

The Bend Bulletin

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DESERT LAND CONTESTS.

There appears to be considerable confusion in the popular mind concerning the law and practice in desert land contests and it may be of interest to discuss one feature of importance. This is as to the right of contest before the time for final proof has arrived. In a decision made February 16, 1895, Secretary Hoke Smith, considering the ex parte case of Andrew Clayburg, in Susanville, Cal., land district, said:

The filing of the yearly testimony showing the expenditure of the requisite amount on the land is all that is required with respect to the annual proof to preserve intact the entry during the three years, or prior to offering final proof, when he is required to show full compliance with the law in all respects in order to procure a patent for the land covered by his entry.

This has been taken by many to prevent the contest of a desert land entry before the time for making final proof. In the latest volume of land decisions, however, there is one by Secretary Hitchcock which sets this matter forth so clearly that we make generous quotation from it here. The defendant, or contestee, had brought forward the Clayburg case. The secretary said:

It is insisted by counsel for defendant that, under the law as announced in the case of Andrew Clayburg (30 L. D., 211), contests can not be brought against desert land entries until the expiration of time allowed for making proof, that the submission of the yearly proofs disclosing the required annual expenditures is a bar to the initiation of a contest prior to the submission of final proof. This means that, although, as in this case, such annual proofs are untrue, and the claimant has totally failed to comply with the law as to annual expenditure on the land, yet if he files each year evidence of such expenditure, he is protected against contests. In other words, even if he is in default as to actual compliance with the requirements of the statute, yet so long as he is willing to falsely testify that he is not in default, and can procure two other affidavits to corroborate such testimony, his compliance with the law can not be questioned within the time allowed for the submission of his final proof, until which time his entry must stand intact.

This contention can not receive departmental approval.

To hold that a contest putting in issue the truth of the yearly proof could not be brought within the time allowed for the submission of final proof, would be in violation of the plain letter of the statute.

The yearly expenditure of one dollar per acre is a requirement of law, and the failure to do this is a "failure to comply with the requirements of law."

This makes it clear that contests against desert land entries may be instituted at any time for failure to comply with requirements of law.

THE COMING RAILROAD.

Of course the railroad will come; there never was any doubt about that. But Mr. Harriman's assurance that the Columbia Southern will be extended into Central Oregon next year is gratifying because it gives the public something definite. The Bulletin had information last July, and printed it, to the effect that the railroad up the Deschutes valley would probably be built in 1904. Six weeks ago a local director of the company was notified that the board would soon be asked to take formal action for the Columbia Southern extension. Mr. Harriman has held the key to the situation, however, and his announcement gives the public something fairly definite to reckon with.

More than a year ago the survey from Shaniko to Bend was completed. It brought the distance a fraction less than 100 miles, the mileage being increased to get easy grades. The engineer work is now in such shape that construction crews could be put at work in 30 days.

While no definite survey of this line has been made beyond Bend, the design of the company is to build through to Lakeview on the south and to Burns on the east, Bend being the junction point for these two lines. It is to be expected that the road will halt at Bend several years while the interior

country is developing and this point will be the depot for half of this great state. This is a fact of the deepest significance to Central Oregon.

The railroad advance will bring rapid and general development in all lines of industrial and social life. A new empire will thus be introduced to the commercial world, and it will prove the wisdom of those who unbend it.

"The Bulletin works right in with Drake" complain certain people who are pained to see any progress here that does not gratify a narrow, personal spite. Well, what of it? Hasn't Drake done more for this locality than any other person or institution—more than all others put together? Why shouldn't The Bulletin, why shouldn't every citizen, work with him in efforts to develop this country? If you know any good reason why they should not, let us hear from you. As to The Bulletin, it stands ready to "work right in" with anybody in any legitimate enterprise for the upbuilding of the community or the industrial development of this region. The Bulletin is here to do what it can for all and it will gladly work with any citizen or any combination of citizens for public advancement here. It is not inspired with a desire to pull down everything but itself and it will not become the instrument of those who are. The Bulletin is a local institution, which has its property and spends its money here, and it will always "work right in" with all proper productive agencies and against destructive agencies—with A. M. Drake no more than with any other engaged in similar efforts.

Efforts of the general land office to restrict public land business to the land district does not have the effect of helping the poor man. Your wealthy land seekers, timber syndicates, etc., transact their business at the district land office almost invariably. They have the money to pay the expenses and they want to pay the expenses and the action of the land officials. The poor man, who can not spare the time and money necessary for a trip to a distant land office, executes his applications and proofs before local officers. To deny him this privilege is largely to deprive him of the power of asserting his land rights. This the land sharks like to see, for they are seldom hampered by poverty. But there ought to be closer scrutiny of the work of these outside officials, who ought to be under bond for the faithful discharge of their duties. The public is very easily imposed upon in land business. Reform should come by making the service better, not by abolishing the convenience we now have.

Receiver Asa Thomson, of the La Grande land office, was acquitted in Judge Bellinger's court last week of the charge of soliciting a bribe. But the secretary of the interior declines to reinstate him in office on the ground that the trial developed something wrong, though Thomson was not proved guilty of the crime charged, and that his reinstatement would be an injustice to Register Davis. The trial made it very clear that public land business has been very loosely done in Pendleton, both on the part of applicants and by those who take affidavits and proofs. The county judge seems to have been a leading offender in this respect. But Thomson is out and now there will be another lively beating of the political woods for a successor. It may be that the secretary and president will follow the precedent set

when Davis was appointed and rescue the La Grande land office entirely from the political slough.

The Columbia Southern Irrigation Company's segregation has been reduced by 720 acres, which was rejected by the Washington authorities on the ground that it was timberland rather than desert. Of this 720 acres rejected from the company's segregation W. A. Laidlaw, manager of the company, immediately made application for 160 acres and T. A. Rutherford, the company's bookkeeper, applied for another quarter section, leaving 400 acres open, in sections 2, 3 and 11, 17-11. The timber is neither heavy nor of good quality, however, and the demand for it is not eager. This rejection of 720 acres from the company's segregation necessitated the making of a new contract with the state, which has now gone to Washington with the amended segregation list, and it is expected all will be approved in due time.

It is pretty plain that the Roosevelt administration has not much patience with the old style of governing by political pull. This is a most hopeful sign. When the business of the government shall be conducted on the basis of honesty and efficiency, rather than upon the expediency of practical politics it will be a better government. It will be rather tough on the Oregon delegation, as now organized. But the people at large will gain what the political heelers and wire pullers and the whole retinue of servile blatherskites lose. Many who are now forced against their better judgment into the dirty pool of practical politics will rejoice when we have an end of government by political pull. The Roosevelt administration is a long step in that direction.

NOTICE FOR PUBLICATION.

Timber Land, A. M. June 2, 1905.
C. S. Land Office, The Dalles, Oregon,
November 12, 1904.

Notice is hereby given that in compliance with the provisions of the Act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," as extended to all the public land states by act of August 4, 1901, the following named persons have filed in this office their sworn statements, to-wit:

Harry M. Thomas of 123 7th Street, Portland, county of Multnomah, state of Oregon, sworn statement No. 1366, filed June 1, 1904, for the purchase of the sec 12, 13, 14, 17 & 18, T. 11 N., R. 11 E., W. 10.

Ole T. Christensen of 417 E. 7th Street, Green Lake, county of King, state of Washington, sworn statement No. 1042, filed June 1, 1904, for the purchase of the sec 12, 13, 14, 17 & 18, T. 11 N., R. 11 E., W. 10.

John O. Johnson of 417 E. 7th Street, Green Lake, county of King, state of Washington, sworn statement No. 1043, filed June 1, 1904, for the purchase of the sec 12, 13, 14, 17 & 18, T. 11 N., R. 11 E., W. 10.

John Pitch of 123 7th Street, Portland, county of Multnomah, state of Oregon, sworn statement No. 1367, filed June 1, 1904, for the purchase of the sec 12, 13, 14, 17 & 18, T. 11 N., R. 11 E., W. 10.

That they will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish their claims to said land before the Register and Receiver at The Dalles, Oregon, on Saturday, February 25th, 1905.

They name as witnesses: George W. Morrow, John Pitch, Frank W. Fox and Harry H. Thomas, of Portland, Or.; C. Robinson, of Walla Walla, Wash.; O. Hanson, Stella Hanson, John O. Johnson and Ole T. Christensen, of Green Lake, Wash.; John Blinn, of Bend, Or.

Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before the said 30th day of February, 1905.

MICHAEL T. NOELAN, Register.

Columbia Southern RAILWAY.

PASSENGER TRAIN TIME CARD, Effective February 15, 1905.

South-bound	STATIONS.		North-bound
NO. 7 DAILY PASS.			NO. 6 DAILY PASS.
LEAVE P. M.			ARRIVE A. M.
1:30	BIGGS	11:25
4:30	Gibson	11:00
1:54	Drake	10:52
2:14	Woods	10:45
2:27	Knollys	10:39
2:33	Susmit	10:35
2:47	Hay Canyon Junction	10:33
2:48	McDonald	10:12
2:58	De Moss	10:06
3:09	Mora	9:59
3:15	Brankville	9:32
3:44	Grass Valley	9:18
4:50	Bonny	8:59
4:16	Kent	8:55
4:26	Wicox	8:39
5:30	SHANIKO	8:30
ARRIVE			LEAVE

Daily stage connections at Shaniko for Antelope, Prineville, Bend, Burns, Silver Lake, Lakeview, Mitchell, Dayville, Antonio, Ashwood, Canyon City, John Day City, and Trout.

C. E. LITTLE, H. D. WOODBERRY, G. F. and P. A. Superintendent, Shaniko, Or.

Z. F. MOODY,

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