

The Daily Astorian.

ASTORIA, OREGON:

TUESDAY, JUNE 25, 1889.

LAND OFFICE RULINGS.

A Circular Which Explains the New Homestead Laws.

Parties Who Have Not Perfected Title Allowed to Make New Locations—Other Matters of Interest to Homesteaders.

The register and receiver of the United States land office at Oregon City have just received a circular from the commissioner of the general land office, Hon. S. M. Stockslager, which is approved by secretary Noble, interpreting the act passed by the last congress, amending the homestead laws. A copy is furnished for publication.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, WASHINGTON, D. C., March 8, 1889. Register and Receiver United States Land Office.—GENTLEMEN: Your attention is called to the provisions of an act of congress entitled "An act to withdraw certain public lands from private entry, and for other purposes," approved March 2, 1889, a copy of which is hereto attached, containing eight sections.

The first section of said act provides that from and after its passage "no public lands of the United States, except those in the state of Missouri, shall be subject to private entry." This relates to the private sale or entry of "offered" lands under sections 2354 and 2357 United States Revised Statutes. See pages 4 to 8, 90 and 91, general circular, January 1, 1889. No sale or location, at private entry, will be admissible under said first section, except in Missouri, but disposals of this class of "offered" lands under the pre-emption, homestead or other laws, are not otherwise affected thereby.

The second section of the act allows in general terms any party who has heretofore made a homestead entry and who has not perfected title thereunder, can make another homestead entry, while denying such right to any party who perfects such title to lands under the pre-emption or homestead laws already initiated, and specifically provides that parties who have existing pre-emption rights may transmit them to homestead entries and perfect title to the lands under the homestead laws, although they may have heretofore had the benefit thereof.

Therefore you will not hereafter reject a homestead application on the ground that the applicant cannot take the prescribed oath that he has not previously made such an entry, but he will be required to show, by affidavit, designating the entry formerly made by description of the land, number and date of entry, or other sufficient data, that it was made prior to the date of said act, and also that he has not since perfected a pre-emption or homestead title initiated prior to that date. In cases when the former entry was made subsequent to the date of the act, the rule remains unchanged, as given on page 17 of the general circular of January 1, 1889.

The third section provides for permission to be granted in certain cases by the register and receiver of the proper district land office for parties claiming public land as settlers under existing laws to leave and be absent from the land settled upon for a specified period, not to exceed one year at any one time. The applicant for such permission will be required to submit testimony to consist of his own affidavit, corroborated by the affidavits of disinterested witnesses, executed before the register or receiver or some officer in the land district using a seal and authorized to administer oaths, setting forth in detail the facts on which he relies to support his application, and which must be sufficient to satisfy the register and receiver, who are enjoined to exercise their best and most careful judgment in the matter, that he is unable, by reason of a total or partial destruction or failure of crops, sickness or other unavoidable casualty, to depend upon him upon the land settled upon. In case of leave of absence is granted the register and receiver will enter such action on their records, indicating the period for which granted and promptly report the fact to this office, transmitting the testimony upon which their action is based. In case of refusal the applicant will be allowed the right to appeal on the usual conditions.

By reference to section 4 you will observe that it simply fixes at \$125 per acre the price of certain lands within the limits of railroad grants which has been increased by law to the double minimum price. The fifth and sixth sections both provide that parties who made homestead entries prior to the date of the act, of less than 160 acres, shall have the right to make an additional entry of a quantity sufficient with the original entry to complete the maximum quantity of 160 acres, without affecting existing rights of soldiers—see pages 26, 27 of circular of January 1, 1889—or of settlers within railroad limits—see pages 21, 22 and 23 *idem*.

The fifth section provides for an additional entry of land which shall be contiguous to the land embraced in the original entry, for which the final proof of residence and cultivation made on the original entry, shall be sufficient, but of which no party shall have the benefit who does not at the date of his application therefor own and occupy the land covered by his original entry, and which shall not be permitted, or if permitted, shall be cancelled, if the original entry should fail, for any reason, prior to patent, or should appear to be illegal or fraudulent. Applicants for additional entries under this section will be required to produce evidence that they own and occupy the land embraced in their original entries, to be properly described by legal subdivisions and by reference to the number and date of the original entry, and the evidence to consist of their own affidavits, corroborated by the affidavits of disinterested witnesses, executed before the reg-

ister or receiver or some officer in the land district using a seal and authorized to administer oaths. In addition to this the proper homestead application and affidavit must be filed, which may be on the forms prescribed under the act of March 3, 1879, properly modified so as to show the section and act under which application is made, and the affidavit modified by striking out the portion that refers to military services, which is not required under this act.

2. The sixth section admits of an additional entry of land, which need not be contiguous to the land in the original, by parties who have complied with the conditions of the law will regard to the original entry, and have had the final papers issued therefor, and with the condition of residence and cultivation of the land embraced in the additional entry, to be made and proved as in ordinary homestead entries.

Application and affidavit will be required under this section (6) and the same forms may be used as above stated in reference to entries under the fifth section.

In additional entries under both sections the usual homestead fees and commissions will be required to be paid, and receipts will be issued therefor. Notes will be made on the entry papers and opposite the entries in the monthly abstracts referring to the section and the act under which allowed.

The seventh section of the act prescribes a rule of construction for the act of March 3, 1879, in accordance with which you will receive and properly act upon any evidence which parties desiring to avail themselves thereof may see proper to submit, showing that accident and unavoidable delays have prevented them from making proof on the date specified in the public notice, in cases in which the proof was taken within ten days following that date. But this will not be necessary when continuances are made.

S. M. STOCKSLAGER, Commissioner, JOHN W. NOBLE, Secretary.

A LUCKY TRIAL.

The Good Fortune Which Followed

It affords me great pleasure to send you this voluntary statement of my experience in testing the merits of Joy's Vegetable Sarsaparilla. For the past five years I have been troubled with an exceedingly sluggish liver, including loss of appetite and distress after eating, pains in the back and kidneys, and boils around my neck and face. I tried many liver remedies, only getting temporary relief. I was recommended to try a bottle of Joy's Vegetable Sarsaparilla as a test, and while taking the first bottle I became convinced of its merits, for I could feel that it was working a change in me. I took five bottles, and during that time my troubles left me. Everything is working full and regular, in fact it has cleansed, purified and braced me up generally. You are at liberty to use this as you see fit, or can refer whom you please to.

Beamish's, 3d and Market sts., S. F.

A Man Who Saw a Phoenix.

"I read the remark in all the papers that Seattle will rise out of her ashes like a Phoenix, and I don't believe any of you fellows know what a Phoenix is, but I have seen one and I will tell you about it if you will listen," said the port admiral to a number of admiring friends at Dodd's corner.

"I was travelling in upper Egypt in 1865 with Sir Samuel Baker when he was looking for the sources of the Nile, and we heard about this Phoenix from an old Arab Sheikh.

"It is a very rare bird; only one is known to exist and it rises from its ashes once in a hundred years, lays an egg and then rests for another century. The old Arabs keep the record and know just when it will appear.

There was about fifty thousand people gathered to see the show. Great caravans of camels and dromedaries and elephants; it was a regular hippodrome on the day it was to appear, every one was quiet and all looked steadily at the top of the mountain near which all this great body of people were collected. Just at high noon the tocsin sounded, drums beat, cannon fired, everybody shouted, the animals screamed and brayed and there was a devil of a noise. All of a sudden up popped the Phoenix. It was the finest sight I ever saw; I think the spread of its wings was a mile from tip to tip, the feathers were gorgeous, blue and green and brown like a peacock, the breast-bone shone like burnished gold, the head was like a great coil of fire and the eyes were diamonds bigger round than a peck measure. It was so bright that we had to use smoked glass to look at it. Finally, it laid an egg, and then it seemed to blaze all up, and finally it burst to ashes and settled down on the egg which it covered up and buried, and the whole seemed to harden to stone; and there it will remain for a hundred years, and then it will rise and shine and lay another egg."

"Oh, stuff," said a doubter, "I read in Webster's unabridged dictionary that a phoenix is a myth."

"See here, my friend," replied the ancient mariner, "don't pin your faith on Webster's dictionary; what did he know about a phoenix? Do you suppose he ever saw one as I did? I doubt it. I say Webster was wrong. Why man, he is a fool. Read Heroditus and Josephus and Pliny if you want to know about a phoenix, but don't go to Webster's dictionary or you will go to the leeward every time. I tell you if Seattle comes out of her ashes as gorgeous as that phoenix I saw on Mt. Ararat, she will be the most splendid city in the world. Now don't show your ignorance by scoffing at a phoenix, I've seen one, sure, do you hear me.—Port Townsend Argus.

The latest style of Gents' Boots and Shoes at P. J. GOODMAN'S. Coffee and cake, ten cents, at the Central Restaurant.

Telephone-Lodging House. Best Beds in town. Rooms per night \$2 and 25 cts. per week \$1.50. New and clean. Private entrance.

THEY COULD NOT HEAR.

A pretty rich story on two prominent Minneapolis gentlemen was related in St. Paul recently. These gentlemen, at the time of the great Hardwood failure, eight years ago, went to New York to settle up some of the accounts of the insolvent concern. Their business completed, they partook of a champagne supper, and the sparkling fluid predominated over the delicate viands. Quite mellow, they secured a box in one of the theaters. After the play had progressed some time one nudged the other and quietly asked:

"Can you hear anything?" "Not a blamed word," returned the other. "It is funny, but really I believe that wine is ringing in my ears so loud that it drowns their voices." "Come, let's get out of here. I'm afraid we've drunk too much," and they retired as gracefully as they could under the circumstances. Next morning one of the gentlemen discovered he had kept his programme, and in big letters he read "Humpty Dumpty." They had been trying to hear a pantomime. Another bottle of wine drowned their chagrin. The story is from life.

NEW TO-DAY.

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Astoria, April 10, '89.

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