

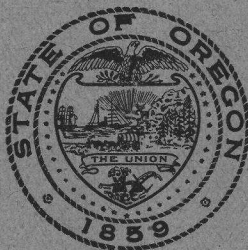
BIENNIAL REPORT
OF THE
STATE LAND AGENT

TO THE
GOVERNOR OF OREGON

FOR THE YEARS
1903 AND 1904

TWENTY-THIRD
LEGISLATIVE ASSEMBLY
[REGULAR SESSION]

1905



SALEM, OREGON:
J. R. WHITNEY, STATE PRINTER
1904

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LETTER OF TRANSMITTAL.

To the Governor—

I have the honor to submit herewith a report of the transactions of this office during the period from October 1, 1902, to September 30, 1904.

Respectfully submitted,

OSWALD WEST,
State Land Agent.

REPORT.

LIEU SELECTIONS.

Hon T. W. Davenport, in his final report as State Land Agent, in reviewing the lieu land business prior to his incumbency, said, "past blunders cannot be cured, but it is to be hoped that States, like individuals, may live and learn." Had the last administration given heed to these words and, looking over the records of the past, profited by the experience of others, lieu land matters would not be again in such a deplorable condition.

Mr. Davenport, in his report to the Governor for 1895 and 1896 gave the following account of the lieu land transactions which I know the public will again find interesting and instructive, and, by its reproduction here, will be better enabled to understand the present predicament in which the State finds itself. He said:

"It should be remembered that the office of State Land Agent was created and the method of selecting lieu lands changed by the last legislature; and as the superseded method was prolific of abuses and complications with which the next legislature must deal, and if possible rectify, it is very necessary that a plain statement should be made, showing their extent and the rationale of their origin. The law of 1887 required that the applicant to purchase lieu land should 'state in his application the sixteenth or thirty-sixth sections or fractional township in lieu of which the land is to be taken'; in other words, he could not buy any lieu land until he had found a basis for it; and as no citizen of the State, except those who were then, or had been, clerks in the State Land Department, and had access to its records, could know of such things, the

proper and only place to obtain the desired information was at the State Land Office and of its clerk, who was a sworn officer under pay and bonds to faithfully perform the duties of his office. The law of 1887 did not specifically make it the duty of the clerk to furnish an applicant with such information as would enable him to select a basis for the land he wished to purchase, but the State Board could have made it his duty, in entire accordance with law and with great benefit to the State and its people.

"The State Board, however, did not perceive its opportunity in this respect, and so the finding of basis for lieu land selections became, from the first, a business for experts who found favor with the clerk of the State Board.

"The charges for furnishing an applicant with basis were quite heavy, considering the service rendered, ranging from \$1 to \$2.75 per acre, and the lieu land business became, in the language of its beneficiaries, quite lucrative.

"For several years after the passage of the law, land speculation in the West Coast States was at its highest, and especially there was a strife to obtain possession of the fine timber lands of Oregon. They could be obtained under United States law by paying \$2.50 an acre, but the price of the same land bought of the State was only half that sum, and each purchaser was permitted to take a half section, and allowed deferred payment of half the price. Such advantages constituted a very considerable inducement to buy of the State and basis was therefore in great demand.

"It is well to state that the term base or basis, means those parts of the sixteenth and thirty-sixth sections in each township which have been otherwise appropriated under United States law, and for which the State is permitted by the general Government to take land in lieu. Under the donation, homestead, and preëmption laws, settlers, before the survey, were allowed to take school sections, and nearly all of the school sections in the Willamette, Umpqua, and Rogue River valleys, were taken in this way and lands selected in lieu of them, before the passage of the act of 1887. The State Land

Office, as at present organized, was created by an act of the legislature in 1878, when the Secretary of State ceased to be the keeper of its records; and an officer, known in law as the 'Clerk of the Board of Commissioners for the Sale of School and University Lands', was made the practical head of the State Land Office.

"There was never an office created, and probably never will be, all the duties of which could be minutely described by the statute creating it. The most that can be done, is to define the general purpose, and leave the details to the discretion of the officer. In any event, he must be trusted, both as to capacity to understand his duties and integrity to perform them. Now, the law creating the office of Clerk of the State Board, made him the keeper of its records, the conductor of its correspondence, and required of him bonds and an oath 'faithfully to perform the duties of his office', and while the act of 1887, as has been said, did not specifically require the Clerk of the Board to furnish basis for lieu land applicants, it was evidently within the purview of the law and the reasonable requirements of his office that he should answer such questions as might be put to him concerning matters and things of record in his office by persons wishing to purchase land of the State. Letters from would-be purchasers, asking about basis and lieu lands, swamp lands, agricultural college and university lands, are coming continually to the State Land Office, and the present clerk, General Odell, considers it to be within the reasonable requirements of his official duties to answer all such questions promptly, and as far as he is enabled by the means in his possession. There is but one alternative: he must either do so or the State will have to go out of the land business.

"And, further, it is not his duty now, any more than it was the duty of his predecessors, ever since the office of clerk was organized in 1878; and there are no legal fees for the performance of his duties other than the official salary of \$1,500 a year. He can not charge for information concerning State land matters or for letters pertaining to them. It is almost needless to assert the self-evident proposition that he cannot abne-

gate any of his duties in favor of an outsider and thereby get rid of them for any purpose, and especially to charge persons doing business with the office illegal fees, or to speculate in State lands. All such things go without saying, and yet there is sufficient evidence to establish a moral conviction, all over the State, that the Clerks of the State Board have been doing just those forbidden things from 1887 to 1895. It is a fact that during the last mentioned period, purchasers of lieu land paid more than the legal rate, \$1.25 per acre. In some instances as high as \$4 per acre was paid; \$1.25 went to the State and the remainder to those in the deal. At the present time the Clerk in the State land office can designate from the Cascade Reserve, basis for a quarter section of lieu land, in one or two minutes, and does so without any expense to the applicant. During the time before spoken of, the applicant was compelled to pay from \$160 upwards for the very arduous service of designating a like basis from one of the Indian reserves. It will be recollected that the necessary records for obtaining such a fact were kept at the expense of the State; at least, there is a yearly amount of \$3,000 to so keep them, and they should show at a glance what basis has been used and what is vacant. The maps of the several Indian reservations show what basis is available for lieu land selections therein.

"Immediately after the passage of the act of 1887, the Umatilla Indian reservation was open for the selection of basis, and sixteen thousand nine hundred and eighty and three hundredths acres were used in that. In the year 1888 the Klamath reservation was ready, and the operators got sixty-three thousand and eleven and ninety-four hundredths acres there. In 1889 the Grand Ronde reservation afforded them six thousand and sixty-five and fourteen hundredths acres. The same year the Siletz was ripe, with ten thousand eight hundred and sixty-four and fourteen hundredths acres more. Then, in 1891, the Warm Springs reservation yielded thirty-six thousand six hundred and forty-three and sixty-six hundredths acres, making in the aggregate the snug sum of one hundred and thirty-three thousand five hundred and sixty-four and ninety-one

hundredths acres of basis, for which lieu land purchasers were mulcted in the probable sum of \$250,000 for services, which under the present management of State lands, would not have cost them a cent. There were other sources of basis than those already referred to; one of them being deficits in fractional townships and fractional school sections, amounting since 1887 to over ten thousand acres, as shown by the clear lists from the general land office. A mere inspection of the government map would not show these deficits, and therefore some painstaking calculations were required to ascertain the amount before using it in lieu land selections. The State being an interested party, the calculation of these deficits was really part of the duty of the Clerk of the State Land Office, but there is nothing to show that he ever busied himself in that way, and so it was turned over to outside experts, who made handsomely by such employment.

"The tendency, however, was to excess, and calculations were made that did not pass muster at the General Land Office. Several thousand acres of lieu land selections, based on them, have been canceled by the Interior Department for the reason that the calculations were not in accordance with its rules. Deficits were calculated in unsurveyed townships, contrary to the department decisions, which were well known in the State Land Office, but the clerk of the State Land Office used no discretion and passed them on to Washington, certainly knowing that they would be disallowed, and that purchasers would thereby be defrauded.

"Another source of basis, and one yielding the largest return for work, is from school sections which are mineral in character, and which, upon proof of that fact, in conformity with certain prescribed rules of procedure and to the satisfaction of the Commissioner of the General Land Office, may be used in the selection of lieu lands of equal amount.

"School sections reported mineral by United States Deputy Surveyors require no further proof, unless disputed. School sections not so reported must be proven so by a process called 'adjudication', which is similar to the legal method of per-

petuating evidence. Notice must be given of the time and place for taking the testimony before legally appointed officers; the witnesses are subjected to cross-examination and every precaution taken to ascertain the facts. Upon these the local land officers render a decision, which, with the evidence, is transmitted to the General Land Office, where it is reviewed by the General Commissioner. Although such a trial is held in the name and by the authority of the State; in fact, the State has had nothing further to do than to lend its authority to private individuals who were undertaking it on their own account and for such returns as might come to them in the lieu land dicker.

"The expense attending adjudication is considerable and the result of it somewhat uncertain, as the Commissioner has decided, in many cases, that the allegation of mineral character was unproven. Whether from this or other reasons, the legislature has never appropriated any money for such work. As a preliminary to adjudication, the Land Department at Washington ruled that an affidavit (of which the form was given by the Commissioner of the General Land office), made by one and certified by two disinterested witnesses, should be *prima facie* evidence of the mineral character of the land, sufficient to warrant the Department in ordering an adjudication. Upon the filing with the Department of such affidavits, the State was allowed to make selections of lieu land based upon the school sections so certified as mineral, but the selections were only tentative, and were not confirmed to the State until the complete and final adjudication, proving the mineral character of the land.

"For some reason the rule was not strictly adhered to, as, in many instances, selections have been made when no affidavits can be found in the Department, they having been lost in transmission or were erroneously retained in the local land office, where they were first sent, instead of accompanying the lists of selections. This course, of allowing selections before proof, though no doubt well intended, became a source of much confusion and trouble, for in very many instances, the after ad-

judication failed to substantiate the certified allegation of mineral character, and of necessity the selections by the State of lieu lands based upon them had to be canceled.

"Additional to this, and complicating the difficulties immeasurably, the State authorities were in the habit of selling the lands as fast as selected on the strength of the aforementioned *ex parte* affidavits, and when the cancellations came, the purchasers, though holding deeds from the State, were deprived of both money and land. The extent to which the said affidavits were fictitious or fraudulent can be approximately known from the fact that the State's claim to over fifty thousand acres of land so purchased has been set aside by the General Government.

"It is not necessary to infer from such an outcome that the person working up mineral basis was trying to defraud the State or individuals, for with the best intent and management, the inevitable tendency of the method of procedure adopted or allowed by the State Board was to produce just such complications as now perplex the State land officers. It was the extreme of recklessness to sell lands to which the State had no shadow of title, and for which there was very slight evidence that the State could obtain title in the manner proposed. Indeed, there was extraordinary inducement for the mineral basis manipulator to omit the steps necessary to establish a valid title to the land sold. Everything depended upon the basis. If that was not proven to be mineral, the sale was void as to the purchaser of the lieu land. The base hunter merely procured an affidavit that certain school sections, maybe hundreds of miles away, were mineral in character; this was called furnishing basis for lieu land selections.

"Upon such a flimsy foundation as this the Governor, as land selector for the State, and totally ignorant of the facts, signed the list, which was transmitted to the local land office, where it was formally accepted without inquiry, of course, as it was no part of land office business to disprove the affidavits, and from there it was sent to Washington. When the local land officers accepted the list, then the lieu land purchaser paid the

money, according to his contract with the base hunter, who took his pay in full, and the remainder was turned over to the State. The State officers executed a deed, if the purchaser paid in full, or a certificate of sale in case of deferred payment. The base hunter, though paid in full, was under no bonds or legal obligations whatever, to go on and adjudicate upon the basis he had furnished, but, without the adjudication to the satisfaction of the Commissioner of the General Land Office, the so-called basis was no better foundation for a lieu land sale than if it had been located in the moon. Granting that he should go forward in the successive steps of adjudication, viz.: obtain an order from the local land officers of the district in which the alleged mineral basis is located, appointing a time and place and a referee before whom the testimony should be taken, publish the notice of such appointment, furnish the witnesses and the attorney to question them, take down the testimony in writing, forward it to the local land officers, obtain from them a verdict, favorable if possible, and afterwards a judgment by the commissioner of the General Land Office; if he goes through all this with an earnest, honest purpose to earn the money he has received and to vindicate the good name of the State, the chances are two to one that it would fail in some important particular, and as a consequence the purchaser would lose his land and be obliged to call upon the State to refund the money. This is about the kind of success attending such a method of doing business when there is an honest effort on the part of the mineral-base hunter to consummate the undertaking; but as he is not under bonds or legal contract to perform such service, and as he is uniformly paid in advance, there is nothing very strange or irrational in the assumption that several thousand acres of those selected in this way were never intended to be adjudicated, and that school sections were assumed to be mineral with fraudulent intent.

"When economically managed, adjudication does not cost as much as the basis sold for, and therefore it would be a paying

business to procure affidavits of mineral character, realize upon the basis, and go through a sham adjudication.

"Of the more than sixty thousand acres of mineral basis upon which lieu lands have been sold, only about twenty-six thousand have been confirmed to the State, the remaining thousands having been canceled by the General Government.

"It is not to be expected that any business can be carried on without an occasional error, and the land business, from its complexities, is especially subject to inaccuracies and mistakes. It is, in fact, a specialty requiring careful and long-continued training, both of the perceptive faculties, and those of the understanding, as well as strictly methodical habits. But making all proper allowances for human imperfections and the intricacies of land office business, should we rationally expect to find, in the State Land Office, basis used twice or more times to the amount of more than seven thousand acres? Such, however, is the case, and it means that citizens of the State have been defrauded to that extent. The Commissioner of the General Land Office gave a rough estimate that seventy thousand acres of lieu land selected by the State, will be canceled for the reasons already given, which may be recapitulated as follows, to wit: Lieu selections in conflict with persons holding under United States laws, and in conflict with State lands previously taken; *second*, selections in lieu of false mineral basis, thirty-eight thousand acres; *third*, selections on basis calculated in unsurveyed townships, six thousand acres; *fourth*, selections on duplicate basis, already given, seven thousand acres. The decision, as to several thousand acres of selections, is still pending at Washington, on account of imperfections in the proof adduced as to the mineral character of the basis.

"Mr. W. T. Radir, said to be the first person who ventured into the field of speculation, and the one who has done more than all others to prove the mineral character of otherwise worthless schoolsections of Eastern Oregon, is at present busily engaged in adjudicating them, with some prospect of reducing the aggregate of undetermined or false basis before given. And though the experiment of buying lieu land upon unproven

mineral basis has been rather a losing investment to many of our citizens, the State will be the gainer, perhaps more than thirty thousand acres of land as a consequence of such unsolicited ventures. But after the mending of proofs, there will still remain some twenty to thirty thousand acres of canceled lands for which the State has given deeds or certificates of sale, and thereby laid itself under obligations to assist in extricating the purchasers from the embarrassments arising from defective title. It is easy to say that purchasers of lieu land were required by law to find their own basis, and that if they set up a false basis, by themselves or attorneys, the State is not to blame, and should not be held responsible; but while this may be the legal view of the case, it affords no practical solution of the problems growing out of the very imperfect legislation of the past. If the legislature adopts an impracticable requirement, or one that must inevitably lead to trouble, by leaving the duties of officers so vague as to practically abolish their responsibility, certainly it is not proper to insist on a strict construction of such legislative enactment to the injury of well-meaning persons who have been misled by the action or nonaction of blundering or corrupt officials.

"Citizens are inclined to trust the State, and they look upon a parchment bearing its great seal with confidence, as an earnest and reliable pledge, and not the voidable trick of an officer for whose delinquencies the State takes no care and feels no responsibility. So in the case of these canceled lieu lands; the people holding the State's obligations therefor, have been petitioning Governor Lord to come to their rescue and set up their purchases upon valid basis, and thus make good the State's contracts. Now, it so happens that the Daly law stands in the way of compliance with their petitions, and the Governor, very properly, refers them to the next legislature for redress.

"It will be recollected that the canceled lands are immediately subject to appropriation under United States laws, and in some instances where such lands have been improved by the purchaser, or evidence has been furnished showing want of proper

conduct on the part of the Clerk of the State Board, by which purchasers were misdirected, or where great and irreparable injury would probably be inflicted by delay, the governor has yielded to the seeming necessities of the case and provided basis out of the Cascade reserve. The remainder can wait until the proper department of government takes them in hand."

Upon taking charge of my office on September 1, 1903, I found that the State for some time prior to 1903 had been again attempting to make selections upon alleged mineral base, and a large number of the lists had been rejected by the Commissioner of the General Land Office for the reason that the evidence furnished by the State was not sufficient to establish the mineral character of the "base" lands, and for the further reasons that some of the base had been previously used or had been sold in place by the State; that General Odell, as attorney for the State had taken an appeal from the Commissioner's decision, and action on the balance of the selections had been suspended awaiting the result of the appeal. After familiarizing myself with these matters I set to work to make a record of all the pending mineral selections and the base used; I then, with the assistance of the clerks in the office of the Clerk of the State Land Board, secured the addresses of all those who had purchased lands covered by the rejected lists and notified them, that they might be informed as to the condition of their titles and take such steps as they saw fit to protect their interests. I also found that a large number of selections made upon alleged losses in forest reserves, Indian reservations and fractional townships, and on account of homestead entries, had been rejected and canceled by the General Land Office for the reason that all of the alleged losses had been either satisfied by previous selections or never had existed. The purchasers of these lands also were notified and many have had their money repaid them by the State Land Board.

The mineral selections, amounting to about 73,500 acres, had been made upon base nearly all of which had been furnished by General Odell, who had conceived the idea of hav-

ing a large number of school sections lying in remote and mountainous parts of the State adjudicated and returned as mineral that they might be used as base for indemnity selections. General Odell in his brief on appeal from the decision of the Commissioner of the General Land Office to the Secretary of the Interior gives the following account of the hearing had at the La Grande Land Office, where most of the lands were adjudicated, and the proceedings in the other districts were the same.*

"September 12, 1900, the State of Oregon made application to have the lands in a large number of school sections, not so returned, but which were alleged to be in fact mineral and therefore not the property of the State, adjudged mineral, so that it might select lands in lieu thereof under the provisions of Section 2275 as amended by Act of February 28, 1891 (26 Stats. 796). Said application was made to the Register and Receiver of the U. S. Land Office at La Grande, Oregon. The application was based upon the *ex parte* affidavits of miners, who testified to their personal knowledge of the mineral character of all the lands alleged to be mineral. The said Register and Receiver personally knew many of the men who made the allegations of the mineral character, and after careful

*List of school sections adjudicated in other land districts:

All of section 16, Twp. 40 S., R. 4 W.
 All of section 36, Twp. 40 S., R. 4 W.
 All of section 16, Twp. 38 S., R. 5 W.
 All of section 16, Twp. 33 S., R. 5 W.
 All of section 36, Twp. 33 S., R. 6 W.
 All of section 16, Twp. 34 S., R. 5 W.
 All of section 36, Twp. 35 S., R. 5 W.
 All of section 16, Twp. 38 S., R. 8 W.
 All of sections 16 and 36, Twp. 13 S., R. 30 E.
 All of sections 16 and 36, Twp. 13 S., R. 31 E.
 All of sections 16 and 36, Twp. 13 S., R. 32 E.
 All of sections 16 and 36, Twp. 13 S., R. 33 E.
 All of sections 16 and 36, Twp. 13 S., R. 34 E.
 All of sections 16 and 36, Twp. 13 S., R. 35 E.
 All of sections 16 and 36, Twp. 13 S., R. 35½ E.
 All of sections 16 and 36, Twp. 14 S., R. 30 E.
 All of sections 16 and 36, Twp. 14 S., R. 31 E.
 All of sections 16 and 36, Twp. 14 S., R. 32 E.
 All of sections 16 and 36, Twp. 14 S., R. 33 E.
 All of sections 16 and 36, Twp. 14 S., R. 34 E.
 All of sections 16 and 36, Twp. 14 S., R. 35 E.
 All of sections 16 and 36, Twp. 14 S., R. 35½ E.
 All of sections 16 and 36, Twp. 15 S., R. 31 E.
 All of sections 16 and 36, Twp. 15 S., R. 32 E.
 All of sections 16 and 36, Twp. 15 S., R. 33 E.
 All of sections 16 and 36, Twp. 15 S., R. 34 E.
 All of sections 16 and 36, Twp. 15 S., R. 35 E.
 All of sections 16 and 36, Twp. 15 S., R. 35½ E.

consideration ordered a hearing in conformity with Department letter 'N,' bearing date November 21, 1894.

"Testimony was taken, as per order, before Joseph A. Wright, notary, of Sparta, Oregon, commencing December 3, 1900, and before Clarence Cole, a notary public, of Baker City, Oregon, commencing December 10, 1900. The testimony thus taken was transmitted to the Register and Receiver of the La Grande Office, and after careful consideration the following findings were had:

UNITED STATES LAND OFFICE, }
LA GRANDE, Oregon, December 29, 1900. }

In the matter of the application of the State of Oregon, for the adjudication of certain lands, mineral in character.

(See Act of Congress of February 28 1891.)

Now at this time the above entitled application for an adjudication of lands, by the State of Oregon, came on for determination pursuant to notice duly given and after due and careful investigation and consideration of the testimony heretofore taken before Jos. A. Wright, at this office in Sparta, Oregon, he being the duly authorized and commissioned notary public to take such testimony as should be presented, we find as follows:

That the testimony of the witnesses, direct and corroborating, and there being no protest or objection offered, shows that the following described lands are such lands as are within the contemplation of the act above set forth and under which this hearing was ordered, and are of such a character and were at the time of the survey thereof mineral in character and valuable only for the mineral therein contained and should be held by the United States, and that the State of Oregon should be allowed to select other lands in lieu thereof:

All of section 16, Twp. 6 S., R. 48 E. W. M.

All of section 36, Twp. 6 S., R. 46 E. W. M.

All of section 16, Twp. 7 S., R. 48 E. W. M., fractional 361.74 acres.

All of section 16, Twp. 7 S., R. 47 E. W. M.

All of section 16, Twp. 8 S., R. 47 E. W. M.

All of section 16, Twp. 8 S., R. 45 E. W. M.

All of section 16, Twp. 10 S., R. 46 E. W. M.

All of section 16, Twp. 9 S., R. 43 E. W. M.

All of section 36, Twp. 8 S., R. 41 E. W. M.

The S. $\frac{1}{2}$ and the S. $\frac{1}{2}$ of N. $\frac{1}{2}$ section 36 Twp. 9 S., R. 45 E. W. M.

All of section 16, Twp. 9 S., R. 42 E. W. M.

All of section 36, Twp. 7 S., R. 44 E. W. M.

All of section 36, Twp. 8 S., R. 45 E. W. M.

All of section 36, Twp. 10 S., R. 44 E. W. M.

All of section 36, Twp. 8 S., R. 46 E. W. M.

All of section 16, Twp. 8 S., R. 41 E. W. M.

The NW. $\frac{1}{4}$ and N. $\frac{1}{2}$ SW. $\frac{1}{4}$ section 16, Twp. 9 S., R. 45 E. W. M.
 All of section 16, Twp. 9 S., R. 46 E. W. M.
 All of section 16, Twp. 8 S., R. 43 E. W. M.
 All of section 16, Twp. 10 S., R. 45 E. W. M., except the SE. $\frac{1}{4}$ SE. $\frac{1}{4}$.
 All of section 36, Twp. 9 S., R. 42 E. W. M.
 All of section 36, Twp. 7 S., R. 47 E. W. M., except NW. $\frac{1}{4}$ NW. 1-4.
 All of the W. $\frac{1}{2}$ of section 36, Twp. 7 S., R. 43 E. W. M.
 The E. $\frac{1}{4}$ NW. $\frac{1}{4}$, the W. $\frac{1}{4}$ NW. $\frac{1}{4}$, the N. $\frac{1}{4}$ SE. $\frac{1}{4}$, and NE. $\frac{1}{4}$.
 SW. $\frac{1}{4}$ section 36, Twp. 6 S., R. 41 E. W. M.
 All of section 36, Twp. 8 S., R. 43 E. W. M.
 All of section 36, Twp. 6 S., R. 42 E. W. M.
 Done and dated at LaGrande, December 29, 1900.

E. W. BARTLETT, *Register*.

S. O. SWACKHAMER, *Receiver*.

UNITED STATES LAND OFFICE, }
 LAGRANDE, Oregon, December 29, 1900. }

In the matter of the application of the State of Oregon, for the adjudication of certain lands, mineral in character.

[See Act of Congress of February 28, 1891.]

Now at this time the above-entitled application for an adjudication of lands by the State of Oregon, came on for determination pursuant to notice duly given, and after due and careful investigation and consideration of the testimony, heretofore taken before Clarence Cole at his office in Baker City, Oregon, he being the duly authorized and commissioned notary public to take such testimony as should be presented, we find as follows:

That the testimony of the witnesses, direct and corroborating, and there being no protest or objection offered on behalf of any person, shows that the following-described lands are such lands, are within the contemplation of the above act set forth and under which this hearing was ordered, and are of such a character and were at the time of the survey thereof mineral in character and valuable only for the mineral therein contained and should be held by the United States, and that the State of Oregon should be allowed to select other lands in lieu thereof:

All of section 16, Twp. 12 S., R. 43 E. W. M., except the S. $\frac{1}{2}$ NW. $\frac{1}{4}$, N. $\frac{1}{2}$ SW. $\frac{1}{4}$ and SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$.

All of section 16, Twp. 11 S., R. 41 E. W. M.

All of section 36, Twp. 12 S., R. 35 $\frac{1}{2}$ E. W. M.

The NW. $\frac{1}{4}$, the W. $\frac{1}{2}$ SW. $\frac{1}{4}$, the S. $\frac{1}{2}$ SE. $\frac{1}{4}$, NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ section 16, Twp. 11 S., R. 43 E. W. M.

All of section 36, Twp. 12 S., R. 36 E. W. M.

All of section 16, Twp. 11 S., R. 42 E. W. M.

All of section 16, Twp. 11 S., R. 40 E. W. M.

All of section 36, Twp. 6 S., R. 33 E. W. M.

All of section 16, Twp. 7 S., R. 33 E. W. M.

All of section 16, Twp. 12 S., R. 42 E. W. M.

All of section 36, Twp. 10 S., R. 31 E. W. M.

All of section 36, Twp. 11 S., R. 31 E. W. M.
All of section 16, Twp. 10 S., R. 36 E. W. M.
All of section 36, Twp. 6 S., R. 35 E. W. M.
All of section 36, Twp. 11 S., R. 35 E. W. M.
All of section 16, Twp. 11 S., R. 35 E. W. M.
All of section 16, Twp. 11 S., R. 35½ E. W. M.
All of section 16, Twp. 6 S., R. 34 E. W. M.
All of section 16, Twp. 7 S., R. 34 E. W. M.
All of section 36, Twp. 7 S., R. 33 E. W. M.
All of section 16, Twp. 8 S., R. 35 E. W. M.
All of section 36, Twp. 11 S., R. 32 E. W. M.
All of section 36, Twp. 8 S., R. 32 E. W. M.
All of section 36, Twp. 12 S., R. 43 E. W. M.
All of section 36, Twp. 11 S., R. 41 E. W. M.
All of section 36, Twp. 10 S., R. 35½ E. W. M.
All of section 16, Twp. 11 S., R. 31 E. W. M.
All of section 16, Twp. 11 S., R. 38 E. W. M.
All of section 16, Twp. 11 S., R. 39 E. W. M.
All of section 36, Twp. 12 S., R. 38 E. W. M.
All of section 36, Twp. 10 S., R. 42 E. W. M.
All of section 36, Twp. 11 S., R. 35½ E. W. M.
All of section 16, Twp. 12 S., R. 35 E. W. M.
All of section 36, Twp. 10 S., R. 36 E. W. M.
All of section 16, Twp. 12 S., R. 45 E. W. M.
All of section 16, Twp. 11 S., R. 45 E. W. M.
All of section 16, Twp. 9 S., R. 31 E. W. M.
The W. ½ of W. ½ section 36, Twp. 12 S., R. 40 E. W. M.
All of section 36, Twp. 10 S., R. 41 E. W. M.
All of section 16, Twp. 10 S., R. 42 E. W. M.
All of section 16, Twp. 11 S., R. 30 E. W. M.
All of section 16, Twp. 7 S., R. 35½ E. W. M.
All of section 36, Twp. 6 S., R. 37 E. W. M.
All of section 36, Twp. 10 S., R. 43 E. W. M.
All of section 36, Twp. 10 S., R. 35 E. W. M.
All of section 16, Twp. 8 S., R. 32 E. W. M.
All of section 16, Twp. 12 S., R. 40 E. W. M.
All of section 36, Twp. 10 S., R. 33 E. W. M.
All of section 16, Twp. 11 S., R. 44 E. W. M.
All of section 16, Twp. 6 S., R. 35½ E. W. M.
All of section 16, Twp. 10 S., R. 43 E. W. M.
All of section 16, Twp. 6 S., R. 37 E. W. M.
All of section 36, Twp. 12 S., R. 35 E. W. M.
All of section 16, Twp. 12 S., R. 35½ E. W. M.
All of the W. ½ of section 36, Twp. 8 S., R. 34 E. W. M.
All of section 16, Twp. 12 S., R. 37 E. W. M.
All of section 36, Twp. 11 S., R. 30 E. W. M.
All of section 16, Twp. 6 S., R. 35 E. W. M.
All of section 16, Twp. 11 S., R. 38 E. W. M.

All of section 16, Twp. 7 S., R. 35 E. W. M.
All of section 36, Twp. 11 S., R. 37 E. W. M.
All of section 36, Twp. 12 S., R. 37 E. W. M.
All of section 16, Twp. 12 S., R. 36 E. W. M.
All of section 16, Twp. 6 S., R. 31 E. W. M.
All of section 36, Twp. 11 S., R. 40 E. W. M.
All of section 16, Twp. 6 S., R. 32 E. W. M.
All of section 36, Twp. 7 S., R. 34 E. W. M.
All of section 36, Twp. 10 S., R. 34 E. W. M.
All of section 36, Twp. 11 S., R. 42 E. W. M.
All of section 36, Twp. 7 S., R. 31 E. W. M.
All of section 36, Twp. 6 S., R. 34 E. W. M.
All of section 16, Twp. 6 S., R. 33 E. W. M.
All of section 36, Twp. 6 S., R. 35½ E. W. M.

Done and dated at La Grande, Oregon, December 29, 1900.

E. W. BARTLETT, *Register*.

S. O. SWACKHAMER, *Receiver*.

It will be seen from Mr. Odell's account of the proceedings that the application to have these lands adjudicated was made by the *State of Oregon*, and as no one but the Governor, or some one acting for him, could ask for this hearing in the name of the State, he was without a doubt aware of the proceedings, and had, or should have had, a list of the lands to be adjudicated, and should have seen that they were withdrawn from sale until their character could be determined, for, if they were, as was being alleged, mineral in character, the State did not have title and could not rightfully sell them. And furthermore the State was attempting to establish the mineral character of school lands some which had been sold to innocent purchasers and had it succeeded would have thereby defeated its own titles and left the many purchasers with no recourse but that of recovering the money they had paid the State for the land. These lands should have been stricken from the list, and those not sold withdrawn from sale that they might be used as base, in event their mineral character could be established, without defeating someone's title. But on the contrary the sale of these lands continued without interruption while they were being adjudicated, and long after, even when they were being used as base for indemnity selections and any claim the State may

have had to them was being thereby relinquished to the United States by the Governor.

The using of those lands, which had been sold in place by the State, for base did more than anything to cause the rejection of the mineral selections by the General Land Office, for few of the lists had been approved, and others would probably have gone through, had not a protest, filed by the owners of school sections which had been used for base by Mr. Odell and the State Land Agent, caused an investigation by the Commissioner which led him to believe that the State was not only acting in bad faith towards its grantees, but also was trying to unload onto the Government a lot of worthless lands in order that it might receive valuable Government lands in their stead.*

It appears that there were about 60,000 acres of land in sections 16 and 36 adjudicated in the LaGrande district, and about 30,000 acres in the other districts, making a total of about 90,000 acres, and, as the lands had been adjudicated at the request of State Land Agent Geer, the State now had, apparently, this amount of base for indemnity selections, but, on the alleged ground that he had stood the expense of the adjudication, Mr. Odell was given the privilege of using the base and any profits he might derive from its sale to those who desired base for indemnity selections. Mr. Odell was also given a desk in the State Land Agent's office, and those wishing a selection made, and not knowing of a basis for same, were referred to him and were furnished with base upon payment (so I am informed) of \$1.50 per acre.† Having paid Mr. Odell a large sum for information which it took him but a minute to give, and which could have been given him by the State Land Agent, since the record of the available base was properly part of the records of the State Land Department, the applicant could now have his selection made by the State

* Above two-thirds of the school lands which were adjudicated appear to be sold.

† General Odell, to whom this report was submitted before being printed, says that he only received 75 cents an acre for the first base sold and the price was gradually raised to \$1.50 per acre. He says he sold most of it for \$1 to \$1.25 per acre.

Land Agent, who collected and paid to the Clerk of the State Land Board the money due the State on account of the purchase price of the lieu lands. For confirmation of this statement I quote from the report of State Land Agent Geer:

"All indemnity selections have been made upon application by citizens who have, at their own expense, procured what appeared to be valid base, principally by the proof of the mineral character of certain sixteenth and thirty-sixth sections, as provided by Act of Congress and the rules of the United State Land Department."

Mr. Geer says that the selections were made upon "*what appeared to be valid base*"; no one was in a better position than he to tell whether or not the base was valid, for it had been adjudicated at his request and its use made possible by his acts, and while he may have had every reason to believe that most of it was valid and would be accepted by the General Land Office, there surely was no excuse for using, as was done, the same base for two or three different selections, and no reason to expect them to be approved.

In some cases I find that Mr. Odell attended to the whole transaction and looked after the collection of the money for the State as well as his commissions, and many claim because of this fact and because he had a desk in the office of the State Land Agent, they thought they were dealing directly with the State and, upon making application for repayment where their titles have failed, feel aggrieved because the Board will not repay them the money they have paid Mr. Odell for base.

There is no disputing the fact that it would have been a great thing for the State if it had succeeded in receiving indemnity for these otherwise worthless lands, or at least for those which had not been sold in place, for it would have resulted in the State's receiving \$2.50 per acre for the lands and would have made quite an addition to the school fund, but it also would have been and was a great thing for Mr. Odell, who, having sold about 70,000 acres of base, must have received near \$100,000.00 for it, and this sum would have been increased had he succeeded in disposing of the balance of the 90,000 acres

before the Department began to reject the selections. The cost of adjudication, however, which was paid by Mr. Odell, is to be deducted from these profits, and, after the rejection of the base by the Department he was put to considerable expense in connection with his appeal from the decision of the Commissioner of the General Land Office.

In view of the above it would have been better for the State to have handled this "base" proposition on its own account, and the Governor, if he had faith in the eventual establishment of its mineral character, should have recommended that provisions be made by the Legislature for defraying the expense of the adjudication, to be conducted by the State Land Agent, which would have been far more than covered by a slight raise in the price of lieu lands, as these lands would have found ready sale at the advanced price since there would have been no charge made for furnishing the base. If this had been done, and the base had passed muster, the school fund would have received the money that has gone to fatten the purses of private individuals, and had the base failed, the purchasers would have had all their money repaid them, and would not now be bewailing the loss of the money they have paid General Odell and his agents for base.

STATEMENT.

Mineral and rejected lists (round numbers).

Total mineral selections made.....	*73,500 acres
Total mineral selections approved.....	1,000 acres
Leaving unapproved.....	72,500 acres
Other rejected selections.....	14,500 acres
Total.....	87,000 acres
Repaid on.....	46,500 acres
	40,500 acres
Made good by the substitution of new base at \$5.00 per acre.....	6,500 acres
Leaving still to repay on.....	34,000 acres

The Board has repaid about \$77,500.00 on account of these rejected selections and it is estimated that there are about \$55,000.00 yet to repay.

* Of the 73,500 acres of mineral selections, about 50,000 had been held for cancellation at the date of this report, and the balance is now being rejected, December 12, 1904.

While it appears that over half the lands have been repaid on, the repayments represent probably only one-third of the purchasers, as those yet to be repaid are small holders, the large ones having been more prompt in asking for repayment of their money.

NEW SELECTIONS.

As shown by this report, but 175.35 acres of new selections have been made. While this office has not refused to make them, they have been discouraged for the reason that all the available base can be used to make good selections which have been rejected by the General Land Office, and, as \$5 per acre is charged for the substitution of new base, the school fund receives just as much as if it were used for new selections. Another reason for not making them is that it will give the Commissioner of the General Land Office more time in which to pass on the great number of lists now pending in his office, and I earnestly hope that I may be able, in the near future, to report to you that every list now pending in the Commissioner's office has been disposed of, and that the purchasers of the lieu land covered by the rejected lists have all been duly notified and that their money has been repaid them.

RECORD OF AVAILABLE BASE.

I found there were a large number of lists, covering thousands of acres, still pending in the General Land Office which had been hanging fire for a number of years on account of irregularities, and which would soon be canceled if not adjusted. In attempting to remove these objections I was obliged to refer to the records of private individuals, as no complete record of the base used in the past, and now available, was to be found in this or the State Land Office. I therefore concluded to make a record showing each and every particle of base used from the beginning, and as this was impossible without help, the State Land Board authorized the temporary employment of a clerk at a salary of \$50 per month. The work was started about April 1, 1904, and at this writing has been practically completed.

This record shows every tract of base used by the State and

for which indemnity has been allowed, also the base used in the lists now pending in the General Land Office, and, when completed, will show at a glance whether or not there is any available base in a given township; whether a tract of land selected upon a certain basis has been patented to the State, and, if not, whether it will be approved or rejected; it also will show if any of the tracts which have been used as base have been sold in place by the State, and will bring to light all conflicts of this character and aid in their adjustment.

In making this record about 8,000 acres of valid base were brought to light worth \$5 per acre, or \$40,000, and about 6,500 acres have already been disposed of at this figure. Further investigation will no doubt uncover several thousand acres more which also will find ready sale.

CONTESTS.

When township 15 S., range 3 E. was surveyed, section 16 was found to be well timbered, and when offered for sale by the Board brought \$14.27 an acre or \$9,132.80. Shortly after the sale the State was informed that four homesteads had been filed in the United States Land Office at Roseburg for the land by parties who had alleged residence prior to the date of survey, and I was instructed by the Board to investigate the matter and if I found the entries not to have been made by bona fide settlers to contest them.

After thoroughly investigating the matter and being convinced that the parties had not resided upon the land prior to the date of the survey I filed a contest against each of the entries. While engaged in serving the notices on the contestees I found that their alleged homestead entries had not been made in good faith, and soon convinced them of that fact. In order, however, to avoid the great expense incident to a trial at the local land office, with the consent of the State Land Board, I compromised with and secured relinquishments from all at a total cost, including expenses, of about \$400.00. For this amount I was able to clear the State's title to a section of land for which it received \$9,132.80.

STATE FARMS.

There were eighty farms on hand September 30, 1902, the date of the last report and eight have since been aquired making a total of eighty-eight.

Forty-eight of these have since been sold and the State realized \$133,425.80. This sum while it is \$8,900.84 less than the total cost, which includes interest to the date of foreclosure, is \$41,675.80 in excess of the amount loaned.

There are forty places now on hand representing \$52,978.25 in loans, or a total cost (which includes interest, taxes and attorney's fees) of \$74,557.95. Many of them are of little or no value, and very few can be sold for enough to cover the principal of the loans. They are the cullings of the forelosures, and the State will do well if it realizes \$35,000.00 on the lot, which would be \$17,987.25 less than the amount loaned, and \$39,557.95 less than the total cost.

This loss has been more than offset by sales of farms in the past, as many of them have been sold for more than the amount of the State's claims and I think if a balance were struck it would be found that the school fund has fared very well, especially when we take into consideration the loose manner in which the funds have been handled in years gone by.

The present State Treasurer sees that the borrowers keep their interest paid up, and thus, in the event of foreclosure, the State incurs little or no danger of loss.

IN CONCLUSION.

In accordance with your request the Clerk of the State Land Board has been kept duly informed as to all transactions of this office which would in any manner affect his records and by thus keeping the two offices in close touch many of the entanglements of the past have, and will be, avoided.

Mr. Brown and his office force have rendered me every possible assistance in the work I have been doing and, if I am able to accomplish anything which will result in good to the State, that office is entitled to a share of the credit. Mr. Brown has made many important changes in the manner of keeping

the records of the State Land Office and none but those familiar with the records of that office can appreciate the work he has done. The members of the State Land Board are to be congratulated upon the good judgment they have shown in selecting him to fill the position which he now holds.

Respectfully submitted,

OSWALD WEST,
State Land Agent.

LIST OF FARMS

Acquired by the State through mortgage foreclosure, or by deed from mortgagor, remaining unsold September 30, 1902, as shown by the report of State Land Board.

BENTON COUNTY.

<i>Name</i>	<i>No. of acres</i>
Hoffman, Nettie and J. H.	160
Plunkett, Wiley	320
Allen, Morris	576.88
Johnson, J. D.	75

CLACKAMAS COUNTY.

<i>Name</i>	<i>No. of acres</i>
Burney, W. T.	1,162
Garner, W. A. }	307
Winnle, M. A. }	80
McIntyre, Dominick	80
Revenue, John	80

COLUMBIA COUNTY.

<i>Name</i>	<i>No. of acres</i>
Roeser, M. and M. A.	560

COOS COUNTY.

<i>Name</i>	<i>No. of acres</i>
Davidson, M. A.	198.92
Crook, Edwin	436.80
Ritzman, Daniel	346
Johnson, T. W.	160
Fetter, Verner	160

CURRY COUNTY.

<i>Name</i>	<i>No. of acres</i>
Moore, F. S.	1,400
Gray, L. and Mary	160
Cooley, J. D.	965
Thompson, Wm.	158.88
Smith, Samuel	160

DOUGLAS COUNTY.

<i>Name</i>	<i>No. of acres</i>
McCallum, David	280.34
Boone, S. A.	419.36
Wimberley, E.	537.63
Lincoln, J. W.	10
Martin, H. M.	296.06
Welch, E. F.	160
Peters, G. W.	106.16

GRANT COUNTY.

<i>Name</i>	<i>No. of acres</i>
Hillis, D. C.	640

JACKSON COUNTY.

<i>Name</i>	<i>No. of acres</i>
Bishop, W. G.	251.71
Dltsworth, J. F.	238.76
Nickell, Chas.	416.54

JOSEPHINE COUNTY.

<i>Name</i>	<i>No. of acres</i>
Curry, Geo. B.	80
Iler, A. and R. J.	80

KLAMATH COUNTY.

<i>Name</i>	<i>No. of acres</i>
Dunlap, V. A.	320
Kershner, A.	158.80
Hamaker, J. W.	56.64
Walker, E. F.	1,040
Shallock, L. M.	80

LAKE COUNTY.

<i>Name</i>	<i>No. of acres</i>
Pike, A. J.	160
Evans, M. L.	120
Paxton, R. A.	160
McWilliams, W. C.	160
Walker & Fuller	318.34
Hammersly, S. A.	160

REPORT OF STATE LAND AGENT.

LANE COUNTY.

Name	No. of acres
Doty, R. and S. J.	100
Simpson, John	200

LINN COUNTY.

Name	No. of acres
Monteith, M. J.	133
Mullen, J. W.	200
Miller, L. and Ned	380.04
Myers, David	73.99
Wiley, A.	160

LINCOLN COUNTY.

Name	No. of acres
Mayers, Peter	80
Buford, T. J.	120
Jones, B. F.	40
Stitt, W. P.	270

MARION COUNTY.

Name	No. of acres
Golden, T. L.	101
Snyder, Alice	160
Edes, R. A.	51.62
Savage, Ellen	69.73

MORROW COUNTY.

Name	No. of acres
Gay, H. C. & F. E.	610
Carr, H. C.	160
Decker, O. W. & H. E.	160

POLK COUNTY.

Name	No. of acres
Graves, Mary H.	80

TILLAMOOK COUNTY.

Name	No. of acres
Worthington, C. H.	160
Keys, E. M.	160
Alderman, A. L.	170.07
Alderman, A. L. & P.	136.30

UMATILLA COUNTY.

<i>Name</i>	<i>No. of acres</i>
Ward, Geo. L.	160
Raley, B. F.	160
Beagle, Wm.	320
Guyer, John A.	160

WALLOWA COUNTY.

<i>Name</i>	<i>No. of acres</i>
Cochran, M. D.	160
Shields, C. R.	160
Akin, C. D.	83.23
Russell, Hiram	160

WASCO COUNTY.

<i>Name</i>	<i>No. of acres</i>
Lewis, J. C.	160
Alexander, Geo. W.	160

WASHINGTON COUNTY.

<i>Name</i>	<i>No. of acres</i>
Morton, Richard	128
Barrett, N. A.	320
Mullins, H. H.	160
Total	19,816.80

LIST OF PLACES SINCE ACQUIRED.

<i>Name of maker</i>	<i>Location</i>	<i>No. of acres</i>
Hamilton, W. B.	Benton County	237.57
Ward, J. P.	Clackamas County	204.28
Wingate, G.	Clatsop County	638.95
Mattison, Matt.	Coos County	260.63
Adams, B. H.	Curry County	160
Cook, Richard	Douglas County	320
Love, J. D. (E. DuGas)	Linn County	66
Meeker, Albert	Lincoln County	160
Total		2,047.43

RECAPITULATION.

	<i>Acres</i>
Places remaining unsold September 30, 1902	19,816.80
Places since acquired	2,047.43
Total	21,864.23

LIST OF FARMS SOLD OCTOBER 1, 1902, TO OCTOBER 1, 1904.

Place	Acreage	Principal	Total cost, including interest to date of foreclosure	Sold for
Johnson, J. D.	75	\$ 2,500 00	\$ 3,788 12	\$ 3,000 00
Hoffman, J. H. and Nettie	160	2,700 00	4,024 58	4,000 00
Plunkett, Wiley	320	1,100 00	1,734 03	1,200 00
Allen, Morris	576.88	3,300 00	5,342 29	5,500 00
Hamilton, W. B.	237.57	5,000 00	8,351 47	6,000 00
Burney, W. T.	1,162	5,000 00	8,562 48	6,340 00
Winnie & Garner	68.40	2,570 00	2,783 40	5,353 40
McIntyre, D.	80	400 00	610 61	500 00
Revenue, John	80	600 00	937 65	1,107 85
Johnson, T. W.	160	250 00	385 70	600 00
Moore, F. S.	1,400	2,500 00	3,799 73	10,000 00
Adams, B. H.	160	300 00	368 65	300 00
Cooley, Jno. D.	965	3,000 00	4,443 58	4,500 00
McCollum, David	280.34	1,000 00	1,551 89	1,000 00
Bishop, W. G.	251.71	2,500 00	3,840 00	4,000 00
Dunlap, V. A.	320	1,300 00	1,783 63	1,610 00
Walker, E. F.	1,040	2,500 00	3,732 00	3,320 00
Schallock, L. M. and J. G.	80	300 00	354 55	381 00
Kershner, A.	158.80	800 00	1,063 86	1,051 86
Evans, M. L.	120	600 00	1,145 62	1,200 00
Miller, L. and Ned	380.04	5,000 00	7,472 73	6,000 00
Stitt, W. P.	270	700 00	1,231 04	1,000 00
Snyder, Mrs. Alice	160	1,000 00	1,580 80	1,200 00
Savage, Ellen	(Bal.) 69.73	4,280 00	8,331 44	7,836 00
Gay, H. C. and F. E.	640	4,000 00	6,453 77	7,216 00
Carr, H. C.	160	350 00	579 55	820 00
Graves, Mary H.	80	800 00	1,186 50	550 00
Alderman, A. L.	170.07	400 00	772 95	700 00
Alderman, A. L. and P.	136.30	500 00	903 61	800 00
Ward, Geo. L.	160	1,000 00	1,554 36	400 00
Raley, B. F.	160	800 00	1,290 61	400 00
Cochran, M. D.	160	600 00	1,180 40	900 00
Barrett, N. A.	320	4,000 00	6,278 21	6,500 00
Roeser, M. and M. A.	560	2,200 00	4,074 91	3,200 00
Ward, J. P.	204.28	750 00	902 50	1,200 00
Wingate, G.	638.95	4,000 00	5,281 47	6,110 00
Wimberley, E.	537.63	2,000 00	2,190 44	1,500 00
Welch, Edwin F.	160	350 00	455 36	414 91
Hillis, S. C.	640	2,000 00	2,673 99	2,500 00
Hamaker, J. W.	56.64			254 88
Nickell, Chas.	135	{ 3,500 00 (Part)	5,400 00	5,400 00
Jones, B. F.	40	300 00	513 68	400 00
Love, J. D.	66	600 00	900 00	1,000 00
Myers, D.	73.99	2,000 00	3,076 88	1,479 80
Mullen, J. H.	200	4,000 00	6,032 60	6,000 00
Worthington, C. H.	160	600 00	980 73	650 00
Alexander, Geo. W.	160	1,000 00	1,827 57	900 00
Lewis, W. McD.	160	2,000 00	3,185 88	1,600 00
Morton, Richard	128	4,000 00	5,886 77	5,000 00
Martin, H. M.	64.60			200 00
Shields, C. R.	160	800 00	1,486 07	800 00
Total	14,706.93	\$ 91,750 00	\$ 142,326 64	\$ 133,425 80

LIST OF FARMS REMAINING UNSOLD SEPTEMBER 30, 1904.

CLACKAMAS COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date of foreclosure	Total cost
Winnie, M. A.	(bal.) 238.60	\$ 7,130 00	\$ -----	\$ 7,130 00
Garner, W. A.				

COOS COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Davidson, M. A.	198.92	\$ 700 00	\$ 210 31	\$ 910 31
Crook, Edwin	436.80	1,600 00	872 81	2,472 81
Ritsman, D.	346.00	1,800 00	1,036 20	2,836 20
Fetter, V.	160.00	400 00	124 05	524 05
Mattson, Matt	230.63	600 00	184 67	734 67

CURRY COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Gray, L. & Mary	160.00	\$ 600 00	\$ 256 72	\$ 856 72
Thompson, Wm.	158.88	250 00	226 03	476 03
Smith, Samuel	160.00	300 00	192 85	492 85

DOUGLAS COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Boone, S. A.	419.36	\$ 3,500 00	\$ 1,557 33	\$ 5,057 33
Lincoln, J. W.	(bal.) 10.00	160 00	300 00	460 00
Martin, H. M.	(bal.) 231.46	3,038 25	2,074 16	5,112 41
Peters, G. W.	106.16	4,500 00	1,370 32	5,870 32
Cook, Richard	320.00	500 00	219 80	719 80

JACKSON COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Ditsworth, J. F.	238.76	\$ 700 00	\$ 600 03	\$ 1,300 03
Nickell, Chas.	(bal.) 281.54	1,500 00	65 61	1,565 61

JOSEPHINE COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Curry, Geo. B.	80.00	\$ 600 00	\$ 135 63	\$ 735 63
Iler, A. & R. J.	80.00	500 00		500 00

LAKE COUNTY.

<i>Name of maker</i>	<i>Acres</i>	<i>Principal of loan</i>	<i>Costs and int. to date foreclosure</i>	<i>Total cost</i>
Pike, A. J.	160.00	\$ 750 00	\$ 718 36	\$ 1,468 36
Paxton, R. A.	160.00	800 00	540 92	1,340 92
McWilliams, W. C.	160.00	600 00	387 54	987 54
Walker & Fuller	318.34	1,500 00	1,190 78	2,690 78
Hammersley, S. A.	160.00	500 00	411 26	911 26

LANE COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Doty, R. & S. J.	100.00	\$ 400 00	\$ 296 21	\$ 696 21
Simpson, John	200.00	2,500 00	1,487 11	3,987 11

LINN COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Montelth, M. J.	133.00	\$ 5,000 00	\$ 1,860 41	\$ 6,860 41
Wiley, A.	160.00	1,000 00	-----	1,000 00

LINCOLN COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Mayers, Peter	80.00	\$ 250 00	\$ 87 45	\$ 337 45
Buford, T. J.	120.00	900 00	358 72	1,258 72
Meaker, Albert	160.00	350 00	182 97	532 97

MARION COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Golden, T. L.	101.00	\$ 1,000 00	\$ 449 27	\$ 1,449 27
Edes, R. A.	54.62	5,000 00	1,621 22	6,621 22

MORROW COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Decker, O. W. & H. E.	160.00	\$ 500 00	\$ 270 92	\$ 770 92

TILLAMOOK COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Keys, E. M.	160.00	\$ 500 00	\$ 310 96	\$ 810 96

UMATILLA COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Beagle, Wm.	320.00	\$ 1,000 00	\$ 733 66	\$ 1,733 66
Guyer, Jno. A.	160.00	1,000 00	392 55	1,392 55

REPORT OF STATE LAND AGENT.

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WALLOWA COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Akin, C. D.-----	83.23	\$ 350 00	\$ 409 71	\$ 759 71
Russel, Hiram-----	160.00	400 00	407 90	807 90

WASHINGTON COUNTY.

Name of maker	Acres	Principal of loan	Costs and int. to date foreclosure	Total cost
Mullens, H. H.-----	160.00	\$ 300 00	\$ 84 96	\$ 384 96
Total -----	7,157.30	\$ 52,978 25	\$ 21,579 40	\$ 74,557 65

RECAPITULATION.

	Number of farms	Acres
September 30, 1902-----	80	19,816.80
Since acquired-----	8	2,047.43
Total-----	88	21,864.23
Since sold (and parts of 4 others)-----	48	14,706.93
On hand September 30, 1904-----	40	7,157.30

FARMS SOLD.

	Principal	Total cost
Cost the State-----	\$ 91,750 00	\$ 142,326 64
Sold for-----	133,425 80	133,425 80
	* 41,675 80	\$ 8,900 84

* Excess.

FARMS ON HAND.

	Principal	Total cost
Cost the State-----	\$ 52,978 25	\$ 74,557 65
Estimated value-----	35,000 00	35,000 00
Probable loss-----	\$ 17,978 25	\$ 39,557 69

REPORT OF STATE LAND AGENT.

STATEMENT

Of money collected account sales State farms, etc., and paid to the Clerk of the State Land Board.

Date	By whom paid	For what paid	Amount
BY L. B. GEER, OCTOBER 1, 1902, TO APRIL 1, 1903.			
1902			
Oct. 1	Pence, J. P.	Certificate No. 12444	\$ 144 00
1	Mead, C. W.	Alderman place	500 00
1	Mescher, Mary	Roeser place	100 00
1	Elwood, A. J.	Carr place	64 00
1	LaBranch, F.	Allen place	3,000 00
Nov. 7	Sissler, H. L.	Moore place	500 00
10	Stouffer, T. B.	Draper place	185 00
22	Bowlby, E. R.	Cochran place	450 00
26	Cunningham, Frances	Stitt place	500 00
Dec. 8	Gay, Florence E.	Gay place	1,000 00
12	Withrow, C. H.	Shallock place	181 00
15	Bush, Sarah	Hoffman place	1,000 00
24	Stauffer, T. P.	Burney place	5 00
29	Pence, J. P.	Certificate No. 12444	200 00
30	Starkweather, R.	Raley place	100 00
30	Starkweather, R.	Ward place	100 00
1903			
Jan. 6	Sissler, H. L.	Moore place	2,000 00
12	Gallagher, A. M. and T.	Certificate No. 11910	90 00
15	Jones, B. F.	Certificate No. 13483-4-5	180 00
17	Crusins, Frank	Cooley place	1,000 00
Feb. 18	Carey, J. C.	Barrett place	1,000 00
20	Dunlap, A. S.	Dunlap place	128 00
Mar. 6	Dimick, G. W.	McCallum place	125 00
6	Maupin, C. H.	McCallum place	125 00
13	Moore, Walter J.	Bishop place	1,000 00
30	Reedy, J. E.	Hamilton place	500 00
30	Lloyd, Edwin	Plunkett place	300 00
Total			\$ 14,457 00
BY J. W. MORROW, APRIL 1, 1903, TO SEPTEMBER 1, 1903.			
1903			
April 22		Certificate No. 12381	\$ 49 60
May 25		Graves place	200 00
June 24		Certificate No. 7653	4 00
July 15		McIntyre, D., place	125 00
28		Evans place	400 00
Total			\$ 778 60
BY OSWALD WEST, SEPTEMBER 1, 1903, TO OCTOBER 1, 1904.			
1903			
Oct. 5	Bilyeu, J. A.	Myers, D., place	\$ 1,644 80
5	Mescher, Mary	Roeser place	886 00
8	Copeland, J. S.	Jones, B. F., place	400 00
1904			
Jan. 28	Jackson & Snow	Alexander place	50 00
28	Jackson & Snow	Lewis place	50 00
Feb. 11	Stoy, Sam B.	Morton place	250 00
17	Option on	Cook place	50 00
Mar. 1	Chenoweth	Martin place (part)	200 00
April 15	Stephenson	Hillis place	833 35
20	Grigsby	Dunlap place	333 33
May 15	Jackson & Snow	Alexander place	125 00
15	Jackson & Snow	Lewis place	350 00
June 18	Vandever	Welch place	344 00
22	Crumpacker	Shields place	100 00
30	Schloemann	Wimberley place	300 00
Aug. 1	Schlappi	Worthington place	50 00
Total			\$ 5,966 48

REPORT OF STATE LAND AGENT.

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RENTS

Collected and paid to the Clerk of the State Land Board.

Date	By whom paid	Farm	Year ending	Amount
1902	<i>By L. B. Geer, Oct. 1, 1902, to April 1, 1903.</i>			
Oct. 2	Wm. Amsler	Edes	Oct. 1, 1903	\$ 85 00
2	Thos. Little	Golden	Oct. 1, 1903	35 00
6	T. A. Lovelace	Roeser	Oct. 1, 1902	50 25
6		McCord	Oct. 1, 1902	50 00
7	Dick Peters	Monteith	Oct. 1, 1903	125 00
7	J. W. Cornelius	Barrett	Oct. 1, 1902	243 40
10	S. E. Dodson (balance due)	Whitset	Oct. 1, 1902	6 00
13	J. E. Brown	Keys	Oct. 1, 1903	5 00
Nov. 3	J. S. Garner	Wimberley	Oct. 1, 1902	42 45
3	S. G. VanDyke	Bishop	Oct. 1, 1902	250 00
3		Miller	Oct. 1, 1902	210 80
19	G. Wingate	Wingate	(Nov.)	25 00
19	W. A. Gallatly	Plunkett	Oct. 1, 1902	25 00
22	Otey Boone	Boone	Oct. 1, 1903	25 00
26	W. H. Brown	Charman	Oct. 1, 1902	107 00
Dec. 2	N. B. Moore	Cooley	Oct. 1, 1903	100 00
3	J. S. Thompson	Morton	Oct. 1, 1902	80 25
5	G. Wingate	Wingate	(Dec.)	25 00
11	T. A. Lovelace (balance)	Roeser	Oct. 1, 1902	28 64
30	Wilshire Agent	Paxton	Nov. 1, 1902	20 00
1903				
Jan. 9	I. Duclos	Martin	Oct. 1, 1903	75 00
9	G. Wingate	Wingate	(Jan.)	25 00
Feb. 2	Sale of hay	Dunlap		77 57
7	G. Wingate	Wingate	(Feb.)	25 00
12	B. F. Richardson	Alexander	Oct. 1, 1903	50 00
Mar. 5	Myers	D. Myers	Oct. 1, 1903	50 00
13	G. Wingate	Wingate	(Mar.)	25 00
31	B. Cameron (balance)	Hillis	Apr. 1, 1903	3 65
	Total			1,870 01
	<i>By J. W. Morrow, Apr. 1, 1903, to Sep. 1, 1903.</i>			
April 15	G. Wingate	Wingate	(April)	\$ 25 00
20	B. Cameron (account)	Hillis	Apr. 1, 1904	105 00
22	A. T. Clippinger	Walker & Fuller	Apr. 1, 1904	60 00
May 11	B. Cameron (balance)	Hillis	Apr. 1, 1904	100 00
	Total			\$ 290 00
	<i>By Oswald West, Sept. 1, 1903, to Oct. 1, 1904.</i>			
Sept. 20	Brown & Saxton (account)	Barrett	Oct. 1, 1903	\$ 215 00
Oct. 1	D. Peters	Monteith	Oct. 1, 1904	125 00
1	T. Little	Golden	Oct. 1, 1904	35 00
1	Lasalle Bros.	Mullen	Oct. 1, 1903	131 00
6	Brown & Saxton (balance)	Barrett	Oct. 1, 1903	12 00
7	W. Amsler	Edes	Oct. 1, 1904	85 00
8	Schmidt	Peters	Oct. 1, 1903	260 85
23	O. Boone	Boone	Oct. 1, 1904	50 00
Nov. 2	J. S. Garner	Wimberley	Nov. 1, 1903	42 40
2	J. S. Thompson	Morton	Oct. 1, 1903	100 50
7	B. J. Bovington	Peters	Nov. 1, 1904	250 00
21	I. Duclos	Martin	Oct. 1, 1904	100 00
30	Hopkins	Dunlap	Oct. 1, 1904	62 00
1904				
Jan. 5	McPherson	Simpson	Oct. 1, 1903	66 85
5	Wilshire Agent	Paxton	Oct. 1, 1903	20 00
19	D. W. Shafer	Alexander	Dec. 1, 1903	50 00
April 25	H. Dunston	Keys		5 00
May 17	A. T. Clippinger	Walker & Fuller	Apr. 1, 1905	60 00
Aug. 20	Lorin Cox	Martin	Oct. 1, 1905	105 00
Sept. 23	J. A. Robbins	Simpson	Oct. 1, 1904	53 00
	Total			\$ 1,828 60

REPORT OF STATE LAND AGENT.

STATEMENT.

Of money collected by L. B. Geer and paid to the Clerk of the State Land Board, account
 lieu selections October 1, 1902, to April 1, 1903.

Date	From whom received	Amount
1902		
Oct. 9	T. J. Laverick	\$ 160 68
9	Wm. Hans	160 00
9	F. J. Lawrence	160 00
9	Smith Combs	158 82
9	Hutton Rich	159 44
9	George Brand	160 00
9	Edwin Sward	160 66
11	Amos Briggs	155 24
11	T. Stilwell	160 00
11	O. R. Lam	160 00
11	J. W. Myers	160 00
11	W. E. Chittenden	160 00
11	M. F. Myers	160 00
11	J. H. Young	160 00
11	J. L. Thomas	160 00
11	R. W. Reynon	160 00
11	Don Upton	160 00
11	Geo. W. Dustin	157 19
11	G. W. Meinger	160 00
11	Wm. C. Bruce	160 40
11	W. A. Oliver	168 32
11	Omer Smith	150 07
11	Abi C. Baltes	157 48
11	Minnie Smith	160 00
11	Martha Hunter	160 00
11	Barney McGuire	160 00
11	Rosa Oliver	160 00
11	James Davis	160 00
11	Mary C. Gee	160 00
11	Estella Going	140 00
11	Leola Blackmun	80 00
11	Amos Johns	151 83
11	Geo. Williams	99 98
11	M. E. Moulter	140 00
11	Millard Underwood	120 00
18	R. J. Stowe	160 00
18	W. H. Adkins	155 18
18	Samuel Cramp	160 00
18	John Snyder	155 72
18	H. B. Jones	160 00
Nov. 11	Howard Heath	40 00
1903		
Jan. 6	Arthur T. Langell	20 00
8	C. S. Nye	80 00
8	David Eccles	160 00
Total		\$ 6,450 96

STATEMENT

Of money collected by Oswald West and paid to the Clerk of the State Land Board
 account lieu selections, September 1, 1903, to October 1, 1904.

Date	Acreage	List number	Sold for	Payments
1904				
April 25	40	395 Dalles	\$ 200 00	\$ 50 00
July 19	80	396 Dalles	400 00	80 00
27	35.35	206 Burns	176 75	35 00
Total				\$ 165 00

STATEMENT

Of money received by Oswald West and paid to the Clerk of the State Land Board to cover the charge for the substitution of new base in school indemnity lists which were held for cancellation by the Commissioner of the General Land Office.

Date	Acreage	List No.	Amount
1904			
Feb. 16	40	310 The Dalles	\$ 100 00
16	40	336 The Dalles	100 00
Mar. 2	95.68	443 Oregon City	239 20
May 9	80	116 Burns	200 00
17	40	100 Burns	100 00
17	65	190 Lakeview	162 50
June 16	40	324 The Dalles	100 00
27	40	136 Burns	100 00
July 29	9.64	113 Burns	24 10
Aug. 9	1,880	261 The Dalles	4,700 00
13	305.87	198 Roseburg	764 67
13	80	242 Roseburg	200 00
29	640	261 The Dalles	1,600 00
29	480	190 Lakeview	1,200 00
Sept. 12	80	329 The Dalles	200 00
12	1,240	339 The Dalles	3,100 00
14	101.24	408 Oregon City	253 10
14	80	408 Oregon City	200 00
14	80	412 Oregon City	200 00
19	40	131 La Grande	100 00
	5,457.43		\$ 13,643 57

I have on hand \$3,156.83 to be used as follows:

To cover the substitution of 80 acres new base in list 167 Lakeview	\$ 200 00
To cover 996.96 acres new base in list 169 Lakeview	2,492 40
To cover 80 acres new base in list 171 Lakeview	200 00
To be returned to the Muller Lumber Co.	264 43

Total \$ 3,156 83

These amounts are being held awaiting returns from the U. S. Land Office at Lakeview, Oregon.

RECAPITULATION.

Of money collected and paid the Clerk of the State Land Board:

LIEU SELECTIONS.			
L. B. Geer		\$ 6,450 96	
Oswald West		13,808 57	\$ 20,259 53
SALES OF FARMS, ETC.			
L. B. Geer		\$14,457 00	
J. W. Morrow		778 60	
Oswald West		5,966 48	\$ 21,202 08
RENTS.			
L. B. Geer		\$ 1,870 01	
J. W. Morrow		290 00	
Oswald West		1,828 60	\$ 3,988 61
Total			\$ 45,450 22