

Sunnyside Ditch

The Yakima Investment company owning the big Sunnyside ditch will not be reorganized by the bondholders after all.

A few weeks ago it was thought that the California Safe Deposit and Trust company, London and San Francisco Bank and the Boston Electric Corporation by uniting had succeeded after two years work in developing a plan of reorganization that would virtually put the property in their hands as bondholders. The result would have been to leave out stockholders and general creditors unless they acceded to the terms of the senior security holders by paying assessments or accepting stock in the new company for their claims.

The majority of the stockholders and general creditors came to the conclusion that this was in the nature of a freezeout game, particularly as the bondholders are alleged to have secured large blocks of bonds in return for comparatively small cash advances to Paul Schulze, president of the company.

The investigation which followed Schulze's suicide in April, 1895, showed that he had made private use of the proceeds of these bonds sales and it is asserted that part of them were lavished upon a famous actress whose name was mentioned along with his before and after his death.

The result of these things was a combination of stockholders and general creditors to prevent the consummation of the bondholders' organization plan to force the company into insolvency and then assume control themselves. So far their efforts have been eminently successful for Judge Hanford of the Federal Court has disapproved of their reorganization plan and directed Receivers Donald and Allen to accept the proposition of the Northern Pacific Railway to sell 10,000 acres of land within one year. As the price of the land has been reduced from \$55 to \$30 per

Selah Ditch

Ira P. Englehart, manager of the Selah Ditch Company canal has just completed very valuable improvements on the canal system having expended \$5,000 in renewing the flume and enlarging the earth part of the canal.

He says the president of the committee of bondholders who now own the canal and lands will visit Yakima during the month of May for the purpose of making final arrangements to put the company in first class shape and place its lands on the market for sale at reasonable figures and easy terms.

It is the intention of the bondholders to make this property as valuable as any in Yakima county--Yakima Herald, April 21, 1898.

Irrigation is King. Beginning from its infancy about the year 1873 by the opening of the Schanno ditch, irrigation became an established fact in the Yakima valley.

Running ~~Beginning~~ almost through the center of North Yakima in a southeasterly direction, it was soon demonstrated by the energetic farmers of Yakima that "irrigation is king" indeed.

And they have put their shoulders to the wheels of progress ever since until at least two million dollars have been expended in irrigating canals in the Yakima valley which are now paying handsome returns for the money invested.

The second ditch is what is known as the Union ditch which for a time furnished power for the North Yakima flour mill. Its source is the Naches river about two miles northeast of the city. The canal runs in a southeasterly direction and is about five miles long. Growing out of the necessities of this ditch a larger canal was built with its source further up the river--the Natchez, and Cowyche ditch, ten feet at the bottom, with a two to one slope three feet deep and the grade two feet per mile. This ditch is ten miles long and has opened up a beautiful section of the country.

Most of the lands under this canal sell for \$100 to \$300 per acre owing to their fine qualities for fruit and hops, and lying so close to the county seat, North Yakima.

From the year 1881 when the latter ditch was constructed irrigating canals have been built at an amazing rate.

Among the most important is the Selah Valley canal. This has its source about twenty-five miles northwest from North Yakima in the Natchez river and is about eighteen miles long. It waters a beautiful section of the country and at the lower end has an elevation of about 300 feet above the river.

will run the entire length of the Moxee valley; thence crossing the divide and emptying into the Columbia river.

The Yakima Indian reservation canal leaves the south side of the Yakima river six miles southeast of North Yakima running almost south through the Indian reservation.

This canal has brought under cultivation a large and fertile tract of land. It is hoped that the day is not far distant when congress will throw this reservation open to settlement, when thousands of families will enjoy the benefits from this ditch.

It is about 35 miles long including laterals.

The great Sunnyside canal leaves the north side of the Yakima river seven miles southeast of North Yakima and is now completed 41 1-2 miles. It is 30 feet on the bottom, 2 to 1 slope and six feet deep. It will be readily seen that this ditch is carrying an immense body of water, and Yakima county points to it with pride. The large scope of country it covers is prized very highly for the crops of alfalfa, hops, fruit and grain, in fact it produces most everything that is put in the ground.

Still further down the Yakima river are large irrigating ditches.

While not yet fully completed the Prosser Falls canal is an important enterprise. Likewise the Kennewick canal while not covering a very large scope of country it is quite a long one. There are quite a number of smaller ditches on the small streams such as the John Cox the Stair ditch; the Shaw ditch on the Antanum river, costing from \$2,000 to \$20,000 each. There are also small ditches on the Covyche and the Wenas streams, all of which have caused the lands watered to yield abundantly.

There is no one not familiar with irrigation who can be made to realize the vast prosperity derived from irrigated lands. I have been in this country since 1881, having come from California where irrigation is carried on very extensively and I can safely say that the lands here

Sunnyside Canal

Receiver Allen--the affairs of the Yakima Investment company are in excellent condition. Since September 1st we have sold over 1,100 acres under the Sunnyside canal to actual settlers.

Those who have already arrived from the east are more than pleased with our future prospects and the great Yakima valley--Yakima Herald, March 9, 1899.

Irrigation Litigation

The locally famous case of David Longmire against Richard Smith et al is on trial in the superior court.

Mr. Longmire seeks to restrain the defendants from cutting off his water supply on the Wenas. Whitson & Parker and Snively & Miller are attorneys for the plaintiff. The attorneys for the defendants are Bogle & Rigg, Jones & Guthrie, Snyder & Prable, F.H. Rodkin, Graves & Englehart.

There are about eighty witnesses in attendance and the trial will consume all week--Yakima Herald, March 23, 1899.

Yakima Project

The Morrison-Knudsen Co in driving Roza tunnels 1 and 3 had earned \$628,534.59 up to March 1 or 53 per cent of the estimated contract of \$1,137,168.08 and 56 per cent of the time allowed for the completion of the contract had expired, the April report by C.E. Crownover, Roza construction engineer, completed yesterday showed.

The heading in tunnel 3 was advanced 684 feet to a total of 7,985 feet leaving 1,653 feet to go before reaching the south portal and the heading in tunnel 1 was advanced 916 feet to a total of 6399 feet leaving 1901 feet to go.

J.A. Terteling & Sons in constructing the five mile sector of the Roza canal in East Selah had earned \$151,009.63 of the estimated contract of \$276,984.41 with 86 per cent of the time elapsed. In building the short section of the canal west of the Yakima river the company excavated 27,558 cubic yards of material in April and by the end of the month had earned \$16,556 or 7 per cent of the contract estimate for this sector and the river crossing of \$374,409 with 17 per cent of the time elapsed.

Reclamation crews dug 17 prospect pits on the right of way of the canal in the Moxee district. The locating crews of surveys worked in the Prosser district--Yakima Herald, May 7, 1937.

Water Litigation
Wenas

David Longmire, a well known farmer of the Wenas was arrested Monday on a charge of carrying concealed weapons. He was bound over to the October term of the Superior court by Justice Taggard in the sum of \$100.

The complaining witness was Robert Cameron, a neighbor of Longmire.

The trouble is allged to have grown out of the somewhat noted litigation over water rights in the Wenas. Cameron had several companions encountered Longmire last Sunday. Cameron shoved Longmire into the creek. He claims however that this was accidental. Longmire didn't understand it that way and drew his gun. Cameron clinched him and both men went into the water in the scuffle that followed. The other men in the party disarmed Longmire-The Yakima Republic, June 16, 1899

Artesian

There are about 16 flowing wells in the Moxee valley which is immediately tributary to North Yakima. To P.J. Buwalda is mainly attributable the fine system of artesian water that is transferring the barren desert into a blooming garden. This gentleman is the advance agent, so to speak, of the prosperous colony of French and Holland settlers that is occupying the aforetime waste land of the Moxee above the high line irrigating canal of the Moxee company proper.

In discussing the artesian proposition, Mr. Buwalda at his residence in this city said that the artesian belt was well marked and defined by government geologists. It extended as far as Fort Simcoe but he doubted whether flowing wells could be found in any other part of the county. It was clear that the ocean once held sway over the artesian region for in boring regular sea sand in a stratum 80 feet thick was encountered and even fish, resembling canned fish were embedded in the strata that still retained the smell.

Coal was also found. The largest well has a flow from 900 feet. W.L. Steinweg has three flowing wells on his 640 acre tract. He has sold the water for 100 acres. The following persons besides Mr. Steinweg have farms watered by the several wells: James Gano, R. Longeran, --Dorie, S. Edens, W.J. Dickson, Jack Bradford, J.R. Coe, J.W. Peck, W.O. Stone and --Frazier.

Besides these Mr. Buwalda has ~~owned~~ three wells in section 5, W.T. Clark has two wells and is drilling a third one, J.W. Peck has 30 acres in fruit. The hay crop is fine and heavy about three tons to the acre and matures a week or ten days earlier than alfalfa in adjacent valleys.

No lands are sold until flowing wells are bored.

The wells are located from 7 1/2 to 12 miles from North Yakima. The

Artesian--Wide Hollow

Mr. Spzatt left yesterday for Mabton to examine the artesian well there. He has completed the Wilson well in Wide Hollow; it is 1,270 feet deep or deeper than any artesian well west of Dakota.

It is cased down 1090 feet and has a flow of three fourths of a cubic foot at a temperature of 80 degrees. The well will irrigate 180 acres and has been eight months, altogether in the process of boring.

Prof. Heileman of Pullman Agricultural college took photographs of the well and one shows the top of the platform twenty five feet above ground with the water flow. The professor sent some of the water to Pullman for analysis--Yakima Herald, August 17, 1899.

The Dunkard colony near North Yakima is in straits for water. The enterprise is in the hands of a receiver who as it appears has shut off its water rights, causing great damage to the growing crops. The colonists have through their representatives appealed to the courts for redress and an investigation of their grievances has been promised.

We trust relief will be granted though there is no relief in such a case that can equal in performance or satisfaction that of settling on lands that will mature crops without artificial irrigation. It may be added in this connection that the Willamette valley is a favored locality for all around agriculture and large areas of it are yet uncultivated and can be secured in suitable tracts by farmers possessing moderate means.

The Dunkards have succeeded as colonists where others have failed being an industrious, self-denying people and withal submissive to duly constituted authority. North Yakima will make a mistake if it allows injustice in the form of "water greed" to drive these people out though such action will accrue to the advantage of some locality the irrigation of which comes direct from the clouds without money and without price and wholly dependant of ditches, canals, water rights and corporation lawyers-Oregonian.

The Oregonian is too insistent altogether. Whatever grievance the Dunkards have if any will be happily arranged, no doubt.

The Dunkards at all events will be in no hurry to leave the Sunnyside country for the sunless valley of the Willamette. Enough irrigation is just right, but too much is not what the Dunkards want, nor indeed anybody else but web-footed settlers--Yakima Herald, August 17, 1899.

Sunnyside Canal

"We the undersigned, residents of the Sunnyside country and using water from the Sunnyside canal, having seen the following dispatch, to wit:

"North Yakima--The Dunkard colonists under the Sunnyside Canal are much exercised over their water rights under the receivership of Walter N. Granger.

A delegation has just returned from a visit to Judge Hanford in Seattle. The committee of Dunkards was represented by Elders Eby and Lichty. They claim that another prominent Dunkard, S.J.

Harrison had lost eighty acres of alfalfa by reason of the scant supply of water and that the colony has expended from \$70,000

to \$80,000 in improving lands bought from the company but they will improve no more unless granted their full water rights.

A colony of one hundred families which was to come soon from the East has been warned not to come until this matter is settled. The delegation is pleased with Judge Hanford's reception and promise to order an investigation--

And being advised that the same has been widely copied, etc. we desire, etc:

That the water supply afforded by the Sunnyside canal is ample for all needs of the country.

That the water service has been of an exceptional good character. This is true within our own personal knowledge and is amply attested by the crops now to be seen growing throughout the country.

That the people of the country generally as prosperous and as great a degree of harmony of purpose and feeling exists among them as will be found in any community in the world.

That the management of the canal by the Receiver and General manager is satisfactory.

Cowychess-Natchez ditch

A meeting of the Natchez and Cowychess Ditch Co. was held last Saturday at which the following new officers were elected: President Wm. Lee, Jr. vice president Wm. Amiller; trustees Wm. Lee, Jr. Wm. Amiller, D.E. Lesh, W.H. Redman, E.G. Peck; treasurer J.E. Shannon; secretary J.C. Brooker, auditing committee, Thornton, Wimer and Clark.

A resolution offered by Mr. Congdon was adopted requiring the directors of the ditch company to provide ways and means for delivering eight inches of water to the stockholders for each share held. This is what the company has always tried to do but low water in the past has required a cut to be made of one to two inches.

This action of the company means that important improvements will be made at the head of the ditch. The stockholders adopted another resolution presented by Mr. Congdon which instructs the directors to procure an outlet for the ditch into Wide Hollow. This will require a new two-mile ditch and Secretary F.C. Brooker has been instructed to negotiate for the right-of-way--The Yakima Republic, Dec. 8, 1899.

Irrigation-Moxee

There is a movement on foot and the survey finished Monday whereby between four and five thousand acres of the finest land in Yakima county can be placed under cultivation.

This big ditch will be a continuation of the Bounds & Meyer ditch in the Selah valley on the east side of the Yakima river which is its source, continuing around through the Natchez gap and covering nearly all the land in the upper Moxee valley.

There will be nearly four miles of expensive fluming but the result will fully justify the outlay.

The ditch will be about fifteen miles long, 22 feet wide at the top and 12 feet wide at the bottom. The enterprise which is headed by prominent Yakima business men should be fully supported by all persons owning land which will come under the ditch as it will cover land where a great deal of money has been spent in a futile effort to obtain artesian water--Yakima Herald, Dec. 21, 1899.

Irrigation

G.S. Rankin, representing eastern capitalists has perfected plans and completed surveys for an irrigation ditch which will reclaim about 5,000 acres of land within a few miles of North Yakima.

The tract which Mr. Rankin proposes to bring under water lies between the Moxee ditch and the artesian belt and is from five to eight miles from the city. The land in its unimproved state is held at from \$10 to \$12 an acre. When the ditch is completed it will be worth \$50 to \$60. It is generally supposed to be as good land as any in the county.

The proposed ditch will be built next season and completed in time to furnish water in 1901. It will be virtually a continuation of the old Bounds, Meyer & Taylor ditch in the Selah valley. It will tap the Yakima river six miles above the gap. Four miles of flume will be necessary to carry the water around the bluff above and below the gap. The length of the ditch will be 22 miles. It will cost the promoters from \$50,000 to \$75,000.

Mr. Rankin says that it is not his intention to speculate in lands or to develop them, but merely to furnish water to users. The right of way has been practically all secured and there is at present nothing in the way of the big enterprise that looks like an obstacle--
The Yakima Republic, Dec. 22, 1899.

Indians

[Box 41 Yakima Indians - Reservat.]

Irrigation

Agent Jay Lynch was over from the Yakima Reservatin Monday and when approached by a Herald representative regarding the attitude in the controversy between Indians and the N.P. Yakima and K. Irrigation Co. as to the taking of water from the Yakima river for irrigation purposes said in effect that he had simply stated the fact to the department at the request of the Commissioner of Indian affairs, and had made no recommendation except in one particular.

He thought that the matter of appropriation of water from streams that bounded the reservation would become a serious question in time and one which would effect this entire country.

According to the treaty of 1855 the Indians were ceded the exclusive right to the fishing in the reservation boundary streams which included the Ahtanum and the Yakima, but nothing was said about irrigation nor was the subject of irrigation considered at that time. Since then it has grown to be of vital importance and the water has come to be considered the life of the country.

In the opinion of Mr. Lynch the settlers along the Ahtanum have no rights to the waters of that stream and he says he has instructions to prosecute all who violate the treaty obligations; but while the appropriation of the water for irrigation purposes have practically left the main stream of the Ahtanum dry during the irrigation season, Mr. Lynch recognizes that to enforce the strict letter of the treaty in this respect would practically ruin the farmers along the creek, and he has in consequence taken no action.

In his opinion the proper solution of the question would be the making of another treaty and the purchase by the government of the water franchise from the Indians .

As to the waters of the Yakima and the appropriation by the irrigation company, Mr. Lynch considers the question still more serious.

He has sent plans of the dam and the canal to the commissioner, and as he is of the opinion that the canal would carry off practically all of the water in the river, he has recommended that the company be restricted in this respect.

Aside from this appropriation working havoc to the Indians' fishing privileges Mr. Lynch is looking into the future and cannot see where the water is to come from for irrigating the reservation lands when once the conditions are ripe for the active cultivation of the same.

This is a matter Mr. Lynch considers of grave import and while he is anxious to do nothing that would militate against the interests of Yakima country, he feels that it is his duty to do everything possible to improve the welfare of the Indian constituency.

In his reply to the commissioner regarding trespass on the reservation, Agent Lynch wrote that it would require a company of soldiers to keep the stockmen and their stock outside the reservation boundaries and to maintain the fishing reserves of the Ahtanum and the Yakima exclusively for the Indians--
Yakima Herald, December 19, 1891.

Indians

On Friday afternoon of last week in response to the request of Paul Schulze, a meeting of citizens was called in the rooms of the Yakima club for the purpose of taking some action regarding the objections which had arisen in the Indian department in respect to the dam which the N.P.Y. and K Irrigation Co; has constructed across the Yakima river.

Fred R. Reed occupied the chair.

Mr. Schulze outlined plans of the company he represents. He stated that many difficulties had been encountered and obstacles placed in their way, one of which was the attitude of Indian Agent Lynch regarding the company's dam and the appropriation of water from Yakima river. He said he had copies of the agent's letter in which the official had taken a position against their projects and endeavored to cause them trouble at Washington.

Speeches were also made by A.N. Fitch of Tacoma and R.K. Nichols of this city. Following is a copy of Agent Lynch's letter which Schulze referred to:

Yakima agency, Fort Simcoe, Wash, Oct. 31, 1891:

Hon Commissioner of Indian affairs.

Sir: IN reply to yours land 37084 1891 36566,
I mail you in separate package a plan of the dam now in the course of construction across the Yakima river which was made at my request by the engineer in charge of the work; also this letter in regard to the matter. After examination perhaps it would be well to return the same or a copy, to this office.

I have examined the work being done and proposed. I don't think the dam, if built on the plan submitted and described in letter of chief engineer, will seriously interfere with the rights of the Indians

guaranteed by treaty of 1855 in regard to fishing.

The Indians do not obtain but a small portion of their food from the Yakima river, what fish they do obtain is for food.

The principal objection made by the Indians is that the irrigation ditch is so large they are afraid that it will take nearly all the water from the river and they need the water for irrigating their own land as well as for fishing and for stock.

It is impossible to state precisely what the damage might be or what portion of the water will be drawn off from the river into the ditch.

It appears large enough to take it all, and in my opinion during the irrigation season, the water in the river will be turned into the ditch unless the company is restricted in the matter.

No attention was paid to my request to suspend work except that the company mailed the plan which I forward to you.

The whites have taken, and are using, all the water from the Ahtanum river and the small boundary stream, and the Indians complain that no water is left in this stream for their stock for irrigation.

The agent has a continual fight on every foot of the boundary lines of the reservation and if the rights of the Indians are to be maintained, it will want a company of soldiers to exclude stock and trespassers of all kinds another season-Very respectfully, Jay Lynch, U.S. Indian agent. Yakima Herald, Feb. 18, 1892.

Indians-Irrigation

One of the articles of agreement, purchasing the Wenatchee fishery provides that the Indians shall decide in council how the money shall be expended.

When the sale had been ratified by congress I was instructed by the commissioner to call the Indians together in council to decide how the money should be expended. This I did and it brought forth one of the largest councils I ever saw; so many were present they could not be accommodated in the council chamber and it was necessary to use the school building.

In the presence of Inspector McCormick who was here at the time the Indians decided after mature deliberation that the money should be expended in irrigation. This decision was reached and reported to Washington more than 14 months ago and not a word of dissatisfaction was heard so far as I know for 13 months after and not until the matter had passed both the Indian and interior departments and I was instructed to proceed with the work.

It is claimed that I purposed to bring the water out of the river opposite or near Toppenish. This is untrue. I propose to take the water out 12 or 13 miles above Toppenish in township 28 above the dam of the Sunnyside Ditch company and only two miles from the gap. It is also claimed that dissatisfaction exists because I did not propose bringing the water out at the gap. This is impossible for congress has passed a bill granting the Columbia irrigating company the right to build an irrigating canal a half mile below the gap. They have filed their map of definite location and it has been approved by the interior department, therefore it was impossible for me to conform to the wishes in locating at this particular point. I did the next best thing I could. I went 11-2 miles within of this location, just as near as I dared to go.

The statement that I swindled the Indians in the purchase of the fishery is utterly untrue. I have acted with the best motives and have endeavored to see that justice was done both to the Indians and whites.

In an official letter dated September 8, 1892, addressed to Jay Lynch, Land 25,855, he was instructed to locate this fishery. This letter says:

"In fixing the boundaries you will exercise due care and diligence so as not to include within its limits any lands occupied or settled upon or improved or which any vested rights of parties attach."

This was not done and the land of some 15 white settlers was included within the survey. Because of this complication I recommended that the lands be bought by the government.

On Oct. 13, 1893, a letter was addressed to Col. Lane and myself, Land 36,876, authorizing us to enter into negotiation for a cession of their rights in and to this land. Neither Col. Lane nor myself were asked to appraise the land, but the honorable commissioner in his letter of instruction used this language:

"In fixing the consideration you will take into consideration the object of its original reservation by the treaty of 1855 and impress upon the Indians that they are surrendering a privilege rather than a property, one too that for thirty years or more they have held in such light estimation that they have not even made a demand on the government for its proper location and survey. While this office does not desire to prejudice its valuation by naming a price, yet it ventures to express the opinion that the consideration should not exceed the sum of \$10,000."

On Dec 20, 1893, Col. Lane and I submitted a proposition for purchase

at so much per acre which if accepted would have amounted to about \$35,000. On Dec. 23, 1893 the honorable commission wired:

"Impress upon the Indians that congress will pay no unreasonable sum for the extinguishment of their title to lands in question. Make the best terms you can in reason and justice to the Indians and the government and agree upon a lump sum instead of a certain price per acre. If agreement is not satisfactory, of course congress will not ratify same. The price the Indians name is out of the question and would not be recommended by this office."

We then submitted a proposition of \$20,000, double the amount suggested by the honorable commissioner.

Any fair minded man can see that instead of swindling the Indians I was endeavoring to make the very best trade I could for them.

In discussing the injustice of not paying this money to the Indians in cash, it should be remembered that double this amount is expended upon the reservation every year. It costs the government more than \$3,000 a month to run this reservation and to pay the 42 white and Indian employees. It must also be remembered that this is gratuitous on the part of the government for they have fulfilled their treaty obligations with those Indians 15 years ago.

The treaty provided that schools, shops and certain annuities would be allowed for a period of twenty years. This twenty years expired long ago, but through the recommendation of agents the government has continued to maintain the schools and help these Indians in many ways. Their children from the ages of 6 to 13 are clothed and fed and educated free of charge. Their horses are shod, their wagons, plows and harness repaired by the blacksmith, carpenter and harness maker free of charge, their grain is ground, lumber sawed and dozens of articles too numerous to mention are given them free of charge.

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The government also provides that the old and infirm shall be fed and on any Saturday at this agency dozens of old people will be seen awaiting their turn for orders on the commissary for provisions.

All this could be abolished with a single recommendation of the secretary of the interior because as I have stated their treaty obligations have been completed with years ago.

The secretary of the interior wrote me two years ago and asked me my opinion as to how these Indians could be made self sustaining.

In reply I told him it could be answered in a single sentence. Help them to irrigate their lands. The idea of allotting eighty acres of barren sagebrush land to an Indian with no water to irrigate and expect him to go upon it and make a living sounds impossible.

I have impressed upon the department in my annual report as well as in many letters the great importance of assisting these Indians in irrigating their lands; but if the Indians show no disposition in this direction and are not willing that their lands should be irrigated with the fund derived from the sale of the Wenatchapam fishery, with what grace can the agent ask the department to appropriate money for this purpose?

I am satisfied that if the Indians will improve this opportunity and show some disposition and desire to have their lands irrigated many thousands of dollars can be obtained for

this purpose. Very truly yours. L.T. Erwin. Yakima Herald, May 28, 1896.

Reservation-Irrigation

Judge Erwin returned on Wednesday from Seattle where he was called to make answer in the injunction case to restrain him from continuing the work of constructing the reservation irrigation ditch. The commissioner of the general land office and the secretary of the interior had previously decided in his favor and now the federal court has told the obstructionists that they have no standing. This is the Yakima Herald, June 18, 1896.

Five dissatisfied Indians yesterday figured in the United States court as applicants for an injunction to prevent the Indian agent of the Yakima reservation from expending \$20,000 for the construction of an irrigation canal, but Judge Hanford denied the applications.

Several years ago the government purchased a fishery from the tribes comprising the Yakima nation, paying therefor \$20,000. The terms of the purchase were such that the money was to be expended in such manner as the general council of the nation should deem best.

A general council was held in March, 1895, and it was there determined that the money be expended in cutting an irrigation canal some 25 miles long. The various tribes were well represented in the council and it was generally considered that a wise conclusion had been reached, inasmuch as the Indian holdings would be much enhanced in value by the construction of such a canal while at the same time the terms of the work were such that every cent of the money was to be paid to the Indians themselves for work and the entire amount would thus ultimately find its way back into their hands. It was estimated that the canal would render cultivable between 20,000 and 30,000 acres of land.

The petitioners however, urged on it would seem by their attorneys, determined for some reason to oppose the canal.

The same attorneys are now likely to find themselves in a serious predicament. Contracting with Indians for fees in such cases is strictly prohibited by United States statute except by the express permission of the secretary of the interior and it is stated that one of the attorneys, without any such permission, has agreed to pay his attorneys in the present case a fee of \$800, giving as security a mortgage on his cattle. The attorneys will now be proceeded against.

The petitioner just referred to as promising such a large fee is amply able to pay it. His name is Thomas Pearne and he is probably the wealthiest man in the Yakima nation, one of the recent sales of his cattle to the government amounting to \$7,000. The source of his dissatisfaction with the proposed canal is not far to seek. His own land is already well watered and personally the canal will not benefit him. Then, too, he has become aggrieved toward the government because the latter instead of granting him a monopoly on the purchases of beef for rations distributes the purchase so as to give others the benefit of the money.

.....In denying the application Judge Hanford stated that the petitioners were not entitled to come into court, inasmuch as no one of them showed a claim of \$2,000. The \$20,000, if divided among the Indians of the nation would give each of them less than \$10... Judge Hanford also said that he knew of no case in which an Indian had been allowed to bring suit against the government which was his guardian-Yakima Herald, June 18, 1896.