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LAND RULINGS OF IMPORTANCE

DECISIONS RECENTLY MADE.

Secretary of Interior Decides Cases of Interest to Homesteaders and Other Government Land Claimants

The Secretary of the Interior has recently decided a number of important land cases of interest to homesteaders and others, a digest of which is given herewith:

Homesteads.
The department is without authority to extend the life of an entry and permit the entryman to make compliance with the laws to either residence or cultivation, subsequent to the expiration of the statutory life thereof.

Where lands which have been withdrawn from all disposition are restored to entry, no application will be received or any rights recognized as initiated by the tender of an application for any such lands until the order of restoration is received by the local office. Citing George B. Frost (38 L. D. 146).

The act of 1908, providing for second entries, has no retroactive effect which will operate to cure a defective right based upon a claim of prior settlement and at the same time cut off and defeat the assertion of a superior adverse claim. In other words, one disqualified to initiate a valid settlement right cannot claim the privilege of having his status as an entryman determined as of the date of his application to protect such invalid settlement right. The right will only be protected from the date the impediment to its initiation is removed and the right attaches.

The act of February 15th, 1911, extending time of residence in certain states is a remedial statute and should be construed liberally. Therefore, the same covers a period of time from December 1st, 1910, until May 15th, inclusive.

Desert Lands.
Act of June 23, 1910, providing

for assignment of entries or parts thereof, made within reclamation projects under act of June 17, 1902, covers only those claims wherein the entryman has satisfactory proof of residence, improvements and cultivation for five years, required by the act.

A successful contestant does not acquire any pecuniary rights. He is entitled to a period of thirty days from notice of the cancellation of the entry within which to apply to enter the land, but the payments made by the former entryman cannot be credited to him, nor is he entitled to the lower rate per acre for building charges, but must pay the charges obtaining at the time his application to make entry is filed.

One who makes desert entry of public lands must clearly show, in submitting proof, not only that he has the right to a sufficient supply of water to successfully irrigate the lands, but that the system of ditches is adequate for that purpose, and also that the necessary supply of water has been actually used on said lands in a manner to prove the beneficial results.

Final Proof.
The register will be held liable for the costs of re-publication of final proof where an error in description of land is made by him. The record is in possession of the register and he should see that the descriptions are correct before directing publication. Published instructions of August 11, 1909 (35 L. D. 131). Affirmed.

Where the proof as to residence is weak, but there is strong proof of cultivation of the land to added area and with increasing yield of crops each year, and evidence showing a persistent effort to maintain an actual home upon the land, the proof will be deemed sufficient.

The law permitting cash entry of timbered and non-timbered lands does not fix a definite period for making final proof. However, it must be reasonable and made within seven years from date of entry, as in ordinary homestead entries has been considered as the limit of time, which may properly be allowed for the making of final proof of entries of this class.

Practice.
A contest affidavit filed against a desert land entry during the pendency of an application for extension of time under the act of March 28, 1908, should allege facts tending to overcome the prima facie showing of right to such extension. Citing Hoobler vs. Treffry (39 L. D. 557).

The entryman's rights to such extension of time is prima facie, by reason of the mere filing of the application, and the burden of proof is upon contestant to controvert the

facts set forth in the application for extension of time.

A motion to dismiss an appeal will not be granted, where it appears that the interests involved are large and the United States is in truth and in fact a party in interest, but will be disposed of on its merits.

ENLARGED HOMESTEAD LANDS

During January more than 30,000 acres of land in Oregon and Montana were recommended by the United States Geological Survey for designation as enterable under the enlarged (320-acre) homestead act, and 23,987 acres previously designated under this act were reported to the Secretary of the Interior as not enterable and canceled as such, detailed examination having shown the lands to be susceptible of irrigation. The total area on January 31, 1912, which had been classified by the survey as enterable under the enlarged homestead act was 199,476,954 acres.

EXPERT IS DETAILED

Government Man Will do Agricultural Work in Oregon.

PORTLAND, Feb. 29.—The United States Department of Agriculture offered to detail a thoroughly competent man to devote all his time to expert assistance in agricultural matters in the various Oregon communities if they would stand one-half the necessary expense. Because of the necessity of taking immediate action, R. B. Miller, Traffic Manager of the O.-W. R. & N. Co. offered to assume the expense and Secretary Wilson has stated that the man detailed to Oregon would begin his work about July 1.

This will give Oregon the services of two men doing this kind of work. The O.-W. R. & N. Co. has already had its own expert in the field for several weeks instructing farmers, fruit growers and gardeners in the subjects of crop rotation, stock raising and diversified farming. The work of two such experts, supplemented by the operation of demonstration trains and the efforts of the Oregon Agricultural College, it is asserted will result in great and permanent development of the agricultural interests of the state.

Agent for Spirilla Corsets.
Ladies of Bend and vicinity will be pleased to learn that the Spirilla Corset Company has an agent here now. Anyone desiring to place an order for this made-to-measure corset should drop a card to Mrs. L. A. Willard, Bend.

BULL RING ANTICS

Mexican "Sport" as Viewed Through American Spectacles.

TACTICS OF THE TOREROS.

They Were Better Runners Than Fighters and Displayed More Courage Than Bravery—Mirth That the Natives Couldn't Appreciate.

"Thank you, Aguirre, but I hardly think I want to see one of your bull fights. I have heard enough about them to make me sick of the thought." I had seen every other kind of fight, from messenger boys up to bull moose and buffalo, and Aguirre felt that I would forever regret it if I left Mexico without at least once witnessing the national sport.

I reluctantly consented to accompany him, and after our dinner, instead of taking the usual siesta, we went to the ring. I had often read the stories of such fights, and after the series of three had been finished I wondered if any writer had ever taken the trouble to describe the ridiculous and funny stunts that crop out during the course of the fights.

The first bull that was released went through the ordinary course of sprouts, first going a broken down race horse which had seen service on many of the tracks in the States and was used in the bull ring only because he was a thoroughbred. Finally the bull was put to death by a stab between the shoulders, which paralyzed his spine.

The second entrant was a little black fellow full of fire, which had been especially raised on the big ranch of Governor Tirrazos. Between the toril (pen) and the ring there was a short alley, just wide enough to allow the bulls to get through without rubbing the hair from their flanks. Leaning over the boards which formed the sides of the passageway was a Mexican negro, who, when the little bull was shoved out of the toril, jabbed a fishhook "larbo" into his left shoulder, which maddened the animal to such an extent that he hardly knew which way to turn, so eager was he to locate his enemy.

The crowd at this time was going mad and from all sides could be heard frantic cries of "Cobardo, podrido, putrefaccion" (coward, rotten, rotteness), and "El toro es muerto" (the bull is dead). On the contrary, he was very much alive and showed it a few moments later. After he was chased into the toril the torero, whose name was Albertis, appeared before the president's box, as is the custom when a failure is made, to explain himself and ask for another chance before he was condemned. The opportunity was given, and the result was only a repetition of the former attempt, except that the bull was prevented from catching him by helpers who were armed with long pikes and prevented the beast from scaling the fence.

Springing ten or a dozen yards toward the center of the ring, the frenzied creature stopped short, spread his front feet out as far as he could and maddly pawed the ground. In his shoulder the wicked barb still stuck, and to it were fastened a big yellow rosette and a half dozen red streamers trailing the ground.

Presently a volunteer novice torero (bullfighter) on foot jumped over the fence on the north side of the ring and advanced a few feet toward the defiant bull. One moment the torero's red trowsers dangled and the bull became a demon. With head down he rushed at the novice, who meanwhile had lost his nerve, for he stood quaking with fear when he should have been advancing to meet the onrushing animal. When the latter was only twenty yards away the volunteer dropped the trowsers and espada swords and put for the fence as fast as he could go. The fence was about four feet high, and the torero cleared it in a straight way dive.

The poor bull was not so fortunate, although he was game enough to attempt the fence in his mad effort to catch his tormentor. He landed on top of the boards and stuck there, with his hind legs in the air, until he was released by some attendants who ventured from the other side of the ring.

I took a heap of fun out of the antics of my little hero, the bull, and was having a good laugh all to myself while the mob was going wild with disgust at the cowardice of Albertis when Aguirre advised me to suppress my mirth or there would be trouble for both of us.

When Aguirre was restored the little black bunch of muscle, brown and grist was brought into the enclosure for the third time, but it took the efforts of two toreros (bullfighters) on horse back and a professional foot fighter to beat him, and his defeat was then due only to the fact that he was exhausted. Aguirre told me that it was his habit in Mexico to laugh at anything—a bullfight but the death of the bull, but I remarked to him that in all America he would not find a gringo who would not instantly grasp the funny side of that particular bullfight and carry it home so that others might laugh too.—Denver Republican.

The Reluctant Request.

Edgar—Ethel, I've left my umbrella downtown Ethel—Well? Edgar—I'm afraid you'll have to lend me the gold handled umbrella you gave me on my birthday.—Detroit Free Press.

Commonly we say a judgment falls upon a man for something in him we cannot abide.—Seiden.

LECTURE MONDAY NIGHT.

Miss Belle Kearney, who will be in Bend Monday night as the fourth number in the Lyceum course, is a talented speaker and writer. Whenever she goes who wins much praise. Rev. M. R. Drury, president of the United Brethren College at Philomath, Ore., under date of Jan. 27, sent this word to the bureau agent: "Miss Kearney was with us last evening and our people were more than pleased with her lecture on 'Old Days in Dixie.' They were delighted."

REDMOND PLAYER RELEASED

SPOKANE, Wash., Feb. 16.—Two future greats of the baseball diamond were lopped off the Spokane payroll yesterday, when Joe Cain released Hamilton, a promising young first baseman of Redmond,

HOTEL TAGGART

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Ore., and Red Walsh, a pitcher from Liberty Lake.

Some Fine Seed.
H. J. Eggleston has just received a fine lot of field and garden seed. In the lot is some of the best seed oats ever seen here, as well as clover and imported alfalfa. Get your order in early before the supply is exhausted.

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