

Tombstone Epitaph.

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NO. 8.

OUR DESERT LANDS.

NEW REGULATIONS FOR ENTRY.

The Last Circular from Commissioner Sparks in Which He Places His Construction on the Desert Land Act.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C. June 29, 1887.

Registers and Receivers, U. S. Land Office:

GENTLEMEN: The first section of the act of March 3, 1877, entitled: "An act to provide for the sale of desert lands in certain States and Territories," provides for the reclamation of such lands by "conducting water upon the same." The second section provides "that all lands exclusive of timber and mineral lands which will not, without artificial irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act," and the third section provides that "the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office."

It is therefore prescribed as follows:

1st. Lands bordering upon streams, lakes or other natural bodies of water, or through or upon which there is any stream, river, arroyo, lake, pond, body of water, or living spring, are not subject to entry under the desert land law until the clearest proof of their desert character is furnished.

2d. Lands which produce native grasses sufficient in quantity, if unfed by grazing animals, to make an ordinary crop of hay in usual seasons are not desert lands.

3d. Lands which will produce an agricultural crop of any kind, in amount to make the cultivation reasonably remunerative, are not desert.

4th. Lands containing sufficient moisture to produce a natural growth of trees, are not to be classed as desert lands.

1. The amount of land which may be entered by any one person under the desert land act cannot exceed one section or six hundred and forty acres, which must be in compact form, and no person can make more than one entry.

2. Desert land entries are not assignable, and the transfer of such entries, whether by deed, contract, or agreement violates the entry. An entry made in the interest or for the benefit of any other person, firm or corporation, or with the intent that the title shall be conveyed to any other person, firm, or corporation is illegal.

3. The price at which lands may be entered under the desert land act is the same as under the pre-emption law, viz: Single minimum lands at \$1.25 per acre, and double minimum lands at \$2.50 per acre. (Section 2359, U. S. Rev. Stat.)

4. A party desiring to avail himself of the privileges of the desert land act must file with the Register and Receiver of the proper district land office a declaration, under oath, setting forth that the applicant is a citizen of the United States, or that he has declared his intention to become such. In the latter case a duly certified copy of his declaration of intention to become a citizen must be presented and filed. It must also be set up that the applicant has not previously exercised the right of entry under the provisions of this act, and that he intends to reclaim the tract of land applied for by conducting water thereon within three years from date of his declaration. The declaration must also contain a description of the land applied for, by legal subdivision if surveyed, or if unsurveyed as nearly as possible without a survey, by giving with much clearness and precision as possible the locality of the tract with reference to the already established lines of survey, or to known and conspicuous landmarks, so as to admit of its being readily identified when the lines of survey come to be extended.

5. Your attention is called to the terms of this declaration, as provided by existing regulations (Form 4-274) which are such as require a personal knowledge by the entrymen of the lands intended to be entered. The required affidavit cannot be made by an agent nor upon information and belief, and you will hereafter reject all applications in which it does not appear that the entrymen made the averments contained in the sworn declaration upon his own knowledge derived from a personal examination of the land. The blank in the declaration to wit: "That I became acquainted with said land by _____," must be filled in with the full statement of the facts of his acquaintance with the land and how he knows its character as alleged. Said declaration must be corroborated by the affidavit of two reputable witnesses who are acquainted with the land and with the applicant, and who must clearly state their acquaintance with the premises, and the facts as to the condition and situation of the land upon which they base their judgment (Form 4-074).

6. Applicants and witnesses must in all cases state their places of actual residence, their business or occupations, and their post-office addresses. It is not sufficient to name the county and State or Territory where a party lives, but the

town or city must be named, and if a resident is in a city, the street and number must be given.

7. The declaration and corroborating affidavits may be made before either the Register or Receiver of the land district in which the lands are situated, or before the judge or clerk of a court of record of the county in which the lands are situated, and if the lands are in an unorganized county, then the affidavit may be made in adjacent county. The depositions of applicant and witnesses in making final proof must be taken in the same manner; and the authority of any practice or regulation permitting original or final desert land affidavits to be executed before any other officers than those named above, is hereby revoked. The affidavits of applicant and witnesses must in every instance, either of original application or final proof, be made at the same time and place and before the same officer.

When proof of the character of the land has been made as above required to the satisfaction of the district officers, the applicant will pay the Receiver the sum of twenty-five cents an acre where the land is single minimum, and fifty cents where the land is double minimum. The Register will receive and file his declaration, and the Register and Receiver will jointly issue, in duplicate, a certificate (Form 4-699) acknowledging the receipt of the twenty-five or fifty cents per acre, as the case may be, and the filing of the declaration. One of these duplicates will be delivered to applicant; the other will be retained by the Register and Receiver with the declaration and proof. They will bear a number according to the order in which the certificate was issued. The Register will keep a record of the certificates issued, showing the number, date, amount paid, name of applicant, and the description of the land applied for in each case, and, in addition, he will note the same upon his plats and records as in case of ordinary entry. At the end of each month he will, with his regular returns, forward to the General Land Office an abstract of the declarations filed and certificates issued under this act during the month, accompanying same with the declarations and proofs filed and the retained copy of certificate in each case. The Receiver will also account for the money received under this act in the usual form.

9. Surveys of desert land claims cannot be made in advance of the regular progress of the public surveys. After a township has been surveyed the claim must be adjusted to the lines of the survey.

10. Persons making desert land entries must acquire a clear right to the use of sufficient water for the purpose of irrigating the whole of the land, and of keeping it permanently irrigated. A person who makes a desert land entry before he has secured a water right, does so at his own risk; and as one entry exhausts his right of entry, such right cannot be restored or again exercised because of failure to obtain water to irrigate the land selected by him.

11. The source and the volume of water supply, how acquired and how maintained, the carrying capacity of the ditches, and the number and length of all ditches on each legal subdivision of the land, must be specifically shown. Applicant and witnesses must each state in full what has been done in the matter of reclamation and improvement, and by whom, and must each answer fully and of their own personal knowledge, the questions propounded in the final proof depositions. They must state specifically whether they at any time saw the land effectually irrigated, for without knowledge thus derived the fact of reclamation remains a matter of conjecture. (Case of Charles H. Shick 5. L. D. 151.)

12. The whole tract and each legal subdivision for which proof is offered must be actually irrigated. If there are some high points or uneven surfaces which are practically not susceptible of irrigation, the nature, extent and area of such spots must be fully stated. In this connection, the right of the water used, the quantity of it, the manner of distribution, and the permanence of the supply, are all to be taken into consideration. (Case of George Ramsey, 5. L. D., 120.)

13. Before final proof shall hereafter be submitted by any person claiming to enter lands under the desert land act, such person will be required to file a notice of intention to make such proof, which shall be published in same manner as required in homestead and pre-emption cases.

14. Contest may be instituted against desert land entries for illegality or fraud in the inception of the entry, or for failure to comply with the law after entry, or for any sufficient cause affecting the legality or validity of the claim. Contestants will be allowed a preference right of entry for thirty days after notice of the cancellation of the contested entry, in the same manner as in homestead and pre-emption cases, and the Register will give the same notice and be

entitled to the same fee for notice as in other cases.

15. When relinquishments of desert land entries are filed in the local land office, the entries will be canceled by the Register and Receiver in the same manner as in homestead, pre-emption, and timber-culture cases under the first section of the act of May 14, 1886. (21 Stat. 140.)

16. Nothing herein will be construed to have a retroactive effect in cases where the official regulations of this Department in force at the date of entry were complied with.

WM. A. J. SPARKS,
Commissioner.

Approved June 28, 1887:

L. Q. C. LAMAR,
Secretary.

FARMING ON A LARGE SCALE.

Visalia Delta.

As an example of what can be done with improved machinery and skilled labor, the work on the Haggin & Carr ranch in Kern county is cited. When the company first commenced digging canals the actual cost for dirt excavated in a canal sixteen feet wide, was 12½ cents per cubic foot. The actual cost of like work now being done on the ranch is less than 3 cents per cubic foot, and the canals are made equally as strong and good. Formerly it cost to prepare and seed an acre of ground to alfalfa, exclusive of seed, \$1.50. Last winter the actual cost for like work was 12½ cents per acre. The same reduction, or a great reduction, is noted in planting and harvesting grain, mowing and stacking alfalfa, and in various branches of farm labor. Improved machinery, manufactured on the ranch, and skilled, systematized labor, has wrought the change, for wages have scarcely varied.

NOGALES NOTES.

(From the Record.)

Deputy Sheriff M. McKenna arrived from Tucson yesterday having a letter from Const. Littlepage to his wife to give Mr. McKenna the keys to the old Daily News office; that the material therein, now held by attachment, had been replevined by Tombstone parties. We see on the newspaper horizon a new paper for Nogales, and also there appears following its wake, about two months later, a newly covered newspaper grave.

Tom Casenega arrived yesterday from Altar District, where he, with Col. Stok- ing and Tom Burke, have denounced a good mine. The sample of ore that Tom brought in is the finest looking that has ever been brought to town.

Messrs. Swan P. Nelson and James Breen are the sureties on the bond of Pat English and C. Kramer, for building the Nogales jail.

Mr. G. A. Avery will soon have his stamp mill in full operation.

Capt. C. H. Frost returned from Ft. Huachuca last Friday, having finished his contract.

Lieut. McNutt visited his family at Ft. Huachuca last week.

The Nogales smelter will now run constantly, having a good supply of ore on hand and plenty coming in. It is a fine sight in the evening, to see the bright lights flashing, and hear the constant roar by day and night of the smelter bringing forth "the root of evil."

Messrs. Snodgrass and Gray commenced building the foot bridge over the arroyo opposite Mr. Hogan's yesterday. It will be a truss bridge with span of forty feet; cost \$60,000; money raised by subscription.

Last Monday two masked men, with drawn revolvers, mounted the cab of the Texas Pacific eastbound train as it pulled out of Benbrook, a small station a few miles west of Fort Worth. The engineer was ordered to run the train a few miles west of Benbrook, where the train was stopped just over a high trestle. Here two other masked men boarded the train and the fireman and engineer were placed under guard. A dozen shots were fired into the express car, and the door was finally opened by express messenger Maloney. One of the robbers then entered and cleaned out the safe and went into the mail car, the messenger offering no resistance. Every registered letter was secured by the robbers. The work was done in ten minutes, and the engine was then ordered to pull out. The train was the through express from San Francisco. The booty taken was valued at thirty thousand dollars.

Horses taken to pasture by G. W. Trull, at the Boston Mill Ranch, for \$3 per month.

Climax chewing tobacco only 50 cents a plug at the Willows cigar store.

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BEST DAM IN AMERICA

THE GREAT STORAGE RESERVOIR

Description of an Important Work Nearing Completion in Arizona, Which Should Find Counterparts in Cochise County.

(From the Arizona Journal-Miner.)

The most important problem to be solved in Arizona is the water question. The fertility of its soil, the richness of its grazing lands, the wealth of its mines are unquestioned, but with all their natural resources comes the question of a water supply for their development. Broad and fertile valleys, for want of water, lie unused and unproductive, which could be made productive as any in the world with it. Thousands of acres of rich gold bearing gravel beds are also found all over this country, which only lack a water supply to make them yield their rich treasures. In some portions of the Territory the waters of the larger streams have been diverted from their natural channels for the irrigation of adjacent lands, with the most satisfactory results. Yavapai county is unfortunate in this respect, in that, with one or two exceptions, it has no streams of large proportions which will furnish a water supply either for extensive irrigation or for placer mining any considerable portion of the year. The question of storing water for these purposes has naturally attracted the attention of those interested in developing its resources. Nature has provided many reservoirs leading into steep, rocky canyons, and has apparently invited human enterprise to utilize them by placing a barrier to the waters in these canyons, and store the supply lavishly given, but unequally divided during the year. About five years ago Wells H. Bates conceived the idea of excepting nature's in vitation and of putting into practical operation an enterprise of this kind. The Hassayampa, at a point near the confluence of three of its tributaries, just where it enters into a very narrow and rocky canyon, seemed to his practiced mind to be just such a place as nature intended for use of this kind, while the comparatively level area along the stream and its tributaries immediately above it would furnish a natural reservoir for water. Away down the canyon below it are not only rich placer grounds, but rich grazing lands. In these he saw an opportunity for utilizing and turning into wealth the waters which could be stored in the reservoir. He had an extended and careful survey made of the country for miles, and the enterprise was enthusiastically pronounced a practical one by engineers. His next move was the organization of a company with sufficient capital to carry the enterprise through to a successful culmination. In this he was successful, after the usual delays incident upon the organization of any great enterprise.

In June, 1886, a little over one year ago, work was commenced on the dam for storage purposes, the company in the meantime having purchased the ranch of Judge Abner Wade immediately above the dam site, for reservoir purposes. Work has been pushed on the enterprise, and October 1, of this year, or probably an earlier date, will witness its completion.

A representative of the Journal-Miner visited the enterprise the early part of last week and, notwithstanding all that had been told him, was surprised at its magnitude when witnessing it for the first time. As previously stated, the dam is located in a narrow gorge in Hassayampa Creek, whose walls of solid granite rise on either side to a height of several hundred feet. At its base the dam is only 80 feet in length, across the canyon. The gradually widening space between the walls of the latter, however, make it about 400 feet in length at the top—a height of 110 feet. As a resistance to the immense pressure against it when full, it is 130 feet thick at its base, gradually sloping on both sides until at the top it will be only 10 feet across. Its construction is as solid and substantial as is possible for human genius to build. A wall built of rocks weighing from two tons down, 12 feet in thickness is built on the face and back of the dam, and the intervening space is filled in with loose rocks thoroughly stamped down. On the upper face, against which the water rests, a skin of timbers is built. First against the rocky face of the structure is a frame work of timbers 8 inches square. To these are fitted and spiked a solid face of timbers, closely joined, 8 by 3 inches. Over this is placed a thick covering of water-proof asphaltum-covered felt, and on top of this again is another covering of timbers 3 by 8 inches. The latter is calked as tightly as the hull of a ship. The outer covering of the skin of the dam, after being calked, is then painted with a heavy coat of dark water-proof paint.

The rock work of this immense structure is under the supervision of Gen. George D. Nagle, who has a contract for its completion. He took charge of the work in February last. The first thing he did on taking the contract was to discard the slow process of "snaking in" rocks over an ox trail, and build tram-

ways on both sides of the canyon running down to the dam. A tramway built on a trestle work 20 feet high was then run across the center of the dam. The cars containing about a cubic yard of rock each are loaded in the quarries on the hillside and let down the incline, the weight of a loaded car drawing an empty one up; so that within a few seconds it is run out over the dam, and dumped there, while workmen below roll and arrange the huge rocks in their places in the structure. As soon as the rocks reach a level with the trestle-work, another one 20 feet high is built on top of it and work of filling that level is commenced. As an illustration of the rapidity with which Gen. Nagle pushes work on the structure, it became necessary on Saturday night to erect new trestle work, the distance then across the dam being 300 feet. At 7 o'clock the next morning the work was completed, a track laid on it and cars were crossing it.

An electric light plant, composed of apparatus for generating the electricity with six lamps of 1000 candle power each, distributed at convenient points in the quarries and on the dam, furnishes light for a force of workmen at night so that work never ceases and, metaphorically speaking, the enterprise never sleeps.

When completed and full the dam will contain in round numbers 15,000,000,000 gallons of water. It will extend up the Hassayampa a distance of two miles, up Arastra Creek one and one-fourth miles, Minnehaha three-fourths of a mile, and up Blind Indian Creek about one-third of a mile. Its greatest width will be at the mouth of Arastra Creek about one-half mile. Within the area of the water lines will be contained, including islands, about two square miles, while the water itself will cover an area of 850 acres. The weight of the dam itself will be between 85,000 and 100,000 tons, and will cost about \$250,000. From the above it will be seen that this enterprise is one of the greatest magnitude in the Territory, and when in successful operation will be great in results to the Territory. It contains at present about forty acres or 120,000,000 gallons of water, being in places 30 feet deep. Gen. Nagle, in describing it to the Journal-Miner man, proudly boasted that "it is the best dam in America," and there are none who will say nay to the assertion who have seen it.

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