GUARDS POINTS NOW OPEN

Immediate Possession of the Land -Settlers to Be Notified When Patents Issue,

SALEM, Or., Feb. 1.-(Special.)-Senator Williamson's bill for the amendment of the arid land law proposes a number of radical changes in the law. The purpose of the proposed changes is to prevent the irrigation companies from securing the exclusive possession of land for a num-ber of years without carrying out the inready secured contracts.

The second section of the present law makes it the duty of the State Land Board, upon application by some person or company to redeem arid land to make application to the General Government for the land and enter into a contract for its reciamation, to create Hens in favor of the irrigation companies cost of constructing irrigation works, provided that the works shall be constructed without cost to the state. The constructed without cost to the state. The
necond section of the Williamson bill is
as follows, the new provisions in substance, being enclosed in parentheses:

constructed without cost to the state. The
under the provisions of the aforesaid act of
Congress, or any other matter, the State Land
Board may direct such engineer to make or
cause to be made by some qualified assistant Stance, being enclosed in parentaneous such survey or examination as win target Sec. 2. The selection, management and diatoreport of said lands shall be vested in the posal of said lands shall be vested in the Upon receipt of the report of such engineer Upon receipt of the report of such engineer land Board shall take up such proinafter provided by any person, company, ciution or corporation desiring to reclaim association or corporation destring to reclaim any of the desert Government land in this state (and complying with all the terms of this act and of the rules, requirements and regulations of the General Land Office and of the Secretary of the Interior, and of the State Land Board; and the State Land Board being atisfied that such application is feasible, and

they are hereby authorized and directed to proper application for the lands which dicant undertakes to reclaim, and i enter into the contract or agreement with the Secretary of the Interior for the door survey, or price of such desert lands The provision that the state shall not be liable for the cost of reclamation is tained in a later section.

Section 3 of the Williamson bill con tains a number of new provisions indicated by the parentheses, but none of-the essential provisions of that section in the present law are outlined. It is as

Many New Provisions. constructing, having constructed or ring to construct ditches, canals or other irrigation work to reclaim desert land under the provisions of this act, shall file with the Hate Land Board a request for the selection, on behalf of the State of Oregon, by the State Land Board, of the land to be reclaimed, des-ignating said land by legal subdivisions. This request shall be accompanied by a proposal to construct a ditch, canal or other irrigation construct a ditch, canal or other irrigation of the property for the complete reclamation of that the work shall begin within six months from the date of the contract; that construction shall be prepared in accordance with the rules of the State Land Board and with the rules and regulations of the Department of the Insulations of the Department of the Insulations of the Contract with the state for a work under the contract with the state for a second of the months after the second year. and regulations of the Department of the In-terior and of the General Land Office. It shall state the source of water supply, the location and dimensions of the proposed works, the cost thereof, (the price and terms per acre at which perpetual water rights will be sold to settlers on the land to be reclaimed, said per-petual water rights to embrace a proportionals petual water right to embrace a proportionate interest in the canal or other irrigation works, together with all rights and franchises at-tached thereto or in any wise appertaining. tached thereto or in any wise appertaining. In the case of incorporated companies it shall state the name of the company, the purpose of its incorporation and where incorporated, the names and places of residence of its directors and officers, the amount of its authorized and its paid-up capital, and its available assets above all liabilities, and such other facts as will enable the State Land Board to determine the financial ability of such corporation to carry out the proposed waderskips. ration to carry out the proposed undertaking.

If the applicant be a natural person, company
or association, the proposal shall set forth the
name or names of the party or parties and sill enable line

since his or their financial and the proposed undertaking. A certines
ook for a sum not less than \$250 nor more
an \$3000, as may be determined by the
late Land Board, shall accompany each such
squest and proposal, the same to be held
as a guarantee of the execution of the contract with the state in accordance with its
larms by the party submitting such proposal,
and also to reimburse/the state for any outlays or expenditures made by it relating to
such proposal in carrying the same forward
according to the terms of this act, and in case
of the approval of the same and the selection
the present law, and the parentheses
merely call attention to the most immerely call attention to the most important new provisions;

See 7. Nothing in this act shall be construed
as authorizing the State Land Board to obligate
the state to pay for any work constructed under any contract, or to hold the state in any
way responsible to settlers for the failure of
contractors to complete the work according to
the terms of their contract with the state. (Immediately upon the withdrawal of any land for
the terms of their contract with the state. (Immediately upon the withdrawal of any land for
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the terms of their contract with the state. (Immediately upon the withdrawal of any land for
the terms of their contract with the state. (Immediately upon the withdrawal of any land for
the terms of their contract with the state. this act. The application shall be accompanied by a sufficient sum of money to pay Land Ofpenses, and such other fees and expenses as the State Land Board may require.) Such pro-ceed shall conform to the rules and regula-tions of the Secretary of the Interior, the al Land Office and the State Land Board. proposal shall be accompanied by triplicate lists of the legal subdivisions of the land proposed to be reclaimed, together with tripli-cate copies of the field notes of the surveys contemplated by this act, or required by the Becretary of the Interior, General Land Office or the State Land Board. Such proposal shall also be accompanied by triplicate maps and tri-plicate plans showing the location and dimen-sions of the proposed work, each to be drawn on tracing linen, and drawn on such a scale as clearly to show and indicate all desirtracting linen, and drawn on such a scale clearly to show and indicate all desir-is information, such scale to be not great-than 500 feet to the inch. All such proand accompanying papers shall be accompanied by affidavits required of engineers and such other details as are or may be required by the Secretary of the Interior, Gengal Land Office or the State Land Board. (Such proposal shall also be accompanied by an abstract showing the various water rights and by whom owned, and also the riparian energietom and the extent of their rights

1891, of the laws of the United States (26 L 1085), in accordance with the regulations or said act. It being intended hereby to horize and require the applicant for a control to do and perform all things necessary be done to enable the State Land Board select these lands without cost to the State application for a contract shall Said application for a contract shall in the cost of the construction of the med system of thrigation and the annual Time Limit Fixed.

Section 4 of the present law makes it a duty of the board to enter into a con-

ors and the extent of their rights

ong the stream from which the water is opposed to be diverted for the purpose of the irrigation, and the amount of water valiable over and above that of such water

available over and above that of such water rights and that of the rights of riparian own-ers, for the purpose of carrying out such pro-posal.) There shall be submitted by said ap-plicant statement, of the amount of water available for the plan of irrigation, and the other data and information required by the secretary of the Interior; and where the ca-late or reservoirs required by the plan of

extion cross public lands not selected by state, such applicant shall file separately application for right of way over such under sections 15 to 21 of act of March

tract for the reclamation of the land, and to fix the amount of the lien which the company shall have for reclamation. It also provides that construction of the irrigation works shall be commenced within six months after the signing of the contract, and be prosecuted with reasonable diligence. Ten per cent of the cost of reclamation must be expended in the first year. The company's lien is to draw 6 per cent interest until satisfied. The new bill makes numerous changes in this section, as will be seen:

Sec. 4. (The State Land Board shall, upon receipt of such proposal, cause the same to be examined by its clerk or the Attorney-General and ascertain if it compiles with the rules and regulations of the Department of the Interior. the General Land Office, the State Land Board and of this acf. If it does not, it is to be re-turned for correction; but if it does so com-Reclamation Companies Not to Get ply, it shall be submitted to some compo-Land Board, who shall examine the same and make a written report to the board, stating whether or not the proposed works are feasible; whether the proposed diversion of the public water of the state will prove beneficial to the public interest; whether the proposed diversion of water will interfere with existing water rights and the rights of ripar-ian proprietors, and, if so, to what extent; whether there is sufficient unappropriated water

in the source of supply, and whether or not a permit to divert and appropriate water through the proposed works is approved by hims whether the capacity of the prop works is adequate to reclaim the land de-scribed; whether or not the proposed cost of construction is reasonable, and whether or not tentions of the law, to prevent the irri-gation companies or other syndicates from securing the best of the reclaimed land and profiting by the speculation, and to Board and of this net; also whether the lands prevent delays in the construction of irrigation works. While the Williamson bill is in the form of an amendment, it really proposes what is in effect an entirely new arid land law. The new law, if it should be provided to be irrigated are desert in character, and such as may be properly set anart under the provisions of the aforesaid act of Congress and the rules and regulations of the provisions of the interior thereunder; and whether or not such proposed blan of irrigations. proposes what is in effect an entirely new arid land law. The new law, if it should go into effect, would not alter the rights of irrigation companies which have altered y secured contracts.

Congress and the rules and regulations of the Department of the Interior thereunder; and whether or not such proposed plan of irrigation companies which have altered y secured contracts. water is proposed to be appropriated. When-ever such engineer shall be unable, from an examination of the maps and field notes submitted for his examination, to determine er or not the proposed irrigation works are feasible and adequate, whether or not the proposed cost of construction is reasonable, or whether or not the proposed diversion of the public water is beneficial to public interest, and whether or not the lands proposed to be irrigated are of such a character as to come

posal for its consideration. In case of the ap-proval by the board of such proposal, the State Land Board shall file in the local land office a request for the withdrawal of the land de ecribed in said proposal. When requests and proposals are not approved by the State Land Board, the board shall notify the parties mak-ing such proposal of such action, and the reasons therefor. The parties so notified sh have 60 days in which to submit a satisfactory proposal, but the State Land Board may, at its discretion, extend the time to six months.) Upon the withdrawal of the land by the Deake and enter into the contract or agreement the Secretary of the Interior for the do-tion and patent to the sate, free of cost survey, or price of such desert lands. cation, dimensions, character and estimated cost of the proposed ditch, canni or other irri-gation work; the price and terms per acre at which such works and perpetual water rights shall be sold to settlers, the price and terms upon which the state is to dispose of the land to settlers; provided, that such price and terms to settlers; provided, that such price and terms for irrigation works, water rights and for lands to be disposed of by the state to settlers, shall in all cases be reasonable and just. This contract shall not be entered into on the part of the state until the withdrawal of these lands by the Department of the Interior and the filing of a satisfactory bond or undertaking on the part of the proposed contractor for irrigation works, which bond or undertaking shall be in a negal sum equal to 5 per cent of the satisfactory bond or undertaking shall be in a penal sum equal to 5 per cent of the esti-mated cost of the works, and to be conditioned for the faithful performance of the provisions of the contract with the state. No contract shall be made by the board which requires a greater time than five years for the construc-tion of the works) and all contracts shall state

> will forfeit to the state all rights under said Reclaimer Must Walt.

> Section 5, of the present law, relating to the application to the Government by the state for the land to be reclaimed, is

left unchanged.

Section 6, which gives the reclamation company exclusive possession of the land from the date of the contract, is prac-tically abrogated. The remaining sections of the present law provide that the water rights shall be appurtenant to the land, subject to the right of the irrigation company to reasonable annual charges for the f water; that persons wish arid land covered by contract shall secure a receipt showing that the com-pany's lien has been satisfied, whereupon the State Land Board shall issue a deed thereto. The new sections add many new features, the most important being the provisions that the money must be paid to the State Land Board; that deeds will

fees, engineer's fees and traveling exses, and such other fees and expenses as
Biate Land Board may require.) Such proal shall conform to the rules and regulais of the Secretary of the Interior, the
said land is open for settlement; the price for which said land will be sold to settlers by the state, and the contract price at which settlers can purchase perpetual water rights.) Any citizen of the United States, or any person having declared his intention to become a citihaving declared his intention to become a citi-zen of the United States, over the age of 21 years, may make application, under cath, to the State Land Board, to enter any of said land in any amount not to exceed 100 acres for any one person; "(and such application shall set forth that the person desiring to make such entry does so for the nurson of actual scales.) entry does so for the purpose of actual reclama tion, cultivation and softlement in accordance with the act of Congress and the laws of this state relating thereto, and that the applicant has never received the benefit of the provisions of this act to an amount greater than 160 acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of the contract for a perpetual water right, made and entered into by the party making application, with the person, company, association or corporation who have been auassociation or corporation who have been au-thorized by the State Land Board to furnish water for the reclamation of said land; and if said applicant has at any previous time en-tered lands under the provisions of this act, he shall so state in his application, together with description, date of entry and location of said land. He shall further state that said application is not made, either directly or insaid land. He shall further state that said application is not made, either directly or indirectly for the benefit of any other person or persons whatsoever.) The board shall thereupon file in its office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. (All applications for entry shall be accompanied by a payment of 25 cents per acre, which shall be paid as a partial payment on the land, if the application is allowed; and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is

when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed the 25 cents per acre accompanying it shall be returned to the applicant; provided, that where the construction company fails to furnish water to any settler under the provisions of his contract with the state, the state shall returnd to said settler all payments that he shall have made to the state. The board shall dispose of all lands accepted by the state under the provisions of this act at a uniform price of — dollars per acre, the residue of which is to be paid at the time of making final proof by the settler. Within

one year after any person, company or corpo-ration authorized to construct irrigation works under the provisions of this act shall have notitheir contract with the state, the said settlers shall cultivate and reclaim not less than onesixteenth part of the land filed upon, and within two years after the said notice, the settler shall have actually irrigated and cultivated not less than one-eighth of the land filed upon, and within three years from the date of upon, and within three years from the date of said notice the actiler shall appear before the County Clerk or Clerk of the County Court, a Judge or Clerk of the Circuit Court, or United States Circuit Court Commissioner, to be designated by the State Land Board within the land make final proof of reclamation. state, and make final proof of reclamation, settlement and occupation, which proof shall embrace evidence that he has a perpetual wa-ter right for his entire tract of land sufficient in volume for the complete irrigation and reciamation thereof; that he is an actual settler thereon, and has cultivated and irrigated not less than 20 acres of said tract, and such proof further, if any, as may be required by the regulation of the Department of the In-terior, the General Land Office, or of the State Land Board. All proofs shall be accompanied by the amount due upon said land, and approval of the same said proof shall be for-warded to the Secretary of the Interior with request that a patent to said lands be issue to the state).

Notice to the Settler.

Sec. 8. Upon the issuance of a patent to any land by the United States to the state, notice shall be forwarded to the settler upon such and. It shall be the duty of the State Land Board to execute a deed to said lands from the state to the settler. The water rights to all lands acquired under the provisions of this act shall attach to and become appurtenant to the land as soon as title passes from the United States to the state. Any person, company, association or corporation furnishing water for any tract of land shall have a first and prior lien on said water right and land upon prior lien on said water right and land upon which said water is used, for all deferred paylien on said water right and land upon contract under which said water right was acquired. The contract for the water right upon which the aforesaid lien is founded shall be recorded in the office of the County Clerk of the county where said land is situated. That upon default of any of the deferred payments secured by the state Land I bard shall record to the county where said land is situated. That upon default of any of the deferred payments accurately the state Land I bard shall record to the county where said land is situated. That upon default of any of the deferred payments corporation holding or owning said lien may corporation holding or owning said lien may foreclose the same, according to the terms and conditions of the contract granting and selling to the settler the water right by a suit in equity brought in the county where such land is situated. Where the lien holder becomes the purchaser at such foreclosure state. lands and water rights are not redeemed by the original owner within the time limited by the laws of Oregon for the redemption thereof under sales thereof under execution or by decree under foreclosure proceedings, then at any time thereafter within six months after the expiration of such time, any person desiring state. settle upon and use such lands and water rights may apply to the purchaser at such foreclosure sale to redeem such land and water rights, and such purchaser shall assign the certificate of sale of such land and water rights to the person desiring to redeem the same, upon the payment by him, of the amount of the lien for which the same was sold at such in connection with a shortage in the

land and water rights. If the land and water rights shall not be redeemed by any person within the time and in the manner hereinbe-fore provided, it shall be the duty of the Sheriff, upon presentation of the certificate of sale by the original purchaser to Issue a deed to such purchaser. Where such land and wa-ter rights are not purchased by the lien holder of such foreclosure sale, it shall be the duty of the Sheriff to first pay the lien holder out of the proceeds of such sale the amount of the ilen, together with all interest, costs and fixed charges thereon, and to pay any balance remaining to the person against whom such lien has been foreclosed, and for his services such cases the Sheriff shall receive the s fees as are provided by law in civil cases. State to Keep Record.

Sec. 9. The maps in the office of the State Land Board of the land selected under provisions of this act shall show the location of the canais or other irrigation works approved in the contract with the State Land Board, and all lands filed upon shall be subject to the rights of way of such canals or irriga-tion works. Said right of way to embrace the entire width of the canal, and such additional width as may be required for its proper opera-tion and maintenance, the width of the right of way to be specified in the contracts provided for in this act. The State Land Board shall provide suitable rules for the filing of proposals for constructing irrigation works, and for the entry of and payment for the land by settlers, and for the forfeiting of entry by settlers upon failure to comply with the pro-visions of this fet. There shall be kept in the office of the State Land Board, for public in-spection, cooles of all mans plans contracts which said water is used, for all deferred payments for said water rights; said lien to be in all respects prior to any and all other liens mished, the names of the officers of the comcreated or attempted to be created by the own-er or possessor of said land; said lien to re-main in full force and effect until the last deferred payment for the water right is fully paid and satisfied according to the terms of the contract under which said water right was ac-quired. The contract for the water right was ac-quired or works leng constructed by a person,

the county where said land is situated. That upon default of any of the deferred payments scribe the duties of all its employes and shall secured by any lien under the provisions of collect the following fees: For filing each apsecured by any lien under the provisions of collect the following fees: For ming each ap-this act, the person, company, association or corporation holding or owning said lien may for issuing each patent, \$1; for making certified copies of records, 10 cents per folio. The conditions of the contract granting and selling State Treasurer and by him credited to the general fund of the state. All suits or actions brought by the State Land Board shall be inpurchaser at such foreclosure sale, if such stituted by said board in the name of the State of Oregon. That all moneys derived from the sale of lands under the provisions of by the State Land Board shall be with the State Treasurer and be held in trust

Arrested in a Hospital.

DETROIT, Feb. 1.-Alfred F. Shambe leau, aged 65, ex-treasurer of Kent Coun ty, Ontario, who it is alleged is wanted foreclosure sale, together with legal interest county funds of about \$14,690, was today costs and fixed charges thereon. Thereupon placed under arrest at Grace Hospital, such person shall be entitled to a deed to such in this city.

RECORD OF THE OREGON LEGISLATURE

Bills Passed by the Senate. S. B. 3, by Marsters-To provide for death executions at State Penitentiary.

S. B. 21. by Hunt-To make Boys' and Girls' Ald Society a place of commit-ment for truants and incorrigibles, and for an appropriation therefor.

B. S4, by Sweek-To provide manner of proving existence of fereign of

S. B. 27, by Smain of Mulinomah-To create a State Board of Health S. B. 31, by Croisan-To prevent stock running at large in Marion County.

S. B. 51, by Hobson-Relative to transfer of convicts to insane asylum.

S. B. 14, by Mays-Classing bloycles with horses in the law to punish larceny,

S. B. 10, by Steiwer-To regulate carriage of sheep by express.

S. B. 37, by Myers-Giving cremateries same exemptions as co

B. 57, by Myers—To define the rights of riparian owners.
 B. 58, by Kuykendall—Relating to transportation of control

S. B. 80, by Smith, of Umatilla-To amend liquor license law.

S. B. 97, by Steiwer-To require peddlers to pay license fees.

· S. B. 121, by Myers-General county seat removal enabling act.

S. B. 101, by Carter-To provide for tax levies for libraries in cities

S. B. 109, by McGinn-To authorize cities to appropriate water rights.

Experiment Station.

McMinnville, Baker City.

S. B. 41-To permit state fair board to control its own printing. te, by Booth-For protection of forests from fire

S. B. 52, by McGinn-To prohibit child labor under certain ages.

S. B. 59, by Kuykendall-For the consolidation of country schools.

S. B. 75, by Daly-Relative to examination of commercial fertilizers.

S. B. 78, by Daly-To require that schools be kept open not less than four

S. B. Si, by Pierce-To appropriate \$20,000 for Eastern Oregon Agricultural

S. B. SS, by Smith of Yamhill-Relative to condemnation of public roads for

S. B. 95, by Smith of Umatilla-To require hair brands on cattle driven from

S. H. 96, by Smith of Umatilla-Relative to issuance of certificates for practice

. B. 102, by Daly-Providing that state shall carry its own fire insurance.

B. 116, by Wehrung-To authorize counties to appropriate money for adver-

S. B. 110, by McGinn-Authorizing construction of suspension bridge at Oregon

S. B. 159, by Carter-To fix traveling expenses Jackson County School Superin

S. B. 172, by Brownell—To repeal Clackamas County Commissioner act.
S. B. 174, by Brownell—Pixing salary of Clackamas County Judge at \$1200 per

Incorporation acts: North Powder, Bourne, Dufur, New Astoria, Prineville,

H. B. 8, by Phelps-To prescribe method of constructing fences in Eastern Or-

Bills Passed by the House,

H. B. 1, by Malarkey-To appropriate \$500,000 for Lewis and Clark Fair.

B. 40, by Cobb-To require street-cars to be provided with fenders.

H. B. 42, by Banks-Relative to exemptions in earnings of judgment debtors.
H. B. 46, by judiciary committee-For investment of state school funds in school

H. B. 47, by Kay-Relative to garnishment proceedings against public employer

H. B. 49, by Banks-Relating to execution and acknowledgment of deeds in

H. B. 51, by Hale-Rejative to salaries of certain Josephine County officers. B. 57, by Nottingliam-Relating to pay for patients in insane asylums,

H. B. 75, by Eddy-To provide that statute of limitations shall not run against

H. B. 78, by Whealdon-To authorize City of The Dalles to large additions

H. B. 94, by Phelps-Regulating Deputy District Attorneyship of Sixth Judicial

H. B. 102, by Hahn-To give boat pullers and others preferred liens on fish. H. B. 106, by Hale—To reimburse W. H. Hampton for school land purchase. H. B. 166, by Hale—Renewing \$5000 limit in damage cases arising from death

H. B. 114, by Hutchinson—To regulate barbers.
H. B. 117, by Burielgh—Relating to pay of Wallowa County officials.

H. B. 141, by Both-Fixing salary of Columbia County Judge at \$1000.

H. B. 154, by Banks-Relative to proving of official records in foreign countries. H. B. 176, by Davey-Making salary of Assistant Pentientlary Warden \$1200.

Incorporation acts: Clatskanie, Sublimity, Rainier, Dallas, Merrill, Wasco,

The following charter bills: Adams, Lexington, Coquille, Bandon, Ashland,

Bills Passed by Both Houses.

Cornellus, Milwaukie, Stayton, Eugene, Salem, Elgin, Enterprise, Myrtle Creek.

Signed by the Governor.

H. B. 1, by Malarkey-To appropriate \$500,000 for the Lewis and Clark Fair.

S. B. 64, by Marsters—To create irreducible school fund for Douglas County. H. B. 77, by Cornett—Authorizing construction of a free ferry at Harrisburg.

H. B. 108, by Gill-To levy tax in Multnemah County for support of library.

B. 64, by Burleigh-To change time for holding county court in Wallows

H. B. 5, by Davey-To amend Third Judicial District Judgeship act.

H. B. 5, by Davey-To provide four terms of cours in Third District.

H. B. 16, by Riddle-Regulating titles of insurance companies.

H. B. 18 (substitute)-To punish bribery in political conventions

H. B. 62 (substitute)-Relative to plats for surveys in countles,

H. B. 80, by Phelps-To regulate election of Road Supervisors.

53, by Galloway-For library tax of 1-5 mill.

H. B. 109, by Both-To relocate county seat of Columbia.

H. B. 125, by Eddy-To change time of fixing tax levies.

H. B. 189, by Hayden-To authorize fitmes on county roads.

H. B. 157, by Hermann-To fix certain salaries in Coos County.

Williamina, Fails City, North Yambill, Ontario, Huntington.

H. B. 58, by Fisher-For a fireboat at Portland.

Charter bills for Corvallis, Alamo and The Dalles.

H. B. 101, by Reed-Portland charter bill.

H. B. 91, by Burgess-To create Stockman County.

H. B. 24, by Reed-Relating to proving of official documents.

telephones and telegraph lines.

8. B. 85, by Croisan—Amending Third Judicial District Circuit Judgeship act.

ALL THE FENCES MUST GO

IN CROOK COUNTY 30,000 TO 40,000 ACRES WILL BE OPENED.

Government Land Fenced in Connec tion With Wagon Road Grant-Cattle and Sheep Fight.

PRINEVILLE, Or., Feb. 1.—(Special.)— The order for the removal of fences from Government land is causing considerable indignation in the Eastern part of the county. The majority of the stockmen blame W. W. Brown for it. As near as can be learned Brown could have saved himself and many other stockmen a large amount of money as well as pasturage by complying with the first order from the Interior Department, but he was not satisfied to let well enough alone, and so informed the Government agent that he had a lot more land fenced, and in consequence he was ordered to take it all down. This order raised Brown's ire, and he began complaining on his neighbors, and the result will be the opening of perhaps 20,000 to 40,000 acres of Government land that has been fenced up. The great-est loss will fail on Mr. Brown, who will be required to remove 100 to 300 miles

As a great deal of this fencing has been done by cattlemen, it will be seen that they will be the losers, and it will leave a lot of range open to the public that will be fought for by the sheep that come in from outside points every Summer. Should this be the case, there is a strong probability that a large number of probability that a large number of Brown's sheep will go the way of others that have come in the way of the cattle men of that section and, as large bands of sheep that will be ranged in close proximity to a great deal of the land that has been thrown open, and is looked upon by the cattle-owners as the cause of the opening of the fences, he will naturally be the object of their Much of the land that has been under

ence is but poor pasturage at best, but, t being easier fenced than left outside, many of the stockmen have inclosed it with their own premises. One reason that so much of the land in this county has been inclosed is that a large area of "road land" has been leased by the stockmen, and, it being in alternate sections, there has been a tendency to inclose all the land within the boundaries of the road land so as to form a square or other solid body of land, thus taking a much less amount of fencing that would otherwise be required. While those who have done so are fully aware that they were inclosing Government land to which they had no right, they have never in any way opposed any one in settling within their inclusures who desired to take a homestead or other claim. In this they have differed widely from the cattle barons of Northern California and Nevada, where it was as much as a man's life was worth to attempt to take a homestead inof one of the great inclosures without first promising to sell to the cattle man who had the land under fence.

GOSSIP OF THE CAPITOL. Oratory in the Legislature-Those

Responsible for Bills. SALEM, Or. Feb. 1.—The Senate lost one of its best debaters when it elected Senof its best denaters when it elected sen-ator Brownell President. Brownell is easily the most entertaining speaker of the Senate. There are a goodly supply of debaters on the floor of the Upper House, however, for Senators Fulton, Mulkey, McGinn, Smith of Multnomah, Kuyken-dell Booth Mays Miller and Pierce are

dall, Booth, Mays, Miller and Pierce are known outside the halls of legislation as well as inside for their ability as public speakers. Some of the new members have not had an opportunity yet to demon-strate their power in the forensic arena. It has been a long time since Marion

County had an orator in the State Sen-ate. The delegation from that county consists of Senators Croisan, Farrar and Hobson. Neither Croisan nor Hobson can make a speech. Farrar has never been considered much of a speechmaker, but considered much of a speechmaker, but when he announced his change of vote on the Senatorship, a few days ago, his statement of his reasons for doing so was pro-nounced a very commendable effort in the way of a public address. Nevertheless, he cannot be classed as an orator or ready debater. At the last two sessions Marion County was represented by Senators Looney and Adams, neither of whom could cover themselves or anybody else with glory by their speeches. Their pre-decessors were Hobson, Gesner and Patterson, all of whom displayed their great-

est eloquence when they were silent. But Marion County has been ably represented in the Upper House of the Legis-lature, notwithstanding the lack of or-atory, in judgment and political sagacity. Senator Booth is the big business man of the Legislature. Besides being one of the most active men in legislation, he is leading Fulton's Senatorial fight and attends to enough private business to keep a private stenographer busy most of the Almost daily during this week he has met prominent sawmill men or timber men, and has made deals which seem small to him, but large to the ordinary person. The annual meeting of the board of directors of the Booth-Kelly Lumber Company was held at the Capitol today, and in anticipation of the formal meeting a number of preliminary meetings were held. As all the committee rooms were occupied, the board of directors held their meetings in the lobby. Gathered in a little circle, with a throng of people passing back and forth around them, they transacted business for the largest lumber company in the world. When they held a private meeting this afternoon, they elected Frank H. Buck, president; John F. Kelly, vice-president; J. H. Booth, secretary; R. A. Booth, treasurer and manager. Lane, Douglas and Josephine Counties may well feel proud of being represented in the State Senate by the manager of the largest lumbering company in the world.

Senators Kuykendall, Fulton, Mulkey and Daly are the literary critics of bills in the Senate at this session of the Legisla-ture. With the exercise of the best of care by enrolling or engrossing clerks, errors will sometimes creep into a bill. It seldom that a bill, if read in full, gets through the Senate with a serious flaw in the language. One of these Senators is almost certain to notice the mistake. At the last session Senators Smith of Baker and Josephi of Multnomah also distinguished themselves by their careful atten-tion to the language used in bills. This is work that the outside world never hears about, but it is of incalculable val

An inspection of the printed calendars shows that Representative Davey has the

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record for the largest number of bills in-troduced in the House. His progeny num-bers 18. Senator Sweek leads in his branch of the Legislature, with 16 bills to his craft. The number of bills to his credit. The number of bills introduced by each Senator is as follows: Booth 3, Carter 5, Croisan II, Daly 6, Dimmick 0, Farrar 0, Fulton 2, Hobson 4, Holman 0, Howe 1. Hunt 4. Johnston 4. Kuykendal 8. Marsters 7. Mays 4. McGinn 8, Miller 10, Mulkey 11. Myers 8, Plerce 14, Rand 5, Smith of Multnomah 1, Smith of Umatill 9, Smith of Yamhill 3, Steiwer 5, Sweek 16, Wade 0, Wehrung 8, Williamson 7, Presi-

dent Brownell 5. The record of each member of the House of Representatives is as follows: Balley 7, Banks 6, Bilyeu 6, Blakiey 2, Both 6, Surgess 3, Burleigh 13, Cantrall 0, Carna-ian 5, Ciaypool 0, Cobb 3, Cornett 2, Danneifian 1, Davey 18, Eddy 11, Edwards 4, Emmitt 2, Fisher 1, Galloway 9, Gault 6, Gill 8, Ginn 3, Hahn 4, Hale 6, Hanabrough 3, Hawkins 2, Hayden 2, Hermann 5, Hines 7, Hodson 4, Hudson 0, Huntley 2, Hutch-inson 3, Johnson 5, Jones of Lincoln 6, Jones of Multnomah 1, Judd 3, Kay Kramer 3, LaFollett 4, Maiarkey 4, Miles 2, Murphy 6, Nottingham 5, Oiwell 3, Orton Paulsen 0, Phelps 9, Purdy 1, Reed 12,
 Riddle 3, Robbins 3, Shelley 7, Simmons 3,
 Test 6, Webster 7, Whealdon 4, Speaker

STATUS OF WHITMAN DISCUSSION. Lecture by Professor Schafer at University of Oregon

UNIVERSITY OF OREGON, Eugene r., Feb. 1.-Another of the series of Saturday evening lectures was given last evening in McClure Hall by Professor Joseph Schafer, of the chair of history, on "The Present Status of the Whitma Discussion." The following is to stance of Mr. Schafer's remarks: The following is the sub-

"To the historical critic the Whitman question presents four problems: First, what validity is there in the evidence drawn from the reminiscences of certain men, on whose testimony, unsupported by contemporaneous documents, the Whitman-saved-Oregon story was first brought out? Second, what conclusiveness is there In the argument from silence on the part of certain documents, by which some writers try to prove that Whitman did not go East on a political errand nor accom-plish any important political results? Third, what are the facts of contemporaneous history which bear upon the question, and do they support the first or the second of the above theories? Fourth, assuming that our evidence is as yet incomplete, how can it be supplemented

and, if possible, completed?
"Mr. Bourne has successfully attacked the first problem. He has shown that the story was first published by Mr. Spaulding, and has demonstrated Spaulding's nreliability as a witness. He has also shown that Spaulding probably influenced the other missionary witnesses to the ex-tent that their testimony cannot be accepted as independent. Therefore, while our respect for some of these witnesses may give us faith that the story is not without foundation, it is futile to build a historical argument upon their testi-mony, because it can have no absolute validity-that is, it will not be necessarily credited any further than these witnesses are known personally.

"The second problem Mr. Bourne himself imposes upon us when he asks us to dead.

accept as conclusive against the Whitman-saved-Oregon theory, an argument based upon the silence of certain accessible documents (letters by Whitman, his wife and associates), with reference to a political errand in the East, while they are explicit in stating that Whitman did go home on a missionary errand. The present paper deals especially with the and third problems. It aims to show the inconclusiveness of the argument from silence, so long as the evidence from sources has not been fairly garnered. It aims to show also that under the third head the facts of contemporary history support Bourne's theory only so far as Whitman's influence in raising the emi-gration of 1842 is in question. His other contentions, that Whitman could not have had a political motive for the journey, that he did not certainly try to arouse interest concerning Oregon, that he had no opportunity to exercise political influence at Washington, that his efforts in behalf of the emigrants en route were not of vital importance, do not receive confirmation from the new evidence

brought out in this investigation. Finally, although a considerable fund of new material has come to light, the time is not yet ripe for passing a final historical judgment on this question. Mr. Bourne's argument is plausible and he may prove to be right. On the other hand, those who support the saved-Oregon theory may, in the sequel, be more nearly right than he is. What is needed is a vigorous and persistent search for doc of unquestioned validity. All who are in-terested in setting the question at rest, and in doing exact historical justice to a worthy pioneer of Oregon, ought to assist in this search."

LATE NEWS FROM CAPE NOME. Town Has 1200 Less Than Last Win-

ter-Sales of Mines. DAWSON, Yukon Territory, Feb. 1.-'he first Nome advices over the ice ar-The first Nome advices over the ice arrived today, over three months en route.

The latest are dated November 25. The Arctic Icepack came in opposite Nome on November 21. The wind was holding off the pack, with prospects of the sea freezing smooth along the shore.

Commissioner Gunderson was reported seriously ill with presumpnia and hereseriously ill with pneumonia and hem-orrhages at Kougarok on the 25th. It

was thought he would recover Natives on Fox Creek and in Machuck are ill and destitute from exposure and lack of nourishment and need medical ald. It is feared they will perish during the severe weather. The Nome health officers are caring for some natives,

The population of Nome is 1290 less than last Winter. Oregon and Lara-mie Bench claims on Oregon Creek have Wilkinson for been bonded to W. C. \$100,000. The Prouty quartz mine near Bluff City has been bonded for \$15,000. Pay dirt has been found on Willow and Camp Creeks, in Norton Bay, Barney Cole has reached Nome from

Siberia, and says promising prospects have been found in St. Lawrence Bay. American miners there are hopeful and satisfied to stay. Cole will return

Prussian Minister Dend,

BERLIN, Feb. 1.—Herr von del Brueck, honorary Prussian Minister of State, is

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