

MINOR SOLDIERS CAN TAKE UP LAND AFTER ENLISTMENT IF CARE TO FILE THEN

Department of the Interior,
General Land Office,
Washington, D. C., Oct. 9, 1918.
Registers and Receivers,
United States Land Offices.

Sirs: Section 8 of the act of Congress of August 31, 1918 (Public 210), reads as follows:

"SEC. 8. That any person, under the age of twenty-one, who has served or shall hereafter serve in the Army of the United States during the present emergency, shall be entitled to the same rights under the homestead and other land and mineral entry laws, general or special, as those over twenty-one years of age now possess under said laws: Provided, That any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service: Provided further, That applications for entry may be verified before any officer in the United States, or any foreign country, authorized to administer oaths by the laws of the State or Territory in which the land may be situated."

The joint resolution of Congress (Public 41), approved September 1, 1918, and referring to the above provision, reads as follows:

"That no relinquishment of any public-land entry made under or by authority of section eight of the act of the Sixty-fifth Congress, second session, entitled 'An act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917,' shall be valid or effective, for any purpose unless executed after the entryman shall have actually resided upon and cultivated the land, in the case of a homestead entry, for at least six months, and in the case of an entry made under other than the homestead laws, after the entryman shall have complied with the provisions of the applicable law for at least one year.

"Any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry prior to the completion of compliance with the applicable law and with this resolution, and who or which solicits, demands, or receives or accepts any fee or compensation for locating, filing, or securing the claims or entries for persons entitled to the benefits of said section shall, upon conviction, be fined not to exceed \$1,000 or imprisoned for not exceeding two years, or both."

2. Said section 8 of the act of August 31, 1918, confers the right of entry under any of the agricul-

tural or mineral public-land laws upon persons under the age of 21 who have served, or shall hereafter serve, in the Army of the United States during the present war, in the same manner as they could have made entry if over that age. This right is conferred only upon persons who have been actually mustered into the service and who are under 21 years of age at the time their applications are executed.

A drafted man is regarded as serving in the Army from the time he reports for enlistment; a man in the Officers' Reserve Training Corps from the time of his admission. This department is of the opinion that the expression "the Army of the United States," as used in section 8 of the act, includes the Navy and Marine Corps, and that construction will stand unless Congress shall otherwise direct.

3. An application for entry by a person coming within the meaning of the law may be executed at any place where he is located, whether it be in a State, Territory, or district of the United States, or in a foreign country. It may be executed before any officer whose authority to administer oaths is recognized by the laws of the State or Territory in which the land sought is situated. These laws differ, and it will not be attempted here to give a synopsis of all of them. An examination of the State laws leads to the conclusion that they all recognize affidavits executed in any part of the United States before a notary public or the clerk of a court of record, and those executed outside of this country before a notary or before any diplomatic or consular officer of the United States.

4. An applicant claiming the benefits of said section must execute an application for entry on the ordinary prescribed form; but, where he has not examined the tract sought, there should be omitted from the form so much as refers to personal examination of, or acquaintance with, the tract, and recites the applicant's knowledge as to its character (nonmineral, nonirrigable, etc.). For example, there should be stricken from an application for entry under the enlarged-homestead act all that part of the form beginning with the words "that I am well acquainted with the character of the land" and ending with "it is not susceptible of successful irrigation," etc.

In such cases there must accompany the application an affidavit setting forth the facts as to the character of the land, executed by some

other person who states that he is himself familiar therewith; but this will not be received as sufficient unless the affiant deposes that his statement is made at the request of the applicant; that he has not solicited, demanded, received, or been promised, nor intends to receive a fee or compensation of any nature for his assistance in securing allowance of the claim or entry.

5. The act does not exempt an applicant from payment of the regular fee and commissions chargeable to other applicants; as to that matter, you will treat the filings like other applications.

For the information of prospective applicants it may be stated that the fee and commissions on a 320-acre entry under the enlarged homestead act amount to \$22 in most of the States, or to \$34 where the lands are within the granted limits of Government-aided railroads; the amount due on a stock-raising homestead application for 640 acres is \$34, or \$58 under the circumstances just mentioned.

6. A person making a homestead entry under this act is entitled to the benefits of the act of Congress of July 28, 1917 (40 Stat., 248). That act proves that a homesteader shall have his military services construed as equivalent to residence and cultivation for the same length of time upon the tract entered, and that if he be discharged on account of wounds received or disability incurred in the line of duty the entire term of his enlistment shall be thus counted; also, that no patent shall issue to any homesteader who has not resided upon, improved, and cultivated the land for at least one year, but he is entitled to the five months' absence privilege like other homesteaders during each year's residence, which he may be required to show. It provides, further, that if a homesteader dies while actually engaged in the military or naval service of the United States his widow, if unmarried, or (if she be married) his minor orphan children, or their legal representatives may forthwith make proof upon his entry.

A person making a desert-land entry under this act is entitled to the benefits of the act of Congress of August 7, 1917 (40 Stat., 250). Therefore, such an entry will not be subject to cancellation for failure to expend \$1 per acre in improvements upon the claim, or to effect its reclamation, during the period of his service and until six months thereafter, and the time for complying with the law is extended for a period equal to that of said service. This relief is conditioned, however, upon his filing in the land office, within six months after he is mustered into the service, a notice of his muster in and of his desire to hold the desert claim under said act.

7. The soldier will not be required to establish residence upon the land in his homestead entry until six months after his discharge from military service. No contest against the entry will lie on the ground of failure to establish residence until the expiration of that period, and the time elapsing before such discharge from the service will not be counted on the statutory life of the entry.

8. The joint resolution above set forth provides for imposition of a fine of not exceeding \$1,000 or imprisonment for not exceeding two years, or both, upon any person, firm, or corporation which solicits, demands, receives, or accepts any fee or compensation (whether it be in money or in other value) for locating, filing or securing any claim or entry for any person entitled to the benefits of section 8 of the act of August 31, 1918. It is desired that if there be violations of this prohibition they be promptly brought to the attention of the General Land Office or the Chief of Field Division, to the end that immediate steps be taken to stop such illegal practices and to bring the offenders to justice. Moreover, the attention of the soldiers is very strongly directed to the

fact that any one of them who pays or promises compensation of any kind for securing an entry, even though it be merely by the grant of grading privileges, will be committing at the breach of a law which Congress enacted for the protection not only of the soldiers but of the general interests in the public domain. As above shown, it will frequently be necessary for some person to execute, on behalf of the applicant, an affidavit regarding the character of the land; but this must in all cases be done by a relative or by some other person who is willing to afford the service without compensation. The clear purpose of the act is to give soldiers under the age of 21 an opportunity to hold a homestead or other land claim for their own personal benefit, but not for speculation on the part either of themselves or of others.

9. The resolution provides that no relinquishment of an entry made under the act in question shall be valid unless executed after the entryman shall have resided upon and cultivated the land covered by a homestead entry for at least six months; or, as to other classes of claims, until he shall have complied with the provisions of the applicable law for at least one year. Moreover, it provides that any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry, prior to the completion of one year's compliance with the applicable law and with the resolution, shall be subject to the punishments above mentioned. Accordingly, the registers and receivers are instructed not to make on their records any notation regarding receipt of a relinquishment of an entry made under the act of August 31, 1918, unless it shall be made to appear through the affidavit of the entryman, corroborated by those of two witnesses, that the above conditions have been complied with; and soldiers are warned not to execute relinquishments of their entries prior to the arrival of the time indicated.

In case of death of the entryman the entry will be subject to relinquishment by his widow, heirs, or devisees, as the case may be, under the following conditions:

(a) If a homesteader, not until after the expiration of six months from the date of his death, if he had established residence on the land, or at any time after the expiration of six months from the date residence was established by him.

(b) If any other class of entry, not after the applicable law has been complied with for at least one year.

As in case of relinquishment by the entryman, such relinquishment must be supported by affidavit, duly corroborated, establishing the material facts.

Very respectfully,
CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

James E. Bannon Influenza Victim.

James E. Bannon, well known traveling man in this state, and a resident of Pendleton for the past eight years, died last night at his residence on 4th street after a short illness of Spanish influenza.

Mr. Bannon, who was 49 years of age last May, was a representative of the Russell & Clark company, and also of Gray Brothers of Spokane. He is survived by Mrs. Bannon, four children, Jimmy, aged 7; Agnes, aged 6; Charles, aged 4, and Mary, aged 18 months, and one sister, Mrs. R. G. Bravemor, of Brooklyn, New York.

He was a member of the Catholic church, and of the Elks lodge of Pendleton.—Friday's E. O. Mr. Bannon was well known in Heppner, where he has been coming for many years past and calling on the business men of the city.

M. E. Bundy, young farmer of Lexington, was a pleasant caller at this office while in town on Saturday last.

BRITISH WEDDING
BELLS AGAIN RING



The wedding bells are ringing again in England. Returning Tommies and their officers are leading blushing brides to the altar. Miss Flora Petersen, sister to the wife of the earl of Wilton is to be married within the month to Colonel W. M. Dugid-McComble of the Royal Scots Greys, is the latest announcement.



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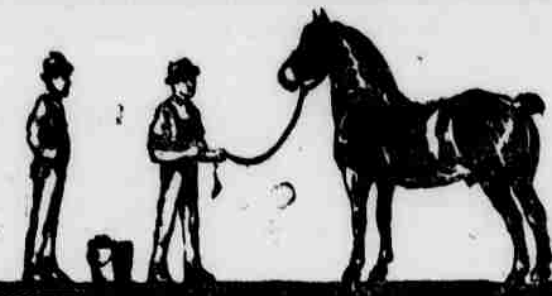
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