

GERDETZ STILL FIGHTING

Claims Award to C. O. I. Co. Too Big in North Canal Case.

The troubles of the C. O. I. Co. over the North canal dam are still far from being settled as is indicated by a news report from Portland to the effect that J. F. Gerdetz, contractor who built the dam, has sued to restrain the collection of a judgment obtained by the company against him. The account given by the Portland Journal is as follows:

Dissatisfied with the award of a board of arbitrators, J. F. Gerdetz Saturday filed suit against the entire Oregon Irrigation Company asking that the award be vacated, that he be given such relief as was justified and that the company be restrained from collecting a judgment of \$8352.39 awarded by the arbitrators. J. B. Cleland, W. C. Lytle, and M. S. Turner were the arbitrators selected to decide between Gerdetz and the company in their trouble over a contract to build a dam and irrigation ditch in the Deschutes country. Gerdetz filed a suit a year ago against the company alleging that the company had failed to keep their part of a contract he had to construct the dam and ditch. He asks for \$18,186.52 for services rendered. The company filed suit against Gerdetz later, alleging breach of contract and asking judgment against Gerdetz's bondsmen for \$25,000, the amount of his bonds.

The suits were referred to the arbitrators and on March 7 the board found against Gerdetz, giving the company \$609.04 damages and taxing him with \$508 reporters' fees, \$1275 arbitrators' fees and \$27.35 expenses. Gerdetz alleges in his present complaint that the findings of the arbitrators as recorded do not sustain their award of judgment.

SCORES IN STATE SHOOT

Condon Keeps Head out of Last Place Joseph Club in the Lead.

The total made in the Gun Club shoot Sunday was 105. C. E. Roberts being high gun with 24. The other scores were F. Dibble 22, H. W. Skuse 22, F. Wilkie 21 and E. Myers 19.

Sunday's event was the fourth in the state series. The scores in the first two shoots as furnished by the recording official were as follows:

Feb. 8 Feb. 22	
Joseph	110
Salem	110
Condon	94
Grants Pass	113
Corvallis	109
Eugene	114
Bend	101
Donald	116

SWEET PEA SHIPMENTS STOP.

With the coming of spring weather in the Willamette valley M. G. Coe has found it unprofitable to continue the shipment of sweet peas to Portland and has stopped. Mr. Coe has been engaged in this business since the first of the year and has sent to

Portland dealers in that time some 15000 sweet peas, receiving 75 cents a hundred for them. Speaking of this work, Mr. Coe said, "The reason I can do this business profitably here is because of the amount of sunshine we have compared with valley points. Sweet peas need a great amount of sunshine and we have it here for them."

Should you not wish to come for a shine just leave your shoes. Our Mr. Ed Llewellyn of Seattle is an expert. Open Sundays for births and shining. THE METROPOLITAN.—Adv.

STATE EXPERTS REPORT ON COUNTY

(Continued from page 6.)

have these ownership plats to find proper owners to collect of.

"As the delinquent taxes are no longer required to be published by law, to properly protect the innocent taxpayer as well as the county in case of sale of certificates of delinquencies the need of this ownership record is absolutely necessary as a guide for the tax collector to work from as well as the assessor in making his assessments. I have recommended to the clerk the numerical system of filing all papers where a fee is charged, to more accurately account for same.

"The expense of the change will be very slight, the only cost being for the purchase of an automatic numbering machine. I would suggest also that all county warrants be printed hereafter to read to the 'order' of person whom warrant is made in favor of instead of to 'bearer' as is now.

"At times it is very important to know just who cashed certain warrants. I have filed a financial exhibit showing the conditions of the general fund and road fund on January 1, 1909 also a statement of the amounts expended for the years 1907 and 8. Under the various headings as reported to the secretary of state, by the county clerk, and may be of valuable information to your honorable body or to any taxpayer of this county.

"I find the records of the various offices all well kept."
(Signed) MAX CRANDALL,
Public Accountant.

Prineville, Ore., January 26, 1909"

The amounts uncollected on the various tax rolls are approximately as follows:

1907	\$ 4,976.70
1908	13,982.11
1909	24,728.71
1910	13,263.22
1911	11,211.11
1912	27,640.57

Our investigation has not been of such a nature that we can determine just what items on these rolls are double assessments and just what items are collectable.

This is the duty of the sheriff's office and steps should be immediately taken to clear these rolls as provided by statute.
The sheriff's office is apparently

open to criticism in the matter of these delinquent taxes. The law directs how these matters should be adjusted step by step. No proper system of issuing certificates of delinquency has been in force in this county until recently.

The sheriff has made his annual report to the county court regularly and in certain cases has asked for adjustment credits as located. He has not, however, fully cleared each year's roll nor has he held any tax sales for a number of years. These matters should be immediately attended to.

When we speak of the sheriff, we mean those gentlemen occupying that elective position during the past 7 years.

From our investigation we are of the opinion that the county should at once take steps to provide the assessor's office with the proper ownership records.

The timber land holdings in Crook county should be cruised and the agricultural lands properly classified. It is impossible for the assessor to do his full duty to the electors and taxpayers of the county without a proper base. Most of these tax troubles start from the time the assessment is made or not made as the case may be.

With the proper equipment the assessor has the proper tools to work with and the responsibility as to the integrity of the tax roll is fixed.

We note from the treasurer's books that the county raised by special levy a few years ago an amount in excess of \$12,000 known as a cruising fund which was to be expended for cruising the timber lands in the county.

This fund has not been expended for the purpose for which it was raised. The treasurer's books show that this cruising fund was transferred to the general fund early in 1913 and used to pay the county's state tax.

Report as to uniform system and monthly reports to the insurance department:

We found that by reason of the county court having held three successive terms (November, December and January) that the reports to our department were delayed because the work of the office was not up to date. We also found that no proper record of outstanding warrants was maintained. We determined the amount of the county's outstanding indebtedness and after opening up a new ledger as of January 1, 1914, we accounted the business that had been transacted to February 25, 1914, and have rendered the monthly reports to this department.

We additionally scrutinized the claims allowed during 1913, and made a general survey of the county's affairs within the time at our disposal.

The County Court has passed a resolution to have a thorough audit made of the accounts of the county. It was not our function at this time to make such detailed audit, and in reporting the results of our investigation we would recommend that no further audit of this county be made at this time inasmuch as our department will make an examination of this county for the year 1914. We

fail to see the necessity of the county incurring additional expense. The value of a more detailed examination at this time is doubtful.

More attention should be paid to the statutes relating to the respective offices.

We found nothing that would cause us to form an adverse opinion as to the integrity of the county officials.

JOHN G. RICHARDSON,
E. M. SMITH,
Deputies.

TRESPASS ON CAREY ACT LANDS.

To the Editor:
Several times recently I have received complaints that different parties have been cutting wood from vacant lands and Carey Act segregated lands for sale in the Deschutes valley and near there. The ownership of such lands rests in the Government until patent is issued, and the General Land Office has supervision of them until that time, and is charged with the duty of protecting the timber on these lands and of prosecuting any persons taking timber unlawfully.

The only person who is allowed to sell wood or timber from unpatented lands is a homestead entryman, and he is allowed to cut and sell only for the purpose of clearing the timber from the lands for cultivation. He can not cut and sell from lands which he does not expect to cultivate, and if he does not follow the cutting by actual cultivation within a reasonable time he is liable for trespass, and may be compelled to pay the Government the full market value of the wood sold. In addition to paying for the wood, or timber, he is liable to criminal prosecution for cutting for sale, and if convicted is subject to fine and imprisonment. As stated above the timber belongs to the Government, and when unlawfully cut may be seized wherever found, in the wood house of the purchaser, or on a railroad car, or if sawed into lumber the last purchaser may be called on to pay for it even after built into a house. The Government is not barred from recovering its property by lapse of time or by sale, even to an innocent purchaser.

Any person who has no wood of his own may cut for his own use only from vacant public land, provided he takes not over \$50 worth in any one year and that he first notify the Chief of Field Division of the General Land Office giving a description of the lands where he wishes to get his wood, and shows that he has no wood of his own and needs it for his own use, and not for sale or export. Several persons may join together in having one agent to get their wood for them and jointly may get over the \$50 worth, by first getting a permit from the Chief of Field Division.

All lands segregated under the Carey Act are not public lands in that they have been withdrawn from entry for the use of the State, which has agreed to reclaim them and to have them settled upon. The only person who can cut and sell wood from these lands is the Carey Act settler who is clearing the land, who is allowed to sell what he can not use, or the developing corporation who may sell what they cut when

clearing lands for prospective settlers. No other person can take wood for his own use from such lands any more than he could from a homestead entry out side the Carey Act segregation, or from some privately owned land.

The practice of taking wood from Carey Act lands has been quite common in the past, but it was a violation of law, and it devolves upon me to report any such trespass to the Commissioner of the General Land Office at Washington that action in the courts may be instituted against the trespasser. A circular of instructions for those wishing to get wood from the vacant public domain may be obtained by writing to the local Land Office at The Dalles, Oregon, for Circular 223, which gives both the law and the regulations thereunder. As this department does not wish to work any hardship upon any settler I advise everyone to fully acquaint themselves with these regulations before attempting to get any wood or timbers from unpatented lands of any kind.

LOUIS L. SHARP, Chief of Field Division, 310 Custom House, Portland, Oregon.

SPRINGER MAN STARTS RECALL.

(Continued from page 1.)

discharged the former accountant with the understanding that the State Insurance Department would have the work done under their immediate direction, but the auditors from the insurance department worked only a few days and for some reason unknown suspended work and have not returned.

The humor of this paragraph was apparent to some who talked to Mr. Lucy, especially as the State Insurance Commissioner's report actually has been made, as published in this paper, and that report refutes pretty nearly everything in the Springer anti-official platform.

Extravagance Charged.

It is further alleged that the commissioners "have been extravagant, have expended thousands of dollars without proper vouchers, have used general fund money for road and bridge work without specific appropriation therefor and have permitted the road supervisors to spend money without filing vouchers or making proper accounting."

In regard to the road supervisors and a verbal charge that looseness of accounting existed on the present Laidlaw road work, Commissioner Bayley stated this noon that a detailed system of voucher accounting is to be used.

Mr. Lucy's further grievances include the statement that Commissioner Brown is not qualified to hold office. "His every act is illegal," says Lucy, "for he is not a resident of this county." Lucy alleges his real residence is The Dalles, because his family lives there.

In speaking of the State Insurance Commissioner's report, which he saw at The Bulletin office for the first



HENRY L. BENSON
of Klamath Falls
Candidate for Supreme Court.

(time, Mr. Lucy said: "I don't consider it worth anything at all," a sentiment which most taxpayers felt regarding the Bull report.

Lucy formerly was county sealer of weights and measures, a position whose chief duty appears to have been drawing a salary. He maintains that he still holds the job (and the salary), assuming that the County Court had no right to let him go. The Commissioners placed the work in the hands of Fruit Inspector La Follette, to effect an economy.

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