

GOVERNMENT TO COOPERATE

OFFERS TO AID IN TUMALO PROJECT

President Will Be Asked to Set Aside Not More Than \$450,000 From Reclamation Fund to Be Used in Carrying Work to Completion.

While the state's appropriation of \$450,000 for the Tumalo project is being held up by the injunction proceedings brought by a Salem lawyer, the Federal government comes forward with an offer to co-operate with Oregon in this important work. In this connection, F. H. Newell, director of the reclamation service, has sent Governor West the following message:

"In pursuance of the suggestions made by the chairman of the Oregon Conservation Commission, the matter of cooperation with a view to the possible construction of the proposed Columbia Southern Carey act project, now known as the Tumalo project, has been considered by the Secretary of the Interior, and on June 7 he approved a recommendation of the Reclamation Service that if investigations now proposed under the cooperative contract show that the construction of the proposed Tumalo project is feasible and that there are no insuperable legal obstacles, the President will be asked to set aside in the reclamation fund a suitable amount, not exceeding \$450,000, to cooperate with the state of Oregon in accordance with the provisions of the reclamation act of June 17, 1902, in connection with the construction of said project."

The Desert Land Board held a meeting at Salem Monday night to consider the announcement from Washington, but until the Supreme Court has rendered its decision nothing can be done. L. H. McMahan, who is fighting the case, stated to the board that, while he still believed the act unconstitutional, the report that the Federal government would contribute the same amount put another phase to the question. He, however, showed no disposition to withdraw his suit, which was decided against him by Circuit Judge Gallogay, again declaring that the Legis-

lature had no right to appropriate money contributed by all the people for the benefit of any one class. Attorney General Crawford explained that the money which the government proposed to donate could be used in construction of part of the dam, and the rest in irrigating land adjoining that irrigated by the state. He said that the funds could not be used jointly because of the necessity of both the state and Federal government having first mortgages on the land.

McMahan and the attorney general agreed to prepare briefs at once and the Supreme Court will be asked to hear argument either Friday or Monday and give a decision as soon as possible.

McMAHAN LOSES FIRST HEARING

(Continued from Page One).

stitutional as being in violation of section 23 of article 4 and section 7 of article 11 of the constitution of this state.

"Among other authorities referred to, the court is specially cited to the case of Sears vs. Steel, commonly known as the Crater Lake road case. In sustaining his contention that the act in question is special and local, and therefore void under section 23 of article 4 of the constitution. Plaintiff further alleges that the act under consideration pledges the credit of the state and incurs an indebtedness exceeding \$50,000, which is in violation of section 7 of article 11 of the constitution.

Act of Public Character.

"The attorney general, on behalf of the defendants, secretary and state treasurer, denies these allegations of the learned counsel who acts in his own behalf and claims the act in question is not special and local but of a public character and for the benefit of the people of the state. The state is not obligating its credit nor guaranteeing the obligations of private individuals or corporations nor is the state incurring indebtedness exceeding the limits placed by the constitution in carrying out the provisions of the act in question. The court was cited to section 3860 L. O. L. accepting the provisions and conditions of the Carey act and other legislative acts, which in connection with the act under consideration is but carrying out a contract entered into between the state and the United States, under the provisions of the reclamation laws of the contracting parties.

"Acts of Congress August 18, 1894, 28th statutes, and acts amendatory thereof authorizing a lien on arid land by the state, also act of Congress March 31, 1910, extending time in which the state might reclaim the segregated arid lands are also cited.

The acceptance by the state of the benefit of the Carey act is claimed to commit the state to the reclamation of its arid land, and that expenditure of public funds for such purpose is not in violation of the constitution. In fact, the keynote of the attorney general's argument is the legality of the state to engage in the work of internal improvements and to appropriate money raised by direct taxation therefor when the measure is of a public character such as the reclamation of the state's arid land; and that nothing in the constitution prohibits the state entering upon such a policy.

"First in order for the court's consideration is the case of Sears vs. Steel. In this case \$100,000 had been appropriated to aid in building a road within Jackson and Klamath counties from Medford to Klamath Falls via Crater Lake, conditioned that each county appropriate \$50,000 toward said project, thus enforcing unequal taxation between the counties of the state, clearly in violation of the constitution prohibiting the passage of local and special laws for laying out, working or supervising highways. It is further held in this very able opinion by Justice McBride that a statute making an appropriation for the construction of a state road and permitting the county court of the counties through which the road runs to lay a burden on the taxpayers of the county, not shared equally by the taxpayers of other parts of the state is local and in violation of section 23 of article 4 of the constitution.

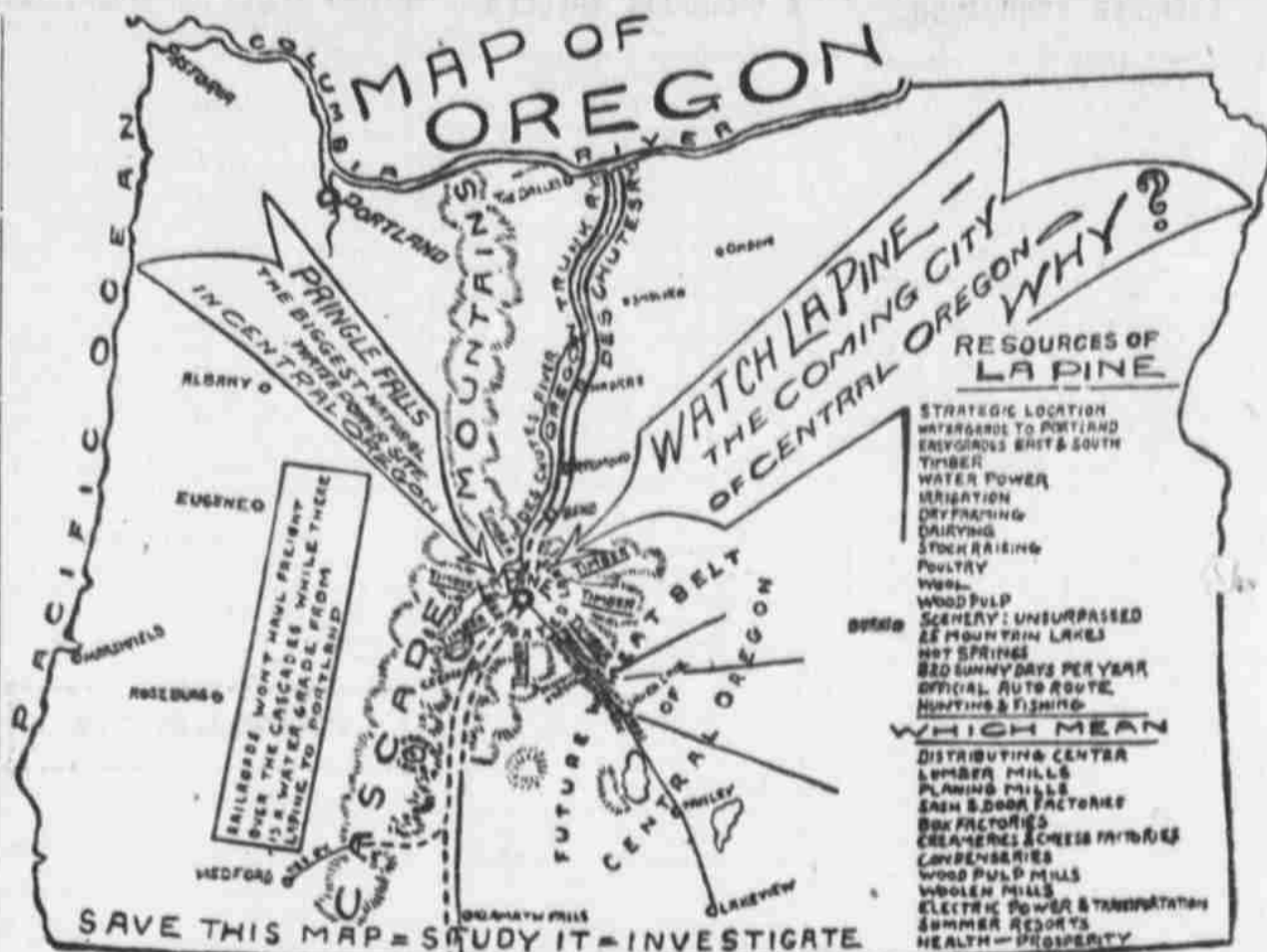
"Under the Carey act and the acceptance of its provisions under section 3860 L. O. L. the state comes in possession of its arid lands for reclamation, with a lien on said land for all expenditures made therefor under the supervision of the desert land board. Under the provisions of the act in question both principal and interest is to be eventually returned to the state. We are unable to see the analogy in the case at bar with what is known as the provisions of the Crater Lake road case.

"A Wise Policy."

"The real question before the court is, Can the state, acting under a wise policy of internal improvement, reclaim its arid land for the benefit of all the people; or must this all-important work be left in the future as in the past to the ineffectual operation of private enterprise?"

"The court is of the opinion that a more wise and progressive policy should prevail and that Chapter 119 of the general laws of the session of 1913 is not in violation of the limitation of the constitution as alleged in the complaint. This suit is therefore dismissed with costs to neither party and it is so ordered."

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You Should See La Pine

and its surrounding country. The land is a rich, deep volcanic ash formation, no rock, is level, has good drainage, and excellent drinking water never deeper than 20 feet. The irrigated land with a perpetual water right can be purchased at \$50.00 per acre on easy terms. The surrounding pine covered mountains are full of natural wonders - and just the place for a vacation. La Pine is only about two years old, but growing rapidly. It has a telephone system, two good hotels, two big general commercial stores, a first class livery and feed stable, an excellent newspaper (the La Pine Inter-Mountain), one of the most progressive commercial clubs in the state - and this club, by the way, has its own property and the past year erected thereon an attractive club house. There are three small saw mills in the vicinity of La Pine, which is just the beginning of the big lumbering and milling business that will be done here. There are good openings to manufacturing and other business lines here. In educational matters La Pine is progressive. It has a ten-acre school park in the heart of the residence section, and now teaches up to the twelfth grade. A Catholic church will be built here this spring, and other churches are planning to establish themselves. La Pine has over 12,000 available electric horse power which the owners have commenced to develop, and which alone would build a good sized city. The big area of farm land tributary to La Pine would alone build and maintain a good sized city. The vast tracts of timber tributary to La Pine would alone build a good sized city. With the coming of the two big railroad systems to La Pine, which will be soon, development in and around La Pine will be rapid. La Pine can be reached via Gr. Nor., N. P., O. W. R. & N. and U. P. Rys. You can make money by buying property at La Pine in advance of the railroads. Others are doing it, why not YOU? WAKE UP to the fact that a solid, well-located town in one of the newest and best sections of the Northwest is bound to grow rapidly, and that property values will climb accordingly. Prices now from \$50.00 up. The terms are easy, only a few dollars per month on each lot. You don't miss the money, but you soon acquire valuable property. Write today for plat, prices and terms to

LA PINE TOWNSITE COMPANY, La Pine, Oregon.

Reliable agents, with good bank references, wanted in all parts of the United States.

NIGHT TRAIN SUNDAY

(Continued from Page One)

10 a. m. or earlier. The general delivery window will be opened daily as soon as the mail is distributed, probably between 9 and 10 o'clock. The Sunday hour, after next Sunday, will be from 10:30 to 11 a. m.

The new train will make connections at Portland for Willamette valley and Puget Sound points. For the East the nearest connection will be at Portland with the 10 a. m. train, the same train with which connection is now made at Fallbridge. J. T. Hardy stated last night that

the sleeper fare to Portland will be \$1, making the full fare \$8.45.

AT THE BEND COMPANY'S MILL

Personal and Other Short Items of Interest.

Frank Mikula, who spent the winter and spring clearing and breaking up the land on his homestead, and in seeding close to ten acres, has returned to town and is again employed at the lumber yard.

Dan McClellan has rented the house occupied by R. W. Sawyer, who

has moved to town.

J. C. Jensen, after a six days' visit at his home in Spokane, reported for duty Tuesday morning. During his absence H. B. Conaway attended to the grading for shipment.

The new gasoline logging engine which is to replace the one used by W. E. Scott was brought over via the new county bridge Monday evening and commenced hauling yesterday, but unfortunately something broke down which caused a stoppage for the time being.

If you expect good bread, you must use Bluestem Blend flour. Your grocer will have it.—Adv. 151f

HOUSES WANTED

We have so many inquiries from people wanting to rent small houses, which we cannot furnish them, that in order to encourage building to meet this growing demand we have selected a limited number of our inside residence lots which we will sell at the following prices and on very easy terms of payment:

- 20 Lots in Park Addition at \$150.00 Each
- 20 Lots in Center Addition at \$200.00 Each

These are all nice large lots---50 foot frontage and most of them 140 feet deep. Large enough for a home and a good garden. They are all available to city water and electric light and close to sidewalks. Come and see us about these lots if you want a bargain.

The Bend Company

D. E. HUNTER, Real Estate Manager