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COMMON SENSE LAND DECISION

Prompt and Thorough Reclamation No Ground For Contest of Entry.

Land Office has encouraged Re-entry of Improved Land as Desert Claims and Does Not Intend Now to Uphold Blackmailing Contestants—Text of Register's Decision.

A copy of Register Prescott's recent decision adverse to contestants of desert land entries in Imperial Valley has been received by the Press. A synopsis of the decision was given recently by Los Angeles papers and reprinted in all the valley papers, but an important part of the document was omitted. The decision in full, excepting citations of Idaho cases by way of illustration, is as follows:

House)
vs.)
Reynolds)

June 30, 1909.

This affidavit of contest relies on the allegation that at the time of filing the desert land entry the land had been reclaimed.

There is nothing in the affidavit saying that the land is not naturally desert in character or that it was reclaimed by the installation of a well or other permanent water supply which would not fail and allow it to revert back to desert as desert land would do upon the segregation, prior to entry or upon relinquishment of water stock representing solely water rights from exterior ditches.

The matter is of vital consequence to the Imperial Valley. Conditions there have been complicated in every way. Floods, broken dams, destruction of ditches, financial disasters, erroneous surveys and different climatic conditions which have impeded settlers and claimants. From absolutely innocent causes many entries of lands upon which thousands of dollars have been expended have had to be relinquished and relied upon. The segregation of the water stock, still left in the hands of private parties, has resulted in the lands, again restored to the public domain, reverting to desert as the presence of the water rights alone made them agricultural. Although leveling, bordering and ditching might be complete, the withdrawal of water by the placing of the water rights in one person and the title to the freehold in another made the lands as completely desert as far as any legitimate purpose of cultivation is concerned as though the land was covered with original hummocks.

This has been the practice ever since the first settlement of the valley. The present Register and Receiver and their predecessors have concurred or given no sign of warning or dissent. It has become a fixed policy and, under the circumstances justly so. To have adopted another would have been ruin to innocent people and against the facts.

The character of Imperial lands and the manner of their reclamation are too well understood and too thoroughly a matter of public record to be ignored. It is a common fact that reclamation is effected by purchase of water stock. Promptly upon the segregation of water stock and consequent lack of water the land reverts to desert. These facts must be negated by proper affirmations and no contest affidavit should be accepted and notice issued thereon where this is left in any way ambiguous.

Congress by the Act approved March 28, 1908, 35 Stat. 52, expressly provided against advantage being taken of such a technicality. That Act very justly provides that any individual who "has reclaimed" unsurveyed land

under the Act of March 3, 1877, shall have the preference right to make the entry thereof as desert land when surveyed. Plainly providing that reclaimed land may yet be entered as desert land in order to protect the one who reclaimed it.

The Imperial Valley has suffered from vicissitudes. It is a question however whether the complications heretofore had there would equal in disaster the confusion into which titles would be thrown were this charge that reclamation was too well and too promptly done accepted as ground of cancellation. The catastrophe would be serious indeed. A course of interpretation and practice once adopted by a ministerial department shall not operate to the injury of innocent persons following such practice. This principal alone should be sufficient to protect entrymen in this case. As to plural assignments, Desert Land Circular Nov. 30, 1908, Section 15, provides that the recognized practice shall not be disturbed as to past entries although not provided for by law. The same wise exercise of Equity if necessary should apply here. The damage to entrymen is much greater, the lands involved more extended and the opportunity for unconscionable and blackmailing contestants more enticing.

The affidavit of contest is rejected and the contestant has thirty days from notice hereof to appeal.

FRANK C. PRESCOTT,
Register.

LAST CANTALOUPE GOING TO MARKET

Crop Will Bring Nearly Half Million Dollars to Valley Melon Growers.

Cantaloupe shipments will continue for about ten days longer, and the growers are practically certain of receiving good returns, as the market has been steadily improving this week. According to a statement given out by one of the associations, ponies and jumbos were netting \$1.50 to \$2.00 this week and standards were bringing as high as \$3.00.

With forty more cars to go from all valley points, the total shipments for the season will be about 1200 to 1225 cars. During the entire season prices have kept up well and the end of the season shipments will probably bring a higher price than even the very early ones. The melon patches have been holding up well, but will begin to drop down now. The crop appears to have been about the right size and the season has demonstrated that 1200 cars of melons properly distributed can be sold at a profit. It is hardly likely that the market would have supported the quantity shipped out last season.

Most of the early shipments were of melons grown at Brawley and in the north end of the valley. The late shipments have been made up chiefly of the El Centro, Heber and Meloland crops. It is probable that the average net returns to growers for the season's shipments will be a dollar a crate or a little better, which will mean the distribution of more than \$400,000 among the cantaloupe growers of the valley.

SEWER INSPECTOR APPOINTED

In the absence of a quorum of City Trustees and on account of the immediate necessity for the services of such an officer Mayor Pearson and Trustee Pellet have appointed W. Bruce Gibson as Sewer Inspector to fill the position until the Board meets. On account of some sewer connections being made now it was necessary to do this in order to see that the work was done in accordance with the provisions of the proposed ordinance.

ALL PULL TOGETHER FOR GOOD OF CITY

Consolidation of the Old Civic Bodies in New Chamber of Commerce.

First Business is Liquidation of Debts of Defunct Organizations, and Directors Are Successful in Collecting Funds—Nearly a Hundred Citizens Now Enrolled as Members of Live Body.

Consolidation of membership of the Ten Thousand Club and old Chamber of Commerce was effected on Friday night of last week at the meeting in the Palm roof-garden, and a new organization was established on a solid basis under the name of the El Centro Chamber of Commerce.

More than fifty business men attended the meeting which was called to order by Stanley Brown for the Chamber of Commerce and Allen Kelly for the Ten Thousand Club. The joint committee submitted and the two organizations accepted the following report:

REPORT ON ORGANIZATION

El Centro, Cal., July 9, 1909.
To the El Centro Ten Thousand Club and El Centro Chamber of Commerce.

Your joint committee, appointed to formulate plans for consolidation of the two organizations, have prepared a simple form of organization which we trust will meet with your approval, and will serve as a basis of uniting the members as well as consolidating the two bodies.

We heartily commend the spirit of unity displayed at the meeting of last Tuesday evening, and trust that in this new organization we shall recognize the resurrection of that spirit of unity and harmony for which El Centro was noted, and of which we were all proud not more than a year ago.

We urgently recommend that the differences and dissensions of the past few months be forgotten; that we remember only enough to teach us the truth in the words, "A house divided against itself will surely fall," while "In unity there is strength" and "Divided we fall, united we stand." These are old quotations, but the truths expressed are so applicable that your committee ventures to repeat them.

We do not even desire to point out the unhappy results that have been occasioned by the lack of harmony that has prevailed, but prefer to point to the results that have been and are being accomplished by Calexico and Brawley through the efforts of united and live Chambers of Commerce. Both of these towns have met all of their obligations promptly and are doing much for their own advancement, and for the entire county.

Your committee is convinced that we have just as able men to handle the affairs of El Centro as either Brawley or Calexico, and we have many natural advantages over these towns, so that with the same united effort as is put forth by them we can accomplish even greater good for the advancement of El Centro.

We desire to point not back to failure of crops and hard times, but to call your attention to the fact that this valley has about completed the largest harvest it has ever had, and is selling its products at fair prices, so that the cash returns soon to be distributed throughout the county will be the greatest in its history.

That El Centro may reap her just proportion of the benefits of this bountiful harvest, your committee recommends the consolidation of the El Centro Ten Thousand Club with the El Centro Chamber of Commerce, under the latter name.

We have been unable to ascertain

definitely the amount of indebtedness this new organization will have to assume, but whatever it is we must assume it cheerfully, for as good citizens we are in honor bound to pay the bills of the two merging organizations. This feature, we recommend, should be placed in the hands of a strong financial committee, which committee should be assured of the unanimous support of the entire membership of the organization in a united effort to raise the funds to pay our old bills as well as carry on the work that must be done.

Your committee is convinced that the future of El Centro holds forth brighter prospects now than at any time for many months; and now is the time for every well-wisher for the prosperity of El Centro to put forth his best efforts to boost our City, and we trust this new El Centro Chamber of Commerce will furnish the necessary machinery for effective "boosting."

We respectfully submit the following form of Constitution and By-Laws for your consideration.

GEO. A. CARTER,
PHIL D. SWING,
DAN V. NOLAND,
Committee.

The joint meeting was then resolved into a general meeting of citizens, with J. Stanley Brown as temporary chairman and Phil D. Swing as secretary. On motion of Allen Kelly the Ten Thousand Club dissolved. (Continued on page 8.)

COTTON PLANTATION

Exhibition Patch on Block Near Railroad Depot at El Centro.

At the last meeting of the Ten Thousand Club before consolidation with the Chamber of Commerce, the president's proposal that cotton be planted on a vacant block between Fourth street and the railroad station was adopted, and a committee was appointed to raise the necessary money and have the work done.

Contractors Hubbell and Pellet were employed to prepare the ground and plant the seed, and the Holton Power Company offered to put in water pipe and supply water for irrigation without charge. The ground has been prepared for seeding, the water pipes have been placed, and the seed will be planted within a day or two.

This cotton field will be later than the fields planted by ranchers, but the patch will make an interesting exhibit in the fall, when travellers and land-seekers come into the valley. It is the purpose of the committee to leave the bolls upon the plants and make the field an advertisement of the cotton industry in Imperial Valley.

BROTHERHOOD HOLDS MEETING

The Fraternal Brotherhood Society, of El Centro, met in regular weekly session Wednesday evening in its summer quarters at the Palm Roof Garden, and another class was initiated into the mysteries of this active and vigorously growing order.

After the regular order of business, refreshments were served and dancing indulged in by those present.

An open meeting and social dance will be given by the Society next Wednesday evening, to which the public is invited. A special invitation has been extended to all members of other Fraternal Brotherhood Societies in the County to be present.

BUSINESS MEN MEET

The regular monthly meeting of the Imperial Valley Business Men's Protective association was held in El Centro Tuesday. One new member was added and plans made for handling accounts of delinquent debtors. The association is now just a year old and a large number of the business men of the Valley are members.

ASSESSMENT ROLL PROOF OF PROGRESS

Increase of Nearly Two Millions in the Valuation of Imperial County.

County Seat Leads Cities of the Valley in Real Estate and Improvements and is Almost Quarter of a Million in Advance in Total Valuation.

County Assessor Fred Fuller has completed his assessment roll for Imperial County and the figures show a gratifying increase in real estate, personal and improvement valuations during the past year.

The figures also show that the assessed valuation of El Centro exceeds that of any other city in the valley by over two hundred thousand dollars.

The following figures show the assessment for the different cities:

El Centro.	
Real estate	\$338,085.00
Personal property	37,725.00
Improvements	143,825.00
Total	\$518,635.00
Imperial	
Real Estate	\$229,110.00
Improvements	97,240.00
Personal property	85,720.00
Total	\$312,070.00
Holtville	
Real Estate	\$160,275.00
Personal property	46,917.00
Improvements	73,905.00
Cash	1,700.00
Total	\$282,797.00
Calexico	
Real Estate	\$197,500.00
Improvements	45,290.00
Personal property	22,765.00
Total	\$265,555.00
Brawley	
Real Estate	\$146,540.00
Improvements	55,185.00
Personal property	46,394.00
Total	\$248,119.00

The total assessment valuation for the valley is \$7,099,350.00, exclusive of the Southern Pacific, and will probably be \$9,035,351.00 with the Southern Pacific property included. The total for last year, including the Southern Pacific, was \$7,504,000.00.

This shows an increase of nearly two millions for the year and it is remarkably good, considering the fact that it has been a quiet year.

The exact figures for the Southern Pacific assessment have not been received from the State Board, but Assessor Fuller fixes the assessment at approximately \$2,000,000.00.

NEW TAX COLLECTOR

Supervisors Select Major Cook, of Holtville, to Succeed Late E. G. Wright.

The Board of Supervisors for Imperial County were in session this week as a County Board of Equalization. There was a little to be done in this way, only one or two complaints of unequal taxation being made.

On Thursday the Board filled the vacancy caused by the death of Tax Collector Ed. G. Wright, by appointing Major S. Cook, of Holtville. Major Cook is one of the old timers of the valley, is a man of energy, ability and integrity and will undoubtedly prove a competent member of the corps of county officials.