

# LAND RULINGS

## IMPORTANT DECISIONS RECENTLY MADE

Secretary of the Interior Decides Points of Law in Homestead and Other Cases—Some of His Opinions of Interest Here

The following law points relating to homestead and desert land entries have recently been decided by the Secretary of the Interior:

Under Section 3 of the enlarged homestead act, as construed by instructions of June 23, 1911 (40 L. D. 143), one who makes homestead entry for less than 320 acres may enter other contiguous lands, subject to the provisions of that act, which shall not, together with the original entry, exceed 320 acres.

The initial entry of public land under the homestead laws is merely a declaration of intention to acquire title to the land by performing the conditions required under the laws. By such entry a settler is protected against intrusion by other settlers but as against the Government his right is only conditional and inchoate. Citing *Whitney vs. Taylor* (158 U. S. 85, 95); *Frisbie vs. Whitney* (9 Wall., 187).

To acquire any right against the Government by such filing or entry it is incumbent upon a claimant to establish by sufficient proof, to the satisfaction of the Land Department, according to the prescribed rules, that he has fulfilled the conditions required by the homestead laws and is entitled to a patent to the land. Until such proof has been submitted and final certificate issued no right vests to claimant.

A relinquishment made by entryman intending to desert his wife and in fraud of her rights in the premises after her residence on the land for nearly five years, cannot be held to deprive such deserted wife of her rights.

The second act of June 25, 1910, (Chap. 432), condones the prior failure of entryman to maintain residence upon the land when the water has not been available for irrigation of the land, and suspends the running of the seven-year limitation of the life of the entry by allowing the period of residence to commence from the time when water is made available.

The preference right of entry accorded a successful contestant under act of May 14, 1880, does not attach until the cancellation of the entry. Until then, no right has vested and no interest has been acquired that could defeat the operation of the act of June 25, 1910. Citing *Embley vs. Lincoln Land Co.* (184 U. S. 660), and *Strander vs. Goodhue* (31 L. D. 137).

When a person claims a desert land entry as transferee and fails to file in the local land office any notice of such transfer, he is not entitled to notice of a proceeding against the entry, as provided in rule 8 1/2 of the rules of practice in force herein. (31 L. D. 527).

Where a desert entry is embraced in a township which has been suspended from all forms of entry for the purpose of resurvey thereof, the time for making proof should be extended so as to include the interval between the date of suspension and the filing in the local land office of the new plat of survey.

No company will be hereafter recognized as a beneficiary under the act of March 3, 1891, granting rights of way over the public lands and reservations to canal and ditch companies organized for the purpose of irrigation, in the absence of an application formally presented for a specific right of way; and in cases where a company claims to own existing rights of way, the department must be furnished with a full showing of the uses made of such rights of way, and the intended uses to be made of the rights of way sought in connection with those alleged to have been previously acquired, to the end that the department may determine whether the purposes of the company are properly within the intentment of the act of March 3, 1891 as amended by the act of May 11, 1898. (30 Stat. 404.)

## CURIOUS CONTRASTS.

Authors Whose Writings and Methods of Life Were Contradictory.

A man of genius when he writes a book and "all the god comes rushing into his soul" is in an abnormal state, and hence lives of men of letters have often been in glaring contrast to their writings. Montaigne tells us that he always observed superstitious opinions to be accompanied with subterranean morals. On the other hand, the most latitudinarian professors of epicureanism have often lived like ascetics or trappists. Some of the best sonnets have been written by men who never snuffed a salt water breeze, stirring war songs have been written by timid men and women who would have shrieked at the sight of a mouse, and hymns steeped in the very spirit of devotion have been written by men of doubtful morality, who were never less at home than in a Christian church. Charles Lamb was ready to wager that Milton's morning hymn in *Paradise* was penned at midnight, and we know positively that Thompson, who sang the praises of early rising in the "Seasons," used to lie abed till noon. Sir Richard Steele could discourse eloquently on temperance when he was not drunk. Woodworth in his "Old Oaken Bucket" sang the praise of cold water under the inspiration of brandy. Dr. Johnson, who wrote so well on politeness, interrupted his opponents with "You lie, sir!" "You are a vile whiz, sir!" Burns was a compound of "dirt and delfy." Rousseau, who was always filling people's eyes with tears, betrayed and slandered his benefactors in turn and sent his children to the foundling hospital. When Moore proposed to Scott to go and see Melrose abbey, as Sir Walter had described it, by moonlight, "Pooh, pooh," said Scott, "you don't suppose I ever saw it by moonlight?"—William Matthews, *Sainte-Beuve's Monday Chats*.

## HOLES IN MACARONI.

Device by Which the Hollow Strips of Dough Are Produced.

Haven't you often asked, "How do they get the holes in macaroni?" Yes, you undoubtedly have, and unless you have visited a macaroni factory you are probably still in doubt. Interesting methods are employed in bringing this food into the form in which it is placed before the public.

After the dough has been well mixed and kneaded in a powerful machine it is ready to form into macaroni, which is of a tube shape, about one-fourth inch in diameter, or spaghetti, which is a solid stick shape of about one-eighth inch in diameter. This is done by forcing the dough under hydraulic pressure through a cylinder with a flat circular bronze die or mold at the bottom. The macaroni die is full of holes about one-fourth inch in diameter, and each hole has a small pin in the center of it, which is attached to one side of the hole. This pin forms the hole in the macaroni and divides the dough on one side as it starts through the hole, but before the dough reaches the end of the hole the divided side comes together and remains so, making a perfect tube. The spaghetti die contains only plain holes about one-eighth inch in diameter arranged in groups. When macaroni and spaghetti come from the presses or cylinders they are cut into certain lengths, the length depending upon whether the curing or drying is to be done on trays or by hanging over rods.

In curing or drying macaroni the length of time varies according to the process employed and to atmospheric conditions outside the factory and the standard of quality maintained. Some makers require only three days, while others take as many as six days—*Omaha Bee*.

## American Sunshine.

Until a man has made the experiment it is impossible to believe how vivid and how severe on British eyes is the glare of the American sun, and also how impossible it is to master how strong British prejudices may be in that regard to pay out in the coat which all the traditions of Scotland prescribe as decent. Very soon the Briton going in America will have cast from him that worse than superfluous garment and will be going with light heart and light raiment—so called "in shirt sleeves"—like the American himself—*London Globe*.

## Superior.

Little Nelly told little Anita what she termed a "little fib."  
Anita—A fib is the same as a story, and a story is the same as a lie.  
Nelly—No, it's not.  
Anita—Yes, it is, because my father said so, and my father is a professor at the university.  
Nelly—I don't care if he is. My father is a real estate man, and he knows more about lying than your father does.—*United Presbyterian*.

## Fully Impressed.

"I see your daughter is engaged to be married."  
"At last."  
"I hope she realizes that marriage is a serious thing."  
"You bet she does. We thought she'd never land this boob."—*Louisville Courier-Journal*.

## How It Went.

"I hear you won a fifty dollar prize."  
"I did. And I have already loaned out \$100. Invested \$200 in schemes and alienated \$3,000 worth of other friends."—*Pittsburg Post*.

## Dodges Trouble.

Rhobs—Borrowell is the sort of fellow who is always looking for trouble.  
Rhobs—Oh, I don't know. He is always anxious to dodge a creditor.—*Philadelphia Record*.

## THRESH ON TUMALO

Foster Machine Has Been Busy in That Neighborhood Recently

TUMALO, Nov. 7.—The Foster threshing machine is doing business in this neighborhood, having threshed all the grain in the Squaw Creek country. Mr. Foster reports that he will have considerable grain to thresh on his return to Powell Butte. He will run his machine for some time yet. To outside people it seems strange to see a threshing machine running this time of year.

Ellis D. Edgington is butchering cattle and delivering beef to Bend.

C. Pederson, who has been a very sick man for some time, is able to be out and around again.

There is considerable complaint about the condition of the road between here and Bend, and unless it is improved the new town of Deschutes will get a large part of the trade of this community, the road to that town being in fine shape.

George Higginson and Henry Schumacher were doing business in Bend one day this week.

Forester H. E. Smith has completed his work out here and returned to Bend.

## Pockets Make the Man.

Mrs. John Lane, in a volume of essays called "Talk of the Town," takes an ingenious way to prove that mentally woman is superior to man.

Just consider: The most ordinary kind of man has at least a dozen pockets, while a woman of transcendent intellect generally has none, or, if she has one, it is where she can't get at it. Now, try to imagine a man doing his errands with a purse, handkerchief and shopping list in one hand, the tail of his skirt in the other, his umbrella under one arm, meanwhile making an effort to keep his head clear for business problems and at the same time keeping a wary eye out for motors. He couldn't do it! There really is no doubt that man owes his superiority to women entirely to his pockets.

## Joyousness.

If ever there is need of joyousness and good cheer in our words and looks and demeanor it is when we feel just like it and when others about us are most likely to be helped by it.

## Home Made Goods Served.

The pastry we serve is strictly home made and the best. Try it and you will be convinced. The Palm.

FOUR BARBERS (every one skilled) now required to serve the many patrons of the Innes & Davidson barbershop. You'd better join the throng of pleased clients of this shop.

TAKE YOUR Sunday dinner at the Hotel Bend. Chicken served, 25¢

## Best in Town.

The Star Dry Cleaning House, with A. L. French, does all kinds of cleaning, pressing and repairing of clothes in a neat manner and at reasonable prices. Ladies' work as well as men's done. Satisfaction given and work promptly done. A trial will convince you. 271f

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
October 10th, 1911.  
Notice is hereby given that Frederick W. Lovvoren, of Tumalo, Oregon, who, on October 10th, 1908, made desert land entry, No. 300, 301 and 302, for 160 1/2 ac., sec. 7, 8 & 9, T. 12 N., R. 12 E., S. 10, Township 12, South Range 12 East, Willamette Meridian, has filed notice of intention to make final desert proof to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at his office at Bend, Oregon, on the 21st day of December, 1911.  
Claimant names as witnesses: Oliver C. Pullman, John M. McKinney, Joseph Olsson and George Higginson, all of Tumalo, Oregon.  
32-35 C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
September 14th, 1911.  
Notice is hereby given that Mabel A. Roberts, formerly Mabel A. Roberts, of Bend, Oregon, who, on April 2nd, 1908, made homestead entry, No. 2050, for 160 1/2 ac., section 26, township 20 South, Range 10 East, Willamette Meridian, has filed notice of intention to make final commutation proof to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at his office at Bend, Oregon, on the 21st day of December, 1911.  
Claimant names as witnesses: Henry C. Mule, Carl E. Morris, George W. Knapp and Oles H. Henkle, all of Bend, Oregon.  
32-37 C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
September 14th, 1911.  
Notice is hereby given that Ethel B. Roberts, of Bend, Oregon, who, on April 2nd, 1908, made homestead entry No. 2050, for 160 1/2 ac., section 26, township 20 South, Range 10 East, Willamette Meridian, has filed notice of intention to make final commutation proof to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at his office at Bend, Oregon, on the 21st day of December, 1911.  
Claimant names as witnesses: Henry C. Mule, Carl E. Morris, George W. Knapp and Lewis H. Reddick, all of Bend, Oregon.  
32-37 C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
October 26th, 1911.  
Notice is hereby given that, as directed by the Commissioner of the General Land Office, under provisions of Act of Congress approved June 27, 1906 (34 Stat. 517), we will offer at public sale, to the highest bidder, at 2:30 o'clock a. m. on the 21st day of December, 1911, at this office, the following described land: NW 1/4, Sec. 24, T. 12 N., R. 12 E., S. 10, No. 300.  
Any persons claiming adversely the above described land are advised to file their claims, or objections, on or before the date designated for sale.  
34-29 C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
November 1st, 1911.  
Notice is hereby given that M. Roberts, of Bend, Oregon, who, on October 21st, 1908, made homestead entry No. 2700, for 160 1/2 ac., section 27, Township 20 South, Range 12 East, Willamette Meridian, has filed notice of intention to make final commutation proof to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at his office at Bend, Oregon, on the 21st day of December, 1911.  
Claimant names as witnesses: William J. McConnell, John F. Wolff, Oscar C. Henkle and George W. Knapp, all of Bend, Oregon.  
35-33 C. W. MOORE, Register.

## NOTICE FOR PUBLICATION.

Department of the Interior,  
U. S. Land Office at The Dalles, Oregon,  
November 1st, 1911.  
Notice is hereby given that Henry C. Mule, of Bend, Oregon, who, on October 21st, 1908, made homestead entry No. 2700, for 160 1/2 ac., section 27, Township 20 South, Range 12 East, Willamette Meridian, has filed notice of intention to make final commutation proof to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at his office at Bend, Oregon, on the 21st day of December, 1911.  
Claimant names as witnesses: William J. McConnell, John F. Wolff, Oscar C. Henkle and George W. Knapp, all of Bend, Oregon.  
35-33 C. W. MOORE, Register.

# Sewing Machines

We Carry the Zenith and Melville.

Zenith . . . . . \$40.00  
Melville . . . . . \$25.00

The Zenith Sewing Machine is as fine a machine as money can buy. IT HAS NO EQUAL. The Melville is as good as any \$40 machine on the market.

## Skuse Hardware Company

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# Announcement

## The Bend Milling & Warehouse Co.

Is now open and ready for business. We buy and sell all kinds of

## GRAIN

both wholesale and retail. Call at our mill and save money. Will start grinding about Nov. 20, 1911.

If you have anything to sell come and see us; if you want to buy, we can save you money. Our motto: "Live and let live."

## Bend Milling & Warehouse Co.

## WHEN IN BEND STOP AT THE PILOT BUTTE INN

Table always supplied with the best that the town affords. Neat and Comfortable Rooms. BEND, OREGON

## Short and Direct Route to Portland and Other Western Oregon Points



...From...  
**BEND**  
Redmond and Central Oregon

VIA THE DESCHUTES BRANCH OF THE Oregon-Washington Railroad & Navigation Co. Through Car Service from Bend to Portland.

## Daily Train Schedule:

Leave Bend . . . . . 6:30 a.m.	Ly. Portland 7:50 & 10:00 a.m.
" Redmond . . . . . 7:21 a.m.	" The Dalles 12:40 p.m.
" Opal City . . . . . 8:00 a.m.	" Deschutes Jet. 1:30 p.m.
" Metolius . . . . . 8:22 a.m.	Arrive Madras 5:45 p.m.
" Madras . . . . . 9:00 a.m.	" Metolius 6:00 p.m.
Arr. Deschutes Jet. 1:15 p.m.	" Opal City 7:06 p.m.
" The Dalles . . . . . 1:55 p.m.	" Redmond 7:45 p.m.
" Portland . . . . . 5:45 p.m.	" Bend 8:35 p.m.

For further information call on any O.-W. R. & N. Agent or write to

WM. McMURRAY  
General Passenger Agent, Portland, Oregon.



## Go Journeying East

There'll be so much to tell about when you get back after a vacation trip East on the Great Northern Railway, through the Rockies at sunset, with the west world bathed in colors, as you view it from the commodious observation platform on the

# Oriental Limited

the perfect through train to St. Paul, Minneapolis, Chicago. The Lake Park Region of Minnesota possesses sylvan charm, and the glorious Great Lakes trip carries you through a land of enchantment to great cities in the East. Get folder, "Eastern Trips for Western People" and information about Special Round-Trip Summer Fares. Call on or address

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