

CHEER UP!

Three sighs for life—for the bitter cup;
Three heart-wrung sighs from a wretch
hard up;
A sigh for the past with its golden hue,
A sigh for the present's wretch of rue,
And a sigh for the future's dreary view.

Despairing here in the streets I stand,
Looking in vain for a friendly hand
Thrust from the pave by the busy throng,
As the leaf in the streamlet's swept along—
A waif of life in a current strong.

Art and luxury, reveling mirth,
Wealth from the farthest ends of earth,
Seem as in mockery tempting spread
Round a shivering wretch lacking daily
bread,
Shelter and rest for an aching head.

Faint not! For the gloom which thy spirit
shrouds
May fade away as the summer clouds
In the warmth and light of a sunny day.
Hope beckons still through this thorny way;
Trudge on, and in strength to thy spirit
say—"Cheer up!"

How to Acquire Title to our Public Lands.

For the benefit of our many readers living upon, and in the vicinity of the public lands of the Territory, as well as those in the States who contemplate immigrating hither, we have had the following synopsis of the land laws carefully compiled under the revision of one of our attorneys, and submitted to the officers of our Land office for their inspection and approval, which will be found of value to the classes of people mentioned, as well as convenient to attorneys themselves in attending to the entry of lands and for reference in contested cases in the offices of the land department.

PRE-EMPTION.

Every man or unmarried woman over 21 years old, and every widow or other person who is the head of a family, being a citizen of the United States or having declared the intention to become a citizen according to law, is entitled to file upon and enter 160 acres of either \$1.25 or \$2.50 land.

The first step should be to commence improvements upon the land; after which the settler has thirty days, upon lands that have been offered at public sale, and three months upon lands that have not been so offered, within which to file his declaratory statement in the Land office in person or by attorney duly authorized.

Settlements can be made upon any of the public lands whether surveyed or not, although no legal rights are acquired previous to the survey, but the advantage thereby gained is that of prior occupancy.

After the public lands are first surveyed no one can acquire them for a time except by pre-emption or homestead entry. This is to give actual settlers the first chance. Such lands are called "unoffered," and not subject to "private entry."

After a sufficient time has elapsed to allow actual settlers to enter such lands if they desire, and it is deemed expedient to hasten the sale, these lands are offered at public sale, and those remaining unsold thereafter are then "put into the market;" that is, their entry is no longer restricted to actual settlers, but any one who chooses may upon proper application purchase them at the government price. Such lands are called "offered." The only advantage in pre-empting offered lands instead of making a "cash entry" is, that it gives the latter a year's time in which to prove up and pay for the same.

Lands settled upon prior to the survey must be filed on within three months from the day on which the township plat is filed in the Land office.

Settlers may prove up and pay for their lands at any time after they have occupied them for six months, and they must prove up on offered land within one year after the date of filing, and on unoffered land within thirty months after the date of filing.

Settlers under the pre-emption act are allowed a reasonable time, according to their circumstances, within which, after commencing their improvements, to erect a house and become a resident of the land. After that, their residence there should be continuous until final payment is made.

Only one witness is absolutely necessary in making final proof in case of a pre-emption, although it is better to have two. In case of proving up on a homestead two witnesses are required.

To make a valid filing, the pre-emptor must in all cases make a settlement in person (that is, lay the foundation for a house, or make some other improvement) on the land on or before the day his declaratory statement is filed in the Land office. It will not always do to file first and commence improvements afterward.

No person can make a valid settlement under the pre-emption act who owns 320 acres of land in any State or Territory, or who moves from his own land in this Territory to settle on the public lands.

ADVERSE FILINGS—CONTESTS.

By a late decision of the department it is now held that all persons having unexpired filings on land must be notified before another person can enter and pay for the tract under the pre-emption act.

This notice must be served on the claimant in person, if he lives on the land or can be found readily, if not it must be published once a week, for four weeks, in some newspaper to be designated by the register or receiver.

On the day set for trial, the evidence of at least two witnesses must be produced to show that any person who has made a filing has not complied with the pre-emption act.

If there is no appearance by the parties notified, and the evidence of abandonment is clear, the entry will be received at once. Otherwise the evidence will be submitted to the department and its action awaited.

The notice should be given by the register or receiver, or both, who fix the time for trial. It must be served or published at the expense of the contestant, who must also pay for taking down the evidence, if there is no appearance on the other side. If there is an appearance by both parties, the register and receiver may apportion the costs equitably between the parties.

RELINQUISHMENTS.

If, however, a relinquishment can be procured from the person having the adverse filing, it will answer every purpose of the notice and hearing. Relinquishments to be effective must be in proper form and signed and acknowledged the same as a deed.

SECOND FILINGS.

In general one is not allowed to file a second time, or to alter a filing once made except a mistake has been made, but according to recent instructions from the Department, based upon a late decision of the Supreme Court of the United States it is now held that persons who have filed on one tract of Unoffered Land under the pre-emption act, and abandoned the same, can make a second lawful filing on another tract.

HOMESTEADS.

Every person entitled to pre-empt is also entitled to the homestead right, and every such person, after having proved up as a pre-emptor, may, by a very liberal construction of law, acquire another 160 acre tract by homestead entry.

Persons making homestead entries, have a reasonable time, according to circumstances, after the date of the entry within which to build their houses and become residents of the land. From that time their residence thereon must be continuous. Going on to the claim and staying a night or so once in six months, is not complying with the homestead act, and entries occupied in that way are subject to cancellation.

Any time, after residing upon a homestead six months and making the necessary improvements, the settler may "commute" his homestead entry, by making the requisite proof and paying for it the same as in case of pre-emption.

A homestead may now be made over a pre-emption filing without notice to the pre-emptor, but it will be subject to his rights if he has complied with the pre-emption act, and in that case he will be allowed to enter the land upon making the proof required under the rules of the Land office.

If the settler continues his residence for five years, he can make final proof and get a patent without paying more than the Land office fees.

This final proof must be made within seven years after the date of the homestead entry, or it will be cancelled and the land may be entered by any other person.

ABANDONMENT.

Where a homestead claimant

abandons his claim for more than six months, its cancellation may be secured by filing an affidavit, in the land office, and giving notice, furnishing proof, etc., in the same manner as in contest under the pre-emption act.

A homestead may be relinquished in the same manner as a pre-emption filing; but the land is not subject to a new filing or entry until after the relinquishment has been acted upon in Washington, and returned to the land office cancelled.

SOLDIERS' AND SAILORS' HOMESTEAD.

Soldiers and sailors are allowed to enter under the homestead act 160 acres of \$2.50 land, and have other privileges not granted to civilians.

As the law now stands, an immediate entry may be made—or the claimant may file a declaration, either in person or by an attorney, for the land he wishes to enter, which will hold the claim for six months, within which time he must make his regular entry.

In making final proof under this act, the claimant must show by a certified copy of his discharge, or if the discharge be lost, by other satisfactory evidence, the time when he enlisted and when he was discharged.

In case of the death of a soldier, his widow, if unmarried, has the same rights that he would have if living, and if his widow be dead or married, his minor children can make the entry through a guardian.

In case of the application of a widow, she must produce similar evidence of the service of her husband, and minor orphan children must produce in addition to the above, evidence of the death or marriage of the mother. If the husband or father died during his term of enlistment, the whole time for which he enlisted will be deducted from the five years' residence required.

Soldiers who have already made a homestead entry of 80 acres or less, may now enter under this act, enough more adjoining land to make up 160 acres in all. If there is no vacant adjoining land they lose this right.

All soldiers and sailors who served 90 days or more in the U. S. Army or Navy in the war of 1861, are entitled to the benefit of this act, and the time they served, not to exceed four years, or if discharged on account of wounds or disability, the whole term of enlistment will be deducted from the five years' residence required upon a homestead before a patent can be secured. The residence upon the land, however, must be next after the date of entry and cannot be postponed until after the period of service has expired.

Any soldier or sailor who has had his homestead entry canceled by reason of his absence, therefrom in the military or naval service of the United States may have his entry restored if the land has not been disposed of, or if it has been disposed of he may enter another tract under the homestead act in lieu thereof.

Soldiers and sailors who occupy homesteads entered under the act of May 20, 1862, can now avail themselves of the provisions of the Soldiers Homestead Act, and can make their final proof whenever the time served in the army or navy added to the time they have lived upon their homesteads will make five years.

If a soldier desires to pay for his land at any time before the expiration of the time he is required to live upon it, he must pay the price that would be required of a civilian.

Soldiers cannot lawfully sell their discharges to another person, so as to enable him to reap the benefits of this act. The entry can only be made in the name of the soldier himself, and by him in person.

The occupation of a homestead or pre-emption by a tenant is not considered an occupation by the claimant, and will not hold the land.

RAILROAD LANDS.

The Secretary of the Interior has made the following important decision, to wit: That, where odd numbered sections of land within the limits of the grant to the Kansas Pacific or Denver Pacific Railroad has been settled upon as a pre-emption, or entered as a homestead, prior to December 25, 1866, and such settlement or pre-emption was afterwards abandoned, the land reverts to the government and not to the railroad.

Where the land was entered as a homestead, no proof of settlement is required. All that is necessary is to secure the cancellation of the homestead entry, by proof of its abandonment for six months or more, when it may be entered the same as any other government land.

Where the land was filed upon under the pre-emption act, it will be necessary to prove a settlement by such original pre-emptor at or about the time alleged in the filing, which in all cases, must be on or before the date the declaratory statement was filed in the land office.

The above decision was afterward, on the 15th of August, 1872, changed substantially to the following: It is now held by the department that where odd numbered sections were settled upon under the pre-emption act, or entered as a homestead, and were afterward abandoned before the grant to the railroad took effect, the land goes to the railroad and not to the government; but if abandoned after the grant became effective, the land remains government land and is subject to pre-emption and homestead entry; but not until after notice to all parties interested and proof of the facts above stated.

In this decision it is, however, provided that when, by direction of the Commissioner of the General Land Office, under his interpretation of the rulings of the Secretary of the Interior, second entries or filings have been allowed within railroad limits upon lands previously covered by pre-emptions or homesteads after the cancellation of the same, such second entries or pre-emptions will not be affected by this modification of previous decisions, but will, upon proof of compliance with the requirements of the pre-emption or homestead laws, be approved and patented.

ERRONEOUS ENTRIES AND FILINGS.

Where by mistake a settler files on or enters a different tract from that intended, the error can be corrected even after the patent has been issued for the land so erroneously entered, by making the proper showing in the Land office.

PATENTS.

When a final entry is made the settler gets a certificate or receipt from the register or receiver, of the land office. The other papers in the case are forwarded to Washington at the close of the month and in time are carefully examined and if found correct a patent is issued and forwarded to the register of the land office, from whence it may be procured by returning the certificate or receipt.

If the entry should be found imperfect in any respect, or if there should appear to be adverse claims to the land, the entry is suspended until the error is corrected or the adverse claim withdrawn or shown to be invalid.

Patents may also be procured direct from the land department at Washington by forwarding the certificate or receipt to the commissioner, and they are in this way often procured in a shorter time than through the land office, although to effect this best a lawyer should be consulted who has a correspondence with some good attorney in Washington, who makes a business of attending to such matters in the land department.

After the patent has been delivered the department will not consider any matter relative to the illegality or irregularity of the entry, which can then only be questioned through the courts by a person claiming an equitable title to the land.

HOW TO FIND VACANT LANDS.

Get a plat of the township in which you wish to locate, showing all the land filed upon and entered and what is still vacant. Then get the nearest settler to show you his land on the plat and corners on the ground; from this you can with but little trouble with the use of a pocket compass trace out any vacant tract you may desire to look at, or what is better, although more expensive, get a surveyor to run out the subdivisional lines from the government corners for you, and give you a description of the land you wish to enter by proper numbers.

MISCELLANEOUS.

In making a proof on a pre-emption claim or final proof upon a homestead, it is indispensable that the settler himself should come in person to the land office, but if in

case of final proof in a homestead he lives at a distance he need not bring his witnesses, but can have their testimony taken before the county clerk of the county in which the land is situated.

In such cases the evidence should be properly authenticated by the officer under seal, and it is generally safer to have some good attorney fill out and make up the papers so that nothing necessary may be omitted and thereby involve delay.

Agricultural College scrip or land warrants can be used to pay for a quarter section of \$1.25 land, or to pay one-half for a quarter section of \$2.50 land under either the homestead or pre-emption act, thereby somewhat reducing its cost.

A 160 acre scrip or warrant cannot be laid on 80 acres of \$2.50 land, nor can scrip or warrants be used to advantage to pay for 80 acres of \$1.25 land; entries of less than 160 acres are to advantage made with cash only.

Settlers on unsurveyed land, who desire to perfect their titles, can secure its survey by advancing the cost of survey. The money thus advanced can be used to pay for their land under the pre-emption act as soon as the survey is completed and the plats filed in the land office.

Land outside of railroad limits that has been offered at public sale and not sold, can be entered at private sale at \$1.25 per acre, or located with land warrants or college scrip, acre for acre, under certain restrictions.—Pueblo (Colorado) People.

WRESTLING IN BOSTON.

EXCITING CONTEST BETWEEN LANE AND AINSWORTH.

BOSTON, March 20.

Ever since the somewhat easy defeat of Lang Dofan by Homer Lane in the Brighton Cattle Fair Hall on the night of the 6th of February, the adherents of Dolan have been on the lookout for some one with pluck and ability enough to meet the modern Theseus. Correspondence was opened with several well-known wrestlers in Michigan and Vermont, all of whom declined the honor of meeting Lane. At last the efforts of the Dolanites were rewarded by learning that one William L. Ainsworth, of New Haven, Conn., had long been eager to try his strength with Lane. Ainsworth being willing to meet Lane at once, a challenge was issued on the 8th inst., directed to Lane, and offering to wrestle him for \$1,000 a side and the championship of America. Without consulting Lane, James McFlann, of Brighton, Mass., accepted the challenge, and on the 11th inst. put up a forfeit of \$250, notifying Ainsworth and his backers to meet on the 15th inst. to sign articles. This was entirely satisfactory. The parties met, and signed the following agreement.

Articles of agreement entered into the fifteenth day of March, A. D. 1873, between William L. Ainsworth, of New Haven, Conn., and Homer Lane, of New York. The said William L. Ainsworth and Homer Lane agreeing to wrestle according to the rules of wrestling adopted at the Detroit Wrestling Tournament, best two in three, fair back falls, square hold, left hand to collar, right hand to elbow, on the twentieth day of March, 1873, at the city of Boston, Mass., for \$1,000 a side and the championship of America. It is further agreed between said parties, in pursuance of these articles, that the sum of \$250 staked on the 11th of March be incased this day to \$500, and deposited with the temporary stakeholder. The second and final deposit of \$500 each to be deposited on the seventeenth day of March, 1873, when a final stakeholder shall be agreed upon. Either of the said parties failing to make good his deposits shall forfeit the amount down.

[Signed.] HOMER LANE,
W. L. AINSWORTH.

Witnesses—J. H. Lee, C. H. Kirk, Boston, Mass.

On the 17th of March the final deposit of \$500 was put up, and J. H. Cartwright mutually agreed upon as final stakeholder, and on the morning of the 18th Lane and several of his friends left New York for Brighton, near where Ainsworth has been located since the first making of the match. Consequently he had two weeks more training than Lane, who really did not begin training until the 11th inst. As soon as the articles of agreement were signed, those having charge of the arrangements hired the old