotaphes." According to Mr. Sala, "book-lovers are either bibliognostes, bilionames bibliophiles, or bibliotaphes. The bibliognoste is learned in title-pages and editions, presses, and places of issue. He knows by heart the criteria of every editio princeps; he has Brunet and Dibdin at his finger ends, and can tell you at once that the 'Aristotle' of Manutius in good condition is worth £50, but that a Bebel is not worth as many sixpences. The bilioname is a mere collector who, blessed with a long purse, buys whatever comes in his way. A bit of a bilioname was Peter the Great, who, when his shelves were built, sent for the booksellers of St. Petersburg and said: 'Fill those with books.' 'With what books, your majesty?' was the not unnatural question. 'With what books? Why, with big books below, and with little books above.' The bibliophile—the true lover of books—is he who buys to read and enjoy. The bibliotaphes is he who hides his books away under lock and key or who immures them in close-fitting glass cases, and knows little of them beyond their titles and the price which he has paid for each."—*The Book-Buyer.*

**He Had the Symtoms.**  
"Look here, doctor, I do 't want you to go to my house and frighten my wife again as you did this morning."  
"Frighten her? How did I frighten her?"  
"Didn't she ask you what the symptoms of Hydrophobia are?"  
"Yes."  
"And didn't you tell her the patient has always a strong aversion to water?"  
"Certainly."  
"Yes, well, the poor woman is down sick with fright. She thinks I've got the hydrophobia."—*Chic.*

**Took His Degree.**  
"Are you a member of the Knights of Labor?"  
"No, but I had one last week."  
"Had one? What do you mean?"  
"Had a night of labor. My baby had the colic from 9 o'clock until daylight."—*The Graphic.*

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