

LOTTERY PLAN BEING FOUGHT

SINNOTT TAKING ACTIVE PART

Congressman Urges That Applications That Have Already Been Made For Lands in Forests to be Opened be Given First Rights.

WASHINGTON, D. C., Nov. 16.—Congressman N. J. Sinnott of Oregon had an interview with Commissioner Tallman of the General Land Office and presented to him a number of protests against the opening to homestead entry by the lottery plan of the proposed eliminations in the Deschutes and Paulina forests in Central Oregon.

The commissioner informed Mr. Sinnott that the present disposition of the department was not to open the lands to entry under the lottery plan. Mr. Sinnott also urged upon the commissioner that a preference right of entry be given to those who have heretofore filed applications for homestead entry in the Deschutes and Paulina reserves under the act of June 11, 1906, advancing the argument that many such applicants relying on said act have been to great expense in making their applications. He informed the commissioner that a number of the applicants had sold their farms and homes elsewhere and taken their families and teamed into the Deschutes and Paulina country with the expectation of securing homesteads; that most of the applicants were bona fide farmers, inured to pioneer life, and that a great injustice would be done them if they were not given preference right in opening the reserves.

The department has not yet come to any conclusion as to what it will do in the matter of giving preference but before acting will call upon the forest service to ascertain the number and status of the applications. Commissioner Tallman doubts the legal right of the department to recognize any preference right except on applications already listed. Congressman Sinnott urged upon the commissioner the strong equitable claims of the applicants on the grounds that they were invited by the act of 1906 to make applications for homestead entry in the forest reserves and that the subsequent elimination of the lands was proof of the original merit of the applications, and saying that the applications should now be recognized on the strength of the equitable maxim that "Equity considers that as done which ought to have been done."

A Washington dispatch to the Oregon Journal of Portland says: "The General Land Office holds a card of give preference rights in the Deschutes and Paulina forests to eliminated lands unless the specified tracts applied for are listed as agricultural lands by the Secretary of Agriculture to the Secretary of the Interior, and the forest bureau does not consider that the lands are of sufficient agricultural value to warrant the Secretary of Agriculture in listing the specified tracts applied for as agricultural lands, but the matter is still under consideration."

According to C. J. Buck of Portland, as reported by the Journal—Mr. Buck is in charge of the land department of the Portland forest bureau—there have been numerous applications for lands in both the Paulina and Deschutes forests. As yet, however, government experts who have examined the lands have not come to a decision as to whether the lands are agricultural. The soil is declared by them to be of a punice stone variety.

"It is possible," Mr. Buck is quoted as saying, "that the forest bureau will determine to eliminate the lands in the event they are found to be unsuitable for reforestation purposes. By elimination neither the department of agriculture nor the General Land Office will declare the lands to be of an agricultural character, but will leave that entirely to those filing applications."

Under the law at present in force citizens are permitted to make a preferential claim upon forest lands, to hold good if the lands are subsequently declared agricultural. If, however, no decision is reached as to the character of the land, they are eliminated. The General Land Office selling means simply that the preferential rights, while holding good for agricultural lands, will not be valid for eliminated lands.

In this connection the following act recently passed by Congress will be of interest:

"That hereafter when public lands are excluded from national forests by release from withdrawals, the President may, whenever in his judgment it is proper or necessary, provide for the opening of the lands by settlement in advance of entry, by drawing, or by such other method as he may deem advisable in the interest of equal opportunity and good administration and in doing so may provide that lands so opened shall be subject only to homestead entry by actual settlers only or to entry under the desert land laws for a period not exceeding 90 days, the unentered lands to be thereafter subject to disposition under the public land laws applicable thereto.

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