

# "No Man's Land"



STATE CAPITOL, RICHMOND, VA.

By ELMO SCOTT WATSON

**R**ECENTLY R. W. Gunn, a merchant of Richmond, Va., exploded a veritable bombshell in the Old Dominion and sent state officials, historians and attorneys scurrying to dig in the archives by declaring that he is the real owner of the greater part of the land upon which stands the state capitol and that he wants to be paid for it on the basis of its original valuation, made in 1784, of some \$6,500, plus compound interest at the rate of 3 per cent a year for 146 years. And that has set some of the mathematicians to figuring just how colossal a sum would be a principal of \$6,500 plus compound interest for nearly a century and a half.

The Richmond merchant says that the state of Virginia can not produce any records to prove that the land condemned in 1784 for a public square was ever paid for and says he will ask relief from the general assembly at its next session if the state refuses to consent to a suit alleging breach of contract.

Falling in that step, Mr. Gunn has been advised by counsel that he can go into the federal courts on the grounds of the violation of constitutional property rights and he affirms he can prove his contention by existing records.

Mr. Gunn points to a letter sent to Thomas Jefferson, then ambassador to France, by members of a legislative commission, asking Mr. Jefferson to engage an architect in Paris to prepare plans for a state capitol and assuring the author of the Declaration of Independence that "the hill on which Gunn's yellow house stands, and which you favored as the best situation for a state capitol continues to be preferred by us."

The original Jefferson letter is in the custody of the College of William and Mary. The original condemnation order has been placed on record in the Henry County court after remaining obscure for nearly 100 years. Mr. Gunn has been working on his claim since childhood, but made no effective headway until the original condemnation jury's report was unearthed from dusty archives.

"Thirty years ago, I met a man who was then ninety years old," Mr. Gunn said recently. "Asking me if I were a descendant of the old Gunn family of Richmond, he told me that his father, who worked for the state government, had informed him that the state of Virginia never paid for the land condemned for use as a public square and the permanent seat of the state government. The reason, he said, was that the condemnation proceedings records had been lost and that no claim against the state could be proved in court."

"I was told by my family as a boy that my family never had been compensated by the state. My efforts were blocked until the original condemnation order was found. The papers by mistake were sent in 1784 to the city clerk's office for recording. Instead of to the clerk of the Henry County court. These papers, plus maps uncovered and the letter to Thomas Jefferson, which shows Mr. Jefferson had inspected the old Gunn plot while governor of Virginia and favored it for a state capitol site, speak for themselves."

"I have been informed by Auditor C. Lee Moore he can find no record of the state having paid for the property it condemned in 1784. I took the matter up with Governor Byrd toward the close of his administration."

"The governor, after referring my letter to the secretary of the commonwealth for investigation, informed me that the facts were as I had stated them to be, insofar as the existence of any record of payment by the state was concerned."

"In the judgment of legal advisers, the mere condemnation proceedings in the absence of payment did not take the title to the property from my

ancestors. I feel I have a substantial claim to ownership of the land on which the state capitol now stands. I cannot sue the state for breach of contract without the state's consent, and the statute of limitation has expired. But I believe the people of Virginia would like to see the proper settlement made."

Nor is this Richmond merchant the only one who is interested in this matter for he declares that other old Richmond families, among them the Snyders, Curries, Archibald Carys, Prices and Aerlie Coches, had half-acre lots condemned in 1784 and present-day descendants of those families are watching with interest his move for restitution.

Nor is this Virginia case unique, for Oklahoma has a somewhat similar one, only the "No Man's Land" there has infinitely greater potential riches to make it worth fighting for. It is a small triangular tract of about two acres in the heart of the great Oklahoma City oil fields which has been "lost" for 69 years. No "Boomer" homesteaded it after the "run" into Oklahoma in 1889. The surveyors and mapmakers seemed to have missed it and it is still government soil.

No one seems to have dreamed that this valuable parcel of land was available to a claimer until recently when Forrest Parrott of Oklahoma City, guided by maps which others had seen, no doubt, but failed to realize their significance, began a bit of "prospecting" in the archives of the register of deeds at the Oklahoma county court house.

What he found was almost unbelievable—a plot of unclaimed land, sandwiched right in the middle of one of the richest oil areas of the world.

So Mr. Parrott staged the "run of 1930." With an armful of stakes he dashed out to the little sliver of river bottom land and drove his pegs.

Then, as in the prairie schooner and sunbonnet days of 42 years ago, Mr. Parrott set about making his claim legal. He went back to the court-house and filed an affidavit of his claim, setting forth he was filing on it as a homestead and claiming priority rights as an ex-serviceman.

The triangular shape of the neglected piece of land was caused by the antics of the North Canadian river.

When the government surveyors made their first survey of 1870 they did an excellent job for working out the river bottom into chopped-up lots, but they forgot this one tract.

The tract is in the center of the most intense drilling activity in the Oklahoma City oil field. Half a mile east is T. B. Slick's No. 1 Bailey 17,000-barrel-a-day well, and the same distance south the 22,000-barrel-a-day well owned by Wirt Franklin.

And yet these are only two examples of queer claims which result from surveyors' or mapmakers' errors or some slip-up in registering deeds or some other title to land. A curious case was reported from New York recently, and added another item to the record of high-priced real estate in that city where some plots of ground are literally worth more than the number of silver dollars it would take to cover them. In this case a purchaser of real estate paid a total of \$1,200 for 218 square inches of land—\$5.50 a square inch. It came about in this way:

One of the Mrs. Vanderbilts wanted to buy a plot of ground in East Fifty-seventh street between First avenue and the river, on which once stood five brownstones, built in the seventies by one Harvey Dennis, a considerable realtor of his day. Naturally the prospective purchaser wanted to be sure she had a clear claim to the title, so she had experts of the Title Guarantee & Trust company look it up.

For what if after the house were erected somebody should bob up and claim a strip of property, eighteen feet by one inch, running right through the building? Such a demand would form a grave crisis. In this instance a hunt was made for the Dennis heirs. It was hard to find them. It took two

months, during which time more than 300 letters were written. Finally they were located. There were six heirs in all. The situation was explained.

The title company people finally got them to sign a quitclaim for \$200 each, or \$1,200 in all. That isn't much, but neither was the land to which they were unintentionally the heirs. It amounted, in fact, to just one and a half square feet.

But if New York can claim the smallest and the highest priced pieces of real estate, Chicago can point with pride to the world's costliest cow path which runs right through a modern 22-story skyscraper known as the 100 West Monroe building.

The cow path dates from the early 50's when Dr. Jared Basset bought the entire Clark street frontage, 150 feet deep, between Monroe and Madison streets. In the center of the block he built his home with a cow barn for his cow, "Bessie." As time went on, Doctor Basset sold most of his property but always with a provision for a 10-foot easement so that "Bessie" could make her way to the barn.

So in 1925 when the 100 West Monroe Building corporation took over the lease for the property they found the flaw which preserved the path but too late to do anything about it. The deed was subjected to litigation and it stood the test. While their solution of the problem was a little costly, it was rather unusual, for they usurped the air rights and left "Bessie" her 10-foot path with an 18-foot clearance, just in case she should desire to bring in a wagon load of hay some time.

Above the 18-foot level the building juts out at right angles, covering the cow path and extending upward for 20 stories. While set-back buildings are common sights in Chicago this is the only "set-out" building on record. And the space lost would bring about \$12,000 in yearly rentals.

Another curious situation, caused by a flaw in a title, was reported from New York recently. The story of it, as told in the New York World, follows:

"A legal catch in the title of what used to be known as City Hall place—a street only about 300 feet long that ran from in back of the Municipal building at Duane street to Pearl street—is holding up plans for the proposed civic center around the new county court house and Foley square."

"The riddle which Assistant Corporation Counsel Joel J. Squire of the bureau of street openings is charged to solve is what can the city do with the forty-foot roadway which bisects one of the most valuable plots of real estate in New York."

"Part of this riddle is what will the Church of St. Andrew, which stands on the west of the old street, do about its parish house which stands on the east of it. Under the plan drawn by Joseph Johnson, City Hall place was to be scrapped to make room for the new federal building and the parish house was to be torn down and rebuilt on plot adjacent to the church."

"This new plot was to be exchanged by the city for the old site of the parish house. A section of City Hall place was included in the new site. But when the church officials asked for a title deed to the land the city was surprised to find that it could not be given. The reason was that the city owns only right of way easements which were obtained in 1800 from the original owners of the plot, but that some unknown heir of the original owners holds the free title."

"Had the city or federal government actually erected a costly building on part of the old street and had the true owners turned up and set forth their claims, the money loss to the city would have been tremendous according to real estate authorities."

"The City Hall place is estimated as worth close to \$1,000,000. Mr. Squire says he is not ready even to venture a guess as to what can be done about it."

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## OREGON STATE NEWS OF GENERAL INTEREST

### Principal Events of the Week Assembled for Information of Our Readers.

Two new granges were established in southern Oregon, one at Applegate and one at Bellview.

Huckleberries are plentiful this year according to reports at Redmond. One party brought in 45 gallons.

The citizens of Boardman have voted the city council power to sell the franchise and the city light plant.

The Crane prairie section, until further notice, is closed to hunting, fishing, or even traffic, on account of fire hazards.

For several years past the county fair at Enterprise has had inclement weather. The date for this year is September 4-6.

Laying of bituminous macadam surface on the Baker-Pleasant Valley section of the Old Oregon trail is progressing rapidly.

New street signs and house numbers have been placed in Heppner. Added to this there is much new building being done.

The city commission of La Grande has authorized the drilling of a new municipal well to be added to the present two wells.

The evergreen blackberry crop in the LaCombe section has been contracted to Hunt Brothers of Albany at 5 cents a pound.

Nine sites were offered to the treasury department for a new federal building at Bend, at prices ranging from \$4750 to 28,000.

Salem's public and high schools, grounds and equipment have a replacement value of \$1,137,319, according to an appraisal completed recently.

A large pelican, the first of this species of birds seen at large in Marion county, was captured near Mosquito bar, three miles from Salem.

Extensive plans are underway for the Multnomah county fair, known as the Portland Interstate fair, to be held in Gresham September 9 to 14.

Salem will have a 24-hour weather service, according to Vernon Frahm, official observer. Authorization for the 24-hour service was received from Washington recently.

A rodeo, sponsored by the Sutherlin volunteer fire department with the cooperation of business men, was staged recently. The Sutherlin community band furnished the music.

Boosters for the coast country along the Oregon Coast highway are planning a post-celebration of the Salmon River cutoff, to be held at one of the beach resorts September 6.

Cook county cranberry growers have organized for bettering market facilities. The temporary organization will be made permanent at a later meeting to be held in Marshfield.

Redmond will be the division point for the new truck line from Portland to Klamath Falls. Daily freight and passenger service will be the advantage of the new through line.

By a vote of almost 5 to 1, voters of Klamath Falls have defeated the proposed commission manager form of government. Only 325 voters out of 1548 were in favor of the charter change.

### THE MARKETS

Portland	
Wheat—Big Bend bluestem, \$1.03; soft white, western white, 88c; hard winter, northern spring, western red, 85c.	
Hay—Alfalfa, new crop, \$17.50; valley timothy, new crop, \$18; eastern Oregon timothy, \$22.50@23; clover, new crop, \$14; oat hay, new crop, \$14; oats and vetch, new crop, \$13.50.	
Butterfat—35@38c.	
Eggs—Ranch, 17@26c.	
Cattle—Choice steers, \$7.50@8.00.	
Hogs—Good to choice, \$10.50@11.75.	
Lambs—Good to choice, \$6@7.	
Seattle	
Wheat—Soft white, western white, northern spring, 89c; hard winter, western red, 85c; bluestem, \$1.04.	
Eggs—Ranch, 27@34c.	
Butterfat—35c.	
Cattle—Choice steers, \$7@8.	
Hogs—Prime light, \$11.15@11.30.	
Lambs—Choice, \$6@7.	
Spokane	
Cattle—Steers, good, \$6@6.50.	
Hogs—Good to choice, \$11.10@11.25.	
Lambs—Medium to good, \$5@5.50.	

The Town Crab says he saw a talking picture the other night featuring a well-known crooning humor, but in the last reel he escaped.

Occasionally a young man can succeed in convincing a girl that he is a man of determination, only by compelling her to elope with him.

Fairy story: "Once there was an earnest bridge player who had a run of bad hands and did not remark, 'Has someone taken a pinochle deck out of these cards?'"

Clinton Hurd, Lane county commissioner, is in the western part of the county for a few days obtaining rights of way for the last uncompleted portions of the Oregon coast highway.

That sheep are a drug on the market was exemplified at Albany. I. A. Miner brought to town some fat lambs weighing 70 to 80 pounds and could not get an offer for them at any price.

A movement to secure a committee to sponsor a \$367,000 modern 125-room hotel for Salem was under way as a result of a meeting of business men who expressed approval of the project.

Parkdale potato growers held a potato day recently. Various fertilizer test plots were visited, disease characteristics demonstrated and a general study of the potato situation made.

An egg within an egg is the freak product of a Rhode Island hen owned by C. E. Stone of Albany. The outer egg was 9 1/2 inches in longitudinal circumference and 3 1/4 inches around the middle.

A white mildew has struck the peach orchards in the Waconda section of Marion county. The affected parts are being cut away and burned and the rest of the tree is heavily sprayed.

A newly repaired sawmill was opened at Coquille for commercial production. The Johnson mill, idle for three years, has been revamped and put into condition for manufacturing 80,000 feet daily.

Harvesting of Clatsop county's Bent grass crop is under way and will continue for six weeks. The Bent grass industry, which has grown from nothing a few years ago, is becoming quite important.

More than 115,000 persons have visited Crater Lake national park this season, figures released recently indicate. The total of visitors is an increase of nearly 50 per cent over that of last year.

A freight truck of the Consolidated Truck Lines caught fire on the Columbia highway between Cascade Locks and Eagle creek and was destroyed. More than 400 autos were tied up by the fire.

September 7, Labor day, 1931, has been selected as the date of the next Albany twin round-up, a letter being sent out by the Albany chamber of commerce to twins who have visited previous round-ups states.

A total of \$89,544.12 acres of land in Yamhill, Columbia and Washington counties has been tentatively placed on the list for classification for reforestation, according to State Forester Cronmiller of Salem.

A tremendous herd of seals, estimated at 500 or 600 in number, has followed the salmon hordes into the Columbia river. Astoria fishermen report the seals are stealing their salmon and tearing their nets.

A show exhibiting chicken raised from day-old chicks, given by the banks of Woodburn to members of high school classes in vocational agriculture, was held at Woodburn recently. Last spring 31 boys received a dozen chicks apiece.

The "Old Mill" at Myrtle Creek, Douglas county, has been torn down to make room for the approach of the new bridge over the Umpqua. The mill was erected in 1853. The millstones were brought around the Horn to Scottsburg and freighted from there to Myrtle Creek.

S. J. Frees, of the Fry Station neighborhood, a few miles from Albany, reports a big yield of wheat and rye grass. Six and one-half acres sown to Zimmerman wheat produced 122 sacks of wheat averaging 142 pounds to the sack. Twelve acres of rye grass yielded 165 sacks of seed.

Huckleberries are ripe and Huckleberry mountain is a busy place, according to a report at Ashland, which states that the crop this season exceeds that of any previous year. Already the Indians have gone to the mountain and made camp, and it was estimated that 1000 automobiles were parked near the berry patches.

Thirty-four counties are to be represented at Salem, September 22 to 28, when more than 500 members of boys' and girls' 4-H clubs will take part in the most extensive club exhibit ever held at the Oregon state fair.

Preliminary figures on unemployment in Oregon, announced by the census bureau, show 24,849 persons out of 952,691 able and desirous to work unemployed at the time the census was taken, amounting to 2.6 per cent.

The fellow in the ads who wore a garter for a necktie seems to have disappeared. Could it have been that he was not a social success?

An ancient "I. O. U." is excavated in London. This proves that forgetting to pay debts was a quaint old Roman custom.

Brother Charley has tried the yeast cure, for a few facial blemishes and what not, but it doesn't even raise him in the morning.

## Why We Behave Like Human Beings

By GEORGE DORSEY, Ph. D., LL. D.

### "People Don't Do Such Things"

THERE is no knowing man without knowing men. "Everybody's doing it" and "People don't do such things" are collective reactions biologically useful in herds and early human society, but they persist in countless forms today and extend their influence to such unimportant biologic factors in modern life as ruffles on skirts and creases in trousers. "Everybody is" and "People don't" become potent factors in modifying the environment to which individuals are conditioned to respond.

Almost before the youngster has learned to respond to the facts of life, he is compelled to learn adjustment to the fancies of life. Human behavior as adjustment is meaningless without understanding the power of social environment to enforce its limited responses upon the newcomers. Society does not easily change its mind, because to change is to acknowledge defeat; it hates to run. Its mind being its entire body and tied up with emotion, it vents its hate on "Don'ts" and much of its energy in enforcing obedience.

But there is almost no limit to the pressure that a normal individual can stand if the pressure is applied gradually; we get calloused; to odors, sights, sounds, and bondage of trappings, and the harness by which we draw our burdens. And well for us that we can become accustomed to the burdens of things, people, and situations that we must bear. But man is not by nature a beast of burden or fitted by nature to keep his nose to a grindstone. And the man so yoked or chained is one more human being lost for activities that might be human.

As one recalls some of the monstrous situations under which human beings have lived and live their lives, one marvels at man's meekness and complacency. It can only be explained by that quality of flesh to become calloused to situations that if faced suddenly would provoke blisters and revolt.

Man's inheritance is all right and is his only inherently valuable asset. It is human behavior—individual, communal, national—that can be changed. But not by cut-and-dried programs of social reform; nor by reformers, codes, ideals, or by our present "system" of education. Life itself is not systematized or standardized; it wants to live, it wants to enjoy life. It has a pain sense; it responds to love; above all, it can learn. We start with that equipment. Herein lies the significance of the new conception of human behavior; the importance of the task that confronts the new psychology.

Organized society—or should be—interested in socially serviceable behavior. Its problem is to control behavior for social ends and at the same time give the individual freedom to express and develop his innate capacities for normal behavior. This cannot be brought about by chance; there will be delinquents, abnormal, subnormals, as long as breeding grounds for such are regarded as normal by-products of social organization.

Rational conduct is a dream. But conduct freed of sordidness, of squallor, of haunting fears, of unengendered tempers, should be the possible fate of every normal child. We can at least make this a better world for children to be born into, and so alter their environment that they need not learn to lie, steal, murder, or commit rape or bigamy, to succeed.

The seemingly infinitely large universe is made up of the seemingly infinitely small units of electrons. The universe is what it is because of the nature of their behavior under the drive of energy. That same energy drives us. The units of our social universe are human individuals; it can be molded only as the individuals themselves are molded. Living beings are not elements, but reaction systems; their behavior can be molded. Ours is already set; but it is not necessary that we condition our children to the mold in which we hardened.

In the whole history of human thought there has been voiced only one rule of conduct of the slightest value as a standard for human behavior. It is applicable to individuals, families, communities, cities, states and nations: "As ye would that men should do to you, do ye also to them likewise."

But note that you and I as individuals can never get a start on putting the Golden Rule into practice until we have set our own house in order. When we strip our unethical and infantile hang-overs of behavior of their veneer of rationalization we are likely to be astounded, as Watson points out, at our "susceptibility to flattery, weakness, inadequacy, or lack of knowledge, jealousy, fear of rivals, fear of being made the scapegoat, and proneness to hurl criticism upon others to escape it ourselves. The first step in setting our house in order is to remove the beam from our own eyes."

When human society starts to practice the Golden Rule, it will lay a foundation for civilization which no flood of passion can shake. Any other conditioning of our inherent nature leaves us as we are—with an animal nature modified only by man-made devices to satisfy living impulses as old as life itself. Man is the product of evolution, humanity must be the goal of human endeavor.

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## PHILLIPS Milk of Magnesia

### Challenges Old Ideas

#### About Lightning Rods

In a communication to the Academy of Sciences in Paris, says Pathfinder Magazine, M. V. Schaffers denies the familiar notion that lightning seeks wet ground and that lightning rods should always have their ends earthed in moist soil, or better still, in the wet ground at the bottom of some nearby creek or pond. Using a generator of electric sparks long and powerful enough to be considered veritable artificial lightning, Schaffers found that the distance from which a spark would strike and the path which the spark took was affected but little by the wetness or dryness of the soil underneath an earthed lightning rod or similar conductor.

Dr. E. E. Free, in reporting the investigator's finds, points out that it is well known that the paths and characters of natural lightning flashes frequently are erratic, seeming to obey none of the established laws of electric conduction. The really effective matters in lightning danger, or protection, if Schaffers is correct, are the presence of metal objects or other substances which might be highly conducting for the electricity and the numbers of the electrified gas atoms called ions in the air.

#### Storks Avoid Great Britain

Storks are rare birds in Great Britain, and have always been so, but an ancient chronicler writes that in 1410 storks came and built their nests on the roof of St. Giles' church in Edinburgh, and, after staying a year, left to return no more. "And whither they flew," he writes quaintly, "no man knoweth."

Horace—What makes you think that girl you've been taking out taxi-cab riding is playing you for a fish? Herbert—I just found out she was married to the driver.—London Answers.

## HEADACHE?

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