

## RULES AND REGULATIONS OF DESERT LAW

### Interior Department Sends Instructions Covering Recent Act of Congress For Relief of Desert-Land Entry-men. Law of Interest to Many in This County and Land District

There have been numerous inquiries at The Times-Herald office, and more at the local land office for information regarding a late law covering desert entries. On account of this widespread interest The Times-Herald gives the full text of the circular sent by the Interior Department to the Register and Receiver of the land office covering the subject. The circular reads:

Annexed hereto is a copy of the last three paragraphs of the fifth section of an act of Congress approved March 4, 1915 (Public No. 396) entitled, "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," the provisions of which authorize the Secretary of the Interior, under rules and regulations to be prescribed by him, to grant relief to certain classes of desert land entrymen. The following rules and regulations are, therefore, prescribed to be observed in the administration of said provisions:

1. All applications for the benefits of the new law should be filed prior to the expiration of the time within which the applicant would otherwise be required to make final proof on his desert-land entry in the land office in the district in which the entered land is situated, to be forwarded with appropriate recommendations to the Commissioner of the General Land Office for action. They must be supported by the affidavit of the applicant, corroborated by two witnesses, as to the material facts necessary to be shown. All such affidavits must be executed before an officer authorized to administer oaths in desert-land cases.

2. All such applications should contain the name of the entryman and the date of the entry, and, if the entry has been assigned, the name of the assignee and date of the assignment; the de-

scription of the land involved; a statement of the various sums of money expended by the applicant or his grantors in an endeavor to reclaim the land, and the particular purpose for which each sum was expended; the facts by reason of which it has been impossible for claimant to effect reclamation and cultivation and to submit final proof within the usual period or such extensions thereof as may have been granted; and the facts by reason of which the applicant considers that there is or is not, as the case may be, a reasonable prospect that, if an extension of time is granted him, he will be able to secure a sufficient water supply and make final proof of reclamation, irrigation, and cultivation, as required by the desert-land law.

3. To entitle an entryman to the benefits of the first of the three paragraphs referred to, the following conditions must exist: (a) The entry must be a lawful pending entry made prior to July 1, 1914; (b) the entryman must have complied with the requirements of the desert-land law with reference to yearly expenditures and the submission of annual proofs thereof; (c) there must be a reasonable prospect that, if an extension of time is granted, the claimant will be able to make the final proof of reclamation, irrigation, and cultivation, as required by law; (d) the case must be one in which an extension of time, or a further extension, can not be properly allowed under other laws; and (e) there must be established some fact or facts constituting a reasonable excuse for the applicant's failure to comply with the law within the usual time, and fairly entitling him, in justice and equity, to this form of relief.

4. The existence of the first two of these conditions can be determined by examination of the records of the General Land Office, but in order that applica-

may have the benefit of every possible circumstance entitling them to equitable consideration, they are privileged to make such further showing as they may desire as to any moneys which they have expended in improving the land but not used as the basis of annual proof.

The existence of the third, fourth and fifth conditions above enumerated must be established in all cases by the affidavits filed in support of the application for relief.

5. With regard to the third condition, it must be shown what steps the applicant has taken to secure a water right; and either that he has secured such a right (so far as that is possible, under the State laws, in cases where beneficial application of the water to the land has not yet been made) or that there is no reason to doubt that he will be able to secure such a right before his final proof is due; that the source of water supply, if a natural stream, will in ordinary seasons, furnish the amount of water needed by the claimant to reclaim the irrigable land in his entry after all appropriations prior to his have been satisfied; and, if water is to be taken from wells, that there is reason to believe that an adequate supply can be obtained from that source.

If water is to be obtained through an irrigation company or irrigation district upon which a special agent or other officer has made a favorable report, and favorable action on such report has been taken, the existence of the third condition will be taken for granted, provided the applicant shows that he has become the owner of the required amount of stock in the company, or taken the required steps to secure the inclusion of the land in the district, or that it will be entirely possible for him to do the one or the other, as the case may be.

If an adverse report has been made on the irrigation company or district, or if adverse action thereon has been taken, the applicant may present such showing of facts as may tend to refute the findings made and the conclusions reached, whereupon, if the allegations seem to warrant such action, a hearing will be ordered to determine the merits of the case.

The fourth condition above enumerated will be satisfied if the case does not come within the terms of any general or special acts of Congress providing for the allowance of extensions of time for submitting final proof on desert-land entries. The general acts are the following: June 27, 1906 (34 Stat., 519, Sec. 5); March 28, 1908 (35 Stat., 52, Sec. 3); and April 30, 1912 (37 Stat., 106). The principal special acts referred to are the following: February 28, 1911 (36 Stat., 960); January 26, 1912 (37 Stat., 56); and October 30, 1913 (38 Stat., 234). Generally speaking, extensions of time can not be allowed under these acts where extensions aggregating six years under all acts, both general and special, have been granted; where the irrigation works intended to convey water to the land have been completed, or, for any other reason, the claimant's inability to submit final proof can not be attributed to unavoidable delay in the construction of such irrigation works; where the cause of delay in submitting the final proof is the claimant's temporary inability to acquire a water right; or where on account of drought, of greater or less duration, but not likely, in all probability, to be a permanent condition, the operation of a completed system of irrigation works has been hindered or delayed. Under any of these conditions an application for an extension of time under the first paragraph of the new law can be entertained, except where the entered lands have been included within the exterior limits of a land withdrawal of irrigation project under the act of June 17, 1908 (32 Stat., 388), and the submission of satisfactory final proof is being hindered or delayed thereby, so that the case comes within the provisions of the sixth section of the act of June 27, 1906, supra.

No application for extension of time can be allowed, however, if it appears that the claimant's inability to submit final proof as

## ODDFELLOWS OBSERVE THE 96TH ANNIVERSARY

### Large Gathering of Members of Order And Friends Last Monday Night at Lodge Rooms. Entertaining Program is Followed by Banquet and Social Good Time. They Dance

Members of Harney Lodge No. 77, and Sylvia R. D. Lodge No. 43, I. O. O. F., held open house last Monday evening at their lodge rooms, the occasion being the celebration of the 96th anniversary of the order.

There were several visiting members and many friends present when Dr. H. M. Horton, who presided, sounded the gavel and announced that a short program had been prepared.

After two violin selections rendered by little Kathleen Jordan, Rev. Dr. Benson was introduced and gave a most interesting and instructive talk on Oddfellowship. Dr. Benson told of the organization of the first lodge in America 96 years ago and reviewed the wonderful growth and achievements. How the membership now numbers two million and a half men and women who have banded themselves together for

mutual protection and the betterment of humanity. Oddfellowship has built hospitals, homes for widows and orphans throughout the country, and cared for the widows and orphans and helpless.

These remarks were followed by a vocal solo by Mrs. Farre; recitation by Mrs. J. O. Cawfield; solo, Dell Hayes; duet, Mrs. W. M. Sutton and Mrs. Nollie Reed; violin solo, Alex Eggleston; solo, Ludwig Johnson.

Every number was well rendered and generously applauded, many responding to encores. At the close of this program Master of Ceremonies Horton announced that "eats" would be served in the dining room and informed the young people they might dance in the lodge room, an invitation they accepted at once while the older guests repaired to the banquet board.

consideration will be given to any special agent's reports on file regarding any irrigation company or irrigation district from which applicant has been endeavoring to secure water, and if it appears therefrom that there is no reasonable prospect that the applicant can secure a sufficient water supply, the existence of that condition will be taken for granted.

8. As soon as any application for relief under the second and third paragraphs shall have been allowed by the Commissioner of the General Land Office, notice thereof will be served, through the proper local land office, upon the claimant, advising him that he will be allowed five years from the date of receipt of such notice, within which to perfect his entry in the manner required of a homestead entryman, or to purchase the land on the terms specified, as the applicant may elect. The entry itself is not transmuted, however, but remains a desert-land entry, subject to a new kind of proof.

7. To entitle a claimant to relief under either of these paragraphs, it must be made to appear to the satisfaction of the Secretary of the Interior (a) that the entry in question is a lawful pending entry, made prior to July 1, 1914; (b) where application for relief is made on behalf of an assignee, that the entry was assigned to him prior to March 4, 1915; (c) that the applicant, or his assignors, have, in good faith expended the sum of \$5 per acre in the attempt to effect reclamation of the entered land; and (d) that there is no reasonable prospect that if the extension of time allowed by the first section of this act, or any other existing law, were granted, the applicant would be able to secure water sufficient to effect reclamation of the land in his entry, or any subdivision thereof.

What is said in paragraph 4, supra, is equally applicable with respect to these conditions also. With regard to the third condition, any expenditure which the claimant can show that he has made in good faith and with a reasonable belief that it would tend to effect reclamation of the land, will be acceptable, even though such expenditure may not have been such as would satisfy the requirements of annual proof. With regard to the fourth condition, the applicant should show what steps he has taken for the purpose of acquiring a water right, and with what result; what has been done, by himself or others, toward the development of a water supply, and the construction of an irrigation system to bring the water to the land; the reasons for his failure to secure an adequate water supply; and his grounds for believing that there is no reasonable prospect of final success in acquiring such a supply. In this connec-

## THE CUT WORM.

Obil Shattuck, County Agriculturist. The cut worm has put in its appearance in Harney Valley and is doing quite a lot of damage to the alfalfa and grain crops. The worm does all of its feeding at night and hides in the soil near the plants during the day.

These worms are ravenous feeders and are active for about two weeks. At first they are very small, varying from  $\frac{1}{8}$  to  $\frac{1}{2}$  an inch in length but when they reach their full development, which takes about two weeks, they are from 2 to 2 1/2 inches in length.

The sections in which they are active at present are Sunset, Waverly, Valley View and near Princeton.

### REMEDY.

The best method of controlling the worms is by the use of the poisoned bran mash, sowed broadcast about the infested area. Formula: 50 pounds bran, 2 pounds Paris Green or White Arsenic, one quart syrup, one pound salt. Mix thoroughly, using just enough water to form a crumbly mixture.

Apply this mixture broadcast along the rows or about the infested area, at the rate of 15 to 20 pounds per acre. The best time to apply this mixture is in the late afternoon or evening as the worms eat the mixture best when it is moist.

### The Alfalfa Contest.

The seed for the alfalfa contest has arrived and is in the hands of County Agriculturist, Obil Shattuck, for distribution.

Quite a number of farmers have put in their requests for seed. All who are contemplating taking part in this contest are urged to make their requests for seed at an early date, as it is about time to get the seed in the ground.

### Campaign Against The Deadly House Fly

"Overcome the feeling that some people have that flies are not so bad after all. Having done that, convince them that a flyless town is possible.

"Many persons do not really think flies are very nasty. They fish them out of milk and gravy, but they eat the gravy and drink the milk. Convince them that the fly is deadly.

"Remember always the motto: 'Co-operative good will.' You can chase the same fly all summer but you have to catch it only once. Better, let it catch itself. Begin early; one pair in April will mean millions of flies in July."

Suggestions for conducting successful campaigns against the fly have just been issued by the University of Oregon and may be had free upon application to the extension division. The necessity of organization is first set forth, and a typical efficient organization is described. Publicity ideas and general methods of campaign procedure are outlined. Ideas for educating the citizenry to fly peril are given. The suggestions take up 1800 words.

Mrs. Millar has her new Spring Millinery on display at Schwartz' store and invites the ladies of Burns and vicinity to call and inspect it.

### Sumpter Valley Railway Co.

Arrival and Departure Of Trains

Departs	No. 2, Prairie	10:15 A. M.
	Sumpter	2:35 P. M.
Arrives	Baker	4:00 P. M.

Departs	No. 1, Baker	8:30 A. M.
	Sumpter	10:05 A. M.
Arrives	Prairie	2:10 P. M.

No. 1 Makes good connection with O.-W. JR. & N. Co. No. 4 (Fast Mail) leaving Portland 6:30 P. M., arriving at Baker 7:55 A. M. and No. 17 from east arriving Baker 6:50 A. M.

No. 2 connects with No. 5 (Fast Mail) arriving at Baker 7:55 P. M. which picks up Pullman at Baker, arriving at Portland 7:00 A. M. Also with No. 18 at 10:45 P. M. for points East.

## SERIAL BOND ISSUE FOR COUNTY ROADS

### Department of Agriculture Issues Interesting Bulletin on Financing County Highways. Points Out Benefits Derived by Nonabutting Property Owners. Cities and Towns Taxed

The United States Department of Agriculture has recently issued an interesting bulletin showing the economic features of financing county highway improvements by bond issues. The bulletin points out the great advantage of the serial bond.

Statistics are given to demonstrate that road improvements are paid for by the saving in the cost of transportation alone, without considering the increase in land values.

Under the heading "Benefit to Nonabutting Property Owners," the bulletin says:

The fact that cities and towns are frequently taxed for bond issues to build highways outside their own limits is sometimes made a point of debate in bond elections. It is argued because a large part of the county wealth is within the corporate limits of such cities and towns highway bond money should also be used to construct their streets.

It is even urged that the expenditure should be made proportionate to the assessed valuation within the city.

"If the proceeds of highway bonds were distributed in this way their purpose in many cases would be defeated. The primary object of the county highway bond issue is to build county market roads and not to improve city streets, although a high percentage of the assessed valuation may be city property. It is now known that the expenditure of city taxes on county roads is a sound principle and that it is one of the best features of state aid for highways.

"In Massachusetts the city of Boston pays possibly 40 per cent of the total state highway fund, but not a mile of state aid highway has been built within its limits.

"New York city also pays about 60 per cent of the cost of the

state highway bonds. Some state laws prohibit the expenditure of the proceeds of state highway bonds within the corporate limits of cities and towns.

"The improvement of market roads results in improving market conditions which benefit the city. Most cities are essentially dependent upon the surrounding country for their prosperity and development. The development of suburban property for residence purposes is also dependent upon highway conditions and it is becoming evident yearly that whatever makes for an increase in rural population must be encouraged.

"Since the introduction of motor traffic country highways have been used to an increasing extent by city residents. In fact the cost of maintaining many country highways has been greatly increased by the presence of city owned motor vehicles. The general advance in facilities for doing country business from town headquarters when roads are improved is no inconsiderable factor in the commercial life of the community."

### Only 42 Hours From Burns to Bay City

From Burns to San Francisco in 42 hours is the record made by Leon M. Brown, cashier of the Harney County National Bank. Last Friday Mr. Brown received a call to be in San Francisco at the earliest possible moment. After considering the different routes to travel, Mr. Brown decided to come by way of Lakeview, and at 2 o'clock in the afternoon left in his auto for this place. He was accompanied by his family, and between 2 and 3 o'clock Saturday morning registered at Hotel Lakeview. They left over the N. C. O. at 5:30 the same morning. This was from 24 to 36 hours quicker than by any other route Mr. Brown could have taken.—Lakeview Examiner.

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