

COURT UPHOLDS OPTION SALES

DECISION IN LA PINE CASE

Deschutes Land Company Wins Its
Fight With Governor West and
Desert Land Board—Supreme
Court Sustains Morson.

(Special to The Bend Bulletin.)

SALEM, Feb. 17.—In a decision of the Supreme Court handed down last week in the case of the state against the Deschutes Land Company of La Pine, involving the right of the company to sell "options" on the land embraced in the Carey act project in Crook county before the lands were actually reclaimed, the court decides in favor of the company and affirms the decision of the lower court in dismissing the suit.

The decision is of great importance to every section of the state which has a Carey act project for which the contract with the state was made prior to the legislative enactment of 1909, amending the state's laws relative to the desert land's authority in handling such lands.

Governor West made the fight against the Deschutes Land Company, using every means to force J. E. Morson, president of the company, to cease selling any contracts or options on the lands that his company was reclaiming. When Morson refused to stop selling his options, a suit was brought in the Multnomah county circuit court by the attorney general, upon the instruction of the desert land board, to enjoin the Deschutes Land Company from selling options on the ground that the company was violating a provision of its contract with the state. The lower court dismissed the suit and the state appealed.

Land Board Without Power.
In the opinion of the higher court, which was written by Judge Burnett, it is held that the desert land board, under the laws in force prior to 1909, had no right to insert a clause in the contract with the company which would prohibit the company from selling such contracts or options.

"The general scope and purpose of the Carey act and of the state legislation supplemental thereto was to encourage the reclamation of desert lands so that the same should become inhabitable," says the court's opinion. "There is no intimation in any of the legislation noticed that alienation of lands should be hindered or impeded. Both the national legislation and the state law authorized the contracts and agreements that may be necessary to induce and cause such reclamation."

"The Oregon statute itself prescribes this in general terms and in addition thereto lays down with particularity the condition which shall be included within the contract with any person or corporation desiring to undertake a reclamation project, but it does not authorize the board to insert any provision restraining the alienation of the contractor's lien or accessory interest in the lands conferred by the statute."

"On the contrary, section 10 of the act prescribes that any citizen desiring to purchase any unsold quarter section of desert land on which is a lien for the cost of reclamation shall be entitled to purchase the same on

the terms therein specified.
"In our judgment the provision of the contract upon which the state relies in this suit is inconsistent with the provisions of that section just noted and hence it is in plain excess of the authority of the board conferred by the statute in force at the time the contract was made. Being a departure from the board's authority and thus contrary to the statute, he provision is void and does not bind either party to the instrument because a contract to be efficacious must be equally binding upon both parties. The defendant had a right to contract to do in the future what might legally be done under the provisions of this section."

EIGHTH GRADE GRADUATES

List of Those Who Passed Examination Announced by Supt. Meyers.

County Superintendent Meyers has furnished the following list of eighth grade graduates in the county:

District 1.—Reta R. Newton, Gusie O'Neill, Elva H. Miller, Dottie Poindexter, May Erickson, Gladys Dayn, Prineville.

Dist. 2.—Ralph Christian, George Taylor, Prineville.

Dist. 3.—Pearl L. Russell, Prineville.

Dist. 10.—Floyd Osborn, Culver.

Dist. 11.—Vernon A. Chitwood, Oritsly.

Dist. 22.—Leita Benaler, Madras.

Dist. 32.—Hert Robinson, James Grant, Margaret Leach, Ada Mitchell, Lamonta.

Dist. 35.—Dora A. Gould, Roberts.

Dist. 36.—Nellie Cram, Youngs.

Dist. 37.—Vivian Garlock, Edith Farguharson, Haybrook.

Dist. 48.—Flora Hammach, Prineville.

Dist. 49.—Arthur Disney, Vanora.

Dist. 54.—Pauline Truesdale Dewey Johnson, Powell Butte.

Dist. 57.—Clifford McKenzie, Paulina.

Dist. 68.—Marvel Akeyson, Madras.

Dist. 72.—Hattie Frost, Powell Butte.

Dist. 74.—Calvin Sherman, Barnes.

RECORD OF TRANSFERS

Deeds and Other Instruments Filed With County Clerk at Prineville.

C. V. Silvis to P. W. Brown, lt 20, blk 4, Bend.

The Bend Park Co. to J. L. Hills, lt 21, blk 114, first add. to Bend Park, \$140.

Bend Park Co. to Mary Levy, lt 8, blk 113, first add. to Bend Park, \$140.

Henry A. Miller to Dwight M. Davis, half interest in lots 1 and 2, blk 8, Bend.

Joe Innes et al to Harry E. Jones, commencing 436 feet south of ne corner of ne 1/4 sec. 32-17-12, w 200 feet, e 200 feet, n 200 feet.

John B. Wimer to George W. Wimer, et al, one-fourth interest in the se 1/4 nw 1/4, sw 1/4 ne 1/4, nw 1/4 se 1/4, sec. 32-16-11.

La Pine Townsite Co. to Dwight M. Davis, lt 34, blk --, La Pine, \$200.

E. B. Summy to Mary Slater, lt 4 of sec. 31-17-12, nw 1/4 nw 1/4, sec. 6, 18-12, \$2650.

Bend Park Co. to John J. Lucey, lt 4, blk 113, first add. to Bend Park, \$200.

H. J. Overturf to W. C. McCushton, lt 2, blk 27, Bend.

Gertrude Markel to William Markel, n 1/4 nw 1/4 of ne 1/4 of sec. 4-18-12, \$1000.

Taming a Fox.

Foxes as a rule are treacherous and shy, yet I soon found that they responded to gentle treatment and affection. I became quite friendly with four foxes and used to go in and out of their cage several times a day and invariably took with me a handful of raisins. I found they were very fond of any sweet fruit, especially raisins, and it was not long before they would eat them freely from my hand. At first I had to approach cautiously and not dare to attempt to place my hand on them. But by and by I petted them almost as freely as I would a dog, and they ceased to show any fear in my presence. It was the same with the coyotes and the lynxes or wildcats.—Detroit Free Press.

List your farm and city property with me. I will make an honest effort to sell it. C. V. SILVIS—Adv.

GOVERNMENT PUTS ITS O. K. ON MORSON WORK

Special Agent Reports Result of Investigations Into Charges That Company Was Missing Mails.

(Special to The Bend Bulletin.)
SALEM, Feb. 17.—After making a thorough investigation of the operations of the Deschutes Land Company, of which J. E. Morson is president, Edward W. Dickson, the government agent, has sent a report to the department of the interior completely exonerating the company from any taint of shady conduct.

He began last November the work of checking over the company's reports and books and states that he found the records complete, with the exception of a few clerical errors that are always to be expected. The books showed that the amount of money received from the sale of contracts and options on the land being reclaimed by the company's project and accounted for its expenditure.

Between 16,000 and 17,000 acres of land had been sold on contract, for which \$220,000 had been received. This was all accounted for.

The investigation was brought about by the antagonism of Governor West to Mr. Morson and the governor's reports to the government when Morson refused to file a public report with the desert land board as to the condition of the company.

Then the company's plan of selling options on the land in the project was attacked by the governor. It was alleged that the company was making misuse of the mails. The special agent's report says there's not the slightest ground for a charge that the company was making misuse of the mails in advertising and negotiating the sale of the options.

Dickson's report states that there is no ground for the government to longer withhold from the company the title to the Crescent lake reservoir site. He reports that with a little more work the company can put water on about 10,000 acres for the coming season.

Dickson paid considerable tribute to Mr. Morson personally by putting in his report an account of the instances where he refunded to option holders, who had become discouraged with the delay caused by the fight being made on the company, the money they had paid in. This amounted to about \$12,000.

HOMESTEADER BUYS CLEARING EQUIPMENT

Leaves For Claim With Traction Engine and Outfit With Which to Bid Land of the Sagebrush Growth.

Headed for his homestead south of Burns, C. L. Austin, with an equipment valued at approximately \$3000 consisting of a new 20-horsepower traction engine and two trucks, loaded with water pipe, tools, disc harrow and canned goods, left Bend this week for his 150-mile journey across the prairie. For the past two weeks Mr. Austin has been packing his freight on the trucks and building a room on one of them in which he and his wife will eat and sleep during the trip. He estimates the weight of his load at about 16,000 pounds.

Mr. Austin has spent nearly two years on his homestead. About a month ago he went to Portland and purchased tools and machinery to clear and work his land, and with his equipment he will also hire out to neighboring ranchers several of whom, he says, have already contracted for his outfit to help in clearing their land more quickly. He expects to more than earn back the money invested in the machinery and implements during the coming summer and fall.

BAILEY MAKES TRIP.

George M. Bailey, president of the Northwest Townsite Company, with W. P. Davidson, head of the Oregon & Western Colonization Co., arrived here Saturday night after completing a swing through the properties in which Mr. Davidson is interested which took them into Harney county. There is a rumor that Mr. Bailey's organization may become interested in at least a portion of the colonization company's land grant.



Cheap Electric Power To Manufacturers

The Bend Commercial Club stands ready to aid any bona fide enterprise that will locate here. We can help you get a location and cheap power. Tell us what you want and we will tell you what we have.



BEND WANTS PAY ROLLS

Cook

With Electricity

This is the ideal method for cooking in summer. No hot kitchen—no dirt. We have a low rate for this service.Ask us about it.

Bend Water Light & Power Company

CORRETT

**SPECIAL
SUNDAY
DINNER**

5 TO 7 P. M.



Elaborate five course menu—complete in all details.

50c Per Plate

CORRETT

50c-on-the-\$1 SALE

In order to make room for a big stock of NEW DRY GOODS, I am selling all my SHOES, HATS and GENTLEMEN'S FURNISHINGS at HALF PRICE. I am also putting in a full stock of Staple and Fancy Groceries and Kitchenware. It will mean money to you to trade here.

The Same Old Reliable

E. A. SATHER