

Malheur Enterprise

Builders of business; mercantile, real estate, hotel, restaurant, news and novelty, drug and druggists' sundries, the barber, the butcher, the baker, fur dealers, blacksmiths, garage, pool halls, feed stores; we accept none; do well when they advertise in the Malheur Enterprise.

The Malheur Enterprise Delivered to your home or mailed, \$2.00 per year, in advance. The Leading Paper of Malheur County.

VOL. 4, NO. 27. VALE, OREGON, SATURDAY, MAY 24, 1913. PRICE 5 cents

WILLOW RIVER TANGLE IN FEDERAL COURT

Attorneys for the Willow River Irrigation Company Having Made Application for an Injunction the Case Will be Heard in Portland May 24

The Willow River attorneys have applied for an injunction against the state board of control, and the hearing will be had before Judge Wolverton Saturday, May 24. At that time it will probably be settled as to whether the decree of the State Board of Control may be overturned by the federal court.

In a decree handed down by the state board, the waters of Willow River were apportioned among the various claimants. Upon filing the decree no one seemed to be satisfied and all appealed to the circuit court, where the matter now rests in the hands of Judge Dalton Biggs.

Meanwhile the property of the Willow River Co. is in the hands of the federal court under bankruptcy proceedings and was sold May 10 at Vale. The sale not yet being confirmed by the court.

However, it is claimed that the water is being retained in Reservoir No. 3 to the detriment of users on the lower river, who had been decreed certain amount of water. The state board sent L. D. Howland to the point with orders for Water Master Roeder to open the gate, and measure out the amount of water decreed. This, Roeder attempted to do, but was prevented by inability to find the necessary tools.

Attorneys became busy, wires were used and orders came from U. S. Marshal to do nothing until his arrival.

Roeder, Howland and Attorney Cochrane will proceed to Portland where they will attempt to thresh the matter out.

Roeder, Howland and Attorney Cochrane will proceed to Portland where they will attempt to thresh the matter out.

SAGE BRUSH ANNIE'S SCHEDULE ROTTEN

Passengers Make Better Time by Coming to Vale in Autos Instead of by Train

"Sage Brush Annie," the mixed cattle, sheep, freight and passenger train, supposed to carry the United States mails, has been coming into Vale from one to two hours late the past week, month and year.

May 20, Tuesday, the train was held at Ontario two hours awaiting some laborers.

Frequently they stop enroute and unload cinders along the road for ballast.

The engine is compelled to do main line switching at Ontario, and time and again takes on passengers on time, hurls them out a mile or two and there they stand awaiting the pleasure of the switchmaster.

Court scheduled to open in Vale at 11 a. m. would be delayed till afternoon owing to some capricious official act on the main line.

Is Vale always to be treated as a backwoods town? Ontario papers claim that the railroad is favoring them by holding wool in transit subject to sale. The railroad may not be favoring Ontario but it is giving Vale outrageous treatment.

As a result of holding the train for railroad help, three automobile loads of traveling men came up from Ontario and returned by same method.

Upon the arrival of the supposed car of laborers, for which the U. S. mails were held up, passengers delayed, many of whom hired autos rather than lose their day, it was found to contain nine men.

Upon the arrival of the supposed car of laborers, for which the U. S. mails were held up, passengers delayed, many of whom hired autos rather than lose their day, it was found to contain nine men.

MALHEUR COUNTY PLEAS

Mr. W. A. Rose of Dakota, Rev. T. D. Lewis of Berkeley, California, and C. E. Flanery of Everett, visited the Enterprise office Thursday, in company with H. P. Osborne.

These gentlemen are looking the country over with a view of locating and express themselves as much pleased with the outlook.

TAKE RISKS ON WAR

London, May 21.—Underwriters are quoting war insurance covering war risk between Japan and the United States. 5 pounds per 100 guineas on 3 months. 8 pounds per 100 guineas on 6 months.

NEW CUBAN PRESIDENT

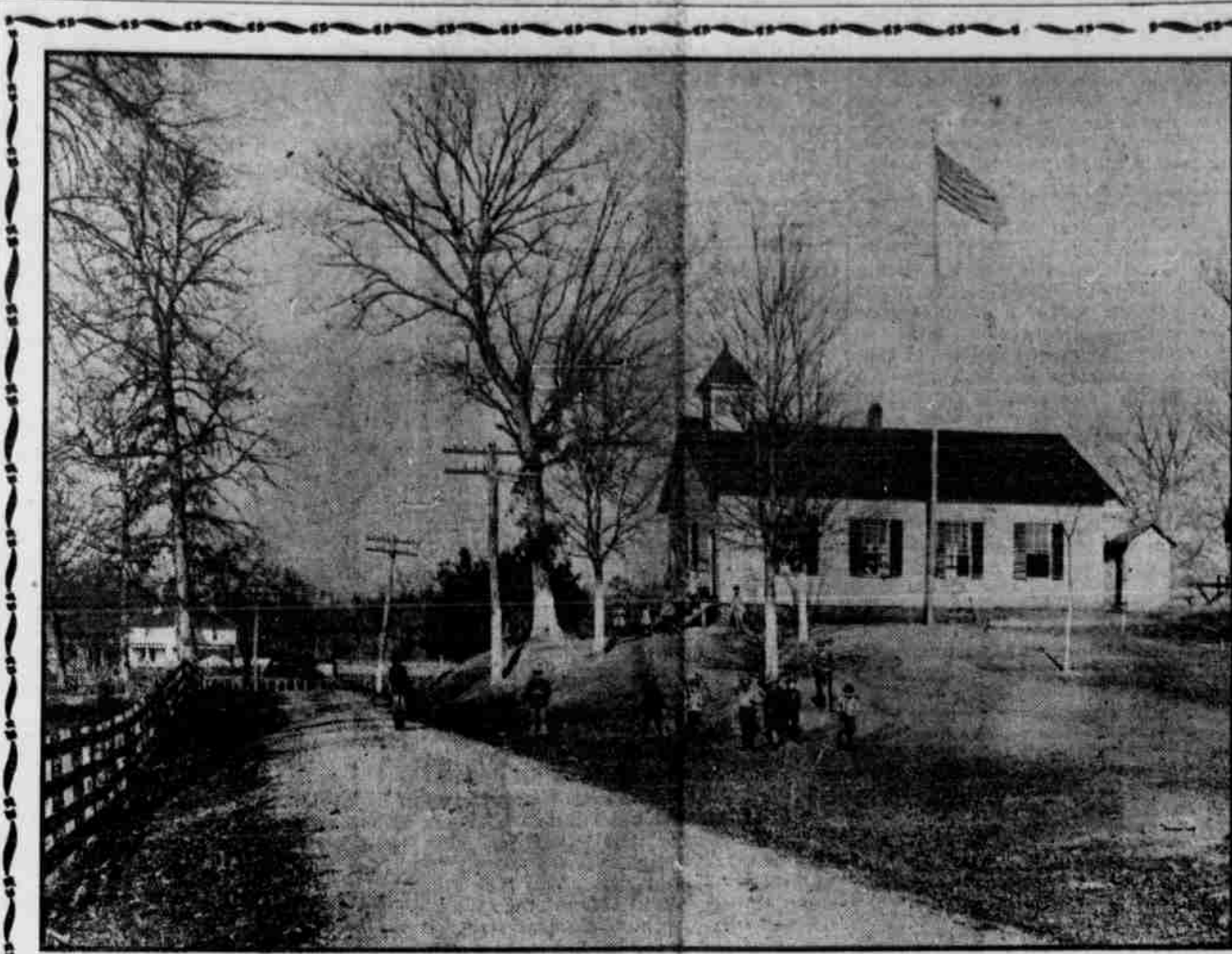
General Mario Menocal has been inaugurated president of the Cuban republic, being the third president that has been elected.

DYNAMITE USED ON CANAL

Seventeen tons of dynamite were used in removing the natural dam excluding the water from the canal on the Pacific side. Ocean water now flows into the canal to the first lock.

W. A. Watters, of La Grande, was in town May 20.

Judge Will B. King arrived in Vale on Friday's train.



GOOD ROADS MAKE THE COUNTRY ATTRACTIVE

VALE CITIZEN DIES FROM CANCER

In a letter from Dr. F. W. Murphy to Rev. F. L. Cook, we learn that L. Heil died at 12:30 May 18 after undergoing an operation.

Upon examination it was found that his internal organs were affected by a malignant cancer, which it was useless to attempt to remove.

Arterio-sclerosis was also in evidence and a serious factor under the attendant circumstances.

Mrs. Heil left Portland Tuesday with the body, for the purpose of interring at Bellaise, Ohio.

Mr. Heil had been ailing for some time and was unable to attend to his work with R. E. Weant.

NEW BUNGALOWS BEING ERECTED

Leslie Hope has erected a fine new 5-room house, with all modern improvements, just south of the Dunlop home.

Frank Mulkey has also built a fine new 5-room house in the Hadley addition, Mr. Chas. Knowles being the contractor.

GOOD ROADS TO SOLVE THE PRICE PROBLEM

Jonathan Bourne Working Hard for Appropriation of Highway Fund

Will Stop Congestion Through the System of Good Highways as Proposed by Committee at Washington, Farmers can Market Their Products When Prices are Right

That an era of good road building is at hand, is evidenced by the interest taken by every state and territory in the Union.

The national highways committee in Washington is preparing a bill to follow the tariff legislation, and they hope to succeed in having some appropriation made for commencing work next year.

Jonathan Bourne, Jr., is pressing his measure and obtaining as far as possible a consensus of opinion from as many sources and individuals as can be enlisted in the cause.

Eastern exchanges are without exception in favor of this great improvement. Farmers are beginning to see where they may be able to get a better price for their produce if they may hold it until congestion is passed in the markets and on railroads. In fact there would be no congestion if farmers could haul their crops on good roads during fall, winter and spring.

President Wilson is said to favor the movement and will lend his assistance in every way possible.

VALE TEAM PLAYS BALL

Vale won, of course; the Enterprise said Vale would win. Why not, with Woodward and Rose as battery and oily Barrett on first? Not that the other six of the team did not play well, or would not have played well had Ontario been able to give them an opportunity, but it was swat, out on first, swat, out on first, with what became tiresome regularity.

Of course Ontario had been badly spiked by the Weiser team and consequently were unable to play as well as they might, but say, when it came to batting it was awful the way Vale bunched her hits, and it was sad to see Ontario bunch her errors at the same time.

Vale stole all of the bases—the home plate included,—no place where Ontario could hide them.

Matt and Jeff did the umpiring, and it frequently took a long consultation to ascertain who was out, but the decision always bumped a Valerite.

LIPTON'S CHALLENGE ACCEPTED

The challenge of Sir Thomas Lipton, has been accepted by the New York Yacht club and the boats are now being built for another international race off Long Island.

U. S. MARSHAL AFTER THE WATER MASTER

United States Deputy Marshal, John A. Talley, was in Vale Sunday and Monday with a summons citing Willow River Water Master Roeder to appear in Portland, Saturday, May 24, and show cause why he should not be punished for contempt, in tampering with property while under control of the federal court.

Roeder, it seems, broke the chain or lock on the waste gate apparatus of Dam No. 3, in an attempt to carry out the orders of Howland, who represented the State Board of Control.

The effect of the whole affair is likely to be beneficial, as it will probably hasten the settlement of vexed questions on the creek.

Roeder has arranged to appear by counsel.

SHERIFF KERFOOT RETURNS HOME FROM TRIP TO SALEM

Sheriff Dan Kerfoot arrived home from his trip to Salem with the prisoners sentenced the previous week.

Sheriff Kerfoot states that western Oregon has been treated to heavy rains and cold weather, and that it looks like a shortage of roses for the carnival in June.

U.S. AGAINST VENATOR TO BE TAKEN TO BURNS

As Many of the Witnesses Reside in Harney County the Trial Will be Continued Before Land Office Officials at the Burns Office

COMMISSIONERS VISIT BULLY PROJECT

All Who Have Been Fortunate Enough to Visit Project are Loud in Praise

The county commissioners, at the invitation of Manager D. M. Brogan, were taken over the work Saturday, May 24, and came home much impressed with the magnitude of the operation and the rapidity with which it is being carried forward.

Mr. Kelly of Jamieson as well as J. F. Weaver and County Judge McKnight were satisfied that water would be on the land in 1914.

Tuesday Mr. and Mrs. J. W. Corson and J. Lennon, the oil expert, made a trip over the work out to the diversion dam, and were greatly pleased with what they saw.

Powder and cement is being steadily delivered to the work, and another month will see the canal completed to the divide.

MALHEUR OIL LANDS MAY SOON BE OPEN FOR HOMESTEADING

Malheur oil reservations may soon be thrown open to the public for homesteading. Senator Chamberlain's bill having this in view has been favorably acted upon by the committee on public lands.

This will open 15,000 acres, but when withdrawn considerable care was taken to include as little farming land as possible. Should this land be opened, unless care is taken to consult the county records, valid oil locations may be covered by the homesteader, though a bona fide oil discovery might have the effect of still holding the land as more valuable for mineral purposes than agricultural.

The case of U. S. government against Venator, has been closed as far as the Vale office is concerned, being continued until later before the Burns office, many of the witnesses living in Harney county.

This is the case commented on by the Idaho Statesman some time since, as setting a precedent inimical to the stockmen. Investigation by the Enterprise discloses the fact that the case is really an adjudication of water rights, and really belongs in the state courts.

On the Balcoff claim the government claims that it was taken in and for the interests of Venator.

On the Venator desert claim the government attempts to show that Venator is not entitled to nor did he have enough water to obtain the claim under the proper construction of the desert land act, at the same time they do not deny that he did cultivate the land, that he did raise crops through and by irrigation, and that his improvements amount to several thousand dollars.

Examination shows, through the witnesses that the Malheur Live Stock association lay claim to the same water, and that should Venator establish his claim it would result in being a water decision rather than a land decision.

Among the lawyers the general opinion seems to be that the case is really one that should be tried in the state courts.

MALHEUR COUNTY CAN BEAT THIS

Maine is not a big state but it produces more potatoes to the acre than any other state. Average yield for the United States is 106.1 bushel; for Maine 210.3 bushels. Only the Rocky Mountain states have come anywhere near rivaling Maine as the potato county. Idaho comes nearest with 200 bushels to the acre. New York, the third potato state, yields 120 and Michigan 105 bushels. Probably 75 per cent of Maine potatoes are raised within Aroostook county.

The value of the Maine crop in one year amounted to \$10,225,000; of the entire potato crop of country, \$166,000,000.

INTERESTING NEWS OF THE WORLD, AT HOME AND ABROAD

SEC. BRYAN SPEAKS ON PEACE

Washington.—Toasting the "ship of friendship" and not the dreadnought of today, Secretary of State Bryan bade the foreign peace delegates good-bye at a breakfast in their honor given by John A. Stewart.

"Ever since the earliest days men have been building ships," said Mr. Bryan. "They are still building them, but the ship we are planning is different from the others. Its compass is the heart; its shells carry good will; its missiles are projected by the smokeless powder of love; its captain is the Prince of Peace. I ask you all to drink with me to this new battle ship—the ship of friendship. No target can withstand the shots that friendship sends abroad."

The delegates left here Tuesday for Philadelphia.

VICE COMMISSIONS AT WORK

The vice probe goes merrily on at Los Angeles, and a large number of prominent citizens are already under indictment.

The vice commission has ascertained New York to be the centre of the world's white slave traffic.

CALIF. ALIEN LAND BILL SIGNED

Governor Johnson has signed the Alien Land Bill passed by the California legislature, and it is generally thought that if the referendum is invoked a more stringent bill will be passed.

President Wilson has handed Viscount Chinda the reply of the United States to the Japanese protest and is awaiting that government's action.

Ten verses of the Bible must be read without comment in all Pennsylvania public schools.

NAVAL PLANS PURLOINED

WASHINGTON—Special agents of the department of justice, detectives and Washington police have been called in by the navy department to investigate the disappearance during the last four months of relatively unimportant plans for ships and minor movements.

The first losses were discovered on the night of March 4. Some minor structural plans of the dreadnought Pennsylvania, now building and other ships were among them. Documents, not especially secret, also disappeared.

Navy officials say they are not much concerned over the importance of what already has been lost as they are of finding the leak and preventing further losses.

TO THE TOP OF MT. OLYMPUS

TACOMA, Wash.—Mt. Olympus will be scaled by the mountaineers of Tacoma and Seattle on their seventh annual outing, which will begin on Aug. 2. A three week's trip will take them through the Olympics including also trips to the top of Mts. Seattle and Christy.

BALKAN INDEMNITY \$400,000,000

The Balkan states demand an indemnity of \$400,000,000 from Turkey, which they claim will pay the expense of the late war.

The apportionment of this indemnity will take some time and result in many complications.

It is rumored that Austria has evidence that Russia urged Montenegro in the seizing of Scutari.

It is rumored that Easad Pasha, who commanded the Turks at Scutari has been murdered.

SILK STRIKERS JAILED

Seventy strikers were jailed at Patterson, N. J., in a riot before the Price silk mills.

IDAHO INSANE MAN KILLS FIVE

An inmate of the Idaho Insane Asylum, who had been there some years and shown no signs of violence, got up in the night and killed five inmates of the sleeping apartment, using a small table as a weapon.

LIPTON'S CHALLENGE ACCEPTED

The challenge of Sir Thomas Lipton, has been accepted by the New York Yacht club and the boats are now being built for another international race off Long Island.

OREGON'S TWO NEW SUPREME JUDGES ARE BANQUETED

Salem, Ore., May.—Oregon's two new supreme court judges, Charles L. McNary of Salem and William M. Ramsey of McMinnville, were banqueted and toasted last Friday night by 50 of the prominent judges and lawyers of the state. The affair took on considerable significance because of the remarks of the two new judges as to what their attitude will be when they take office June 3.

Judge Ramsey decried against "Judicial legislation" "Good judges must only interpret the law, and not make law," he said.

Judge McNary said he had practiced law for 15 years and had always had a desire to go on the bench.

"I'm going to give you the best there is in me," he promised, "and if I don't make good it will be because I am not big enough for the job, and not because of lack of effort on my part."

Chief Justice McBride, who gave the welcoming toast to the two new judges, told them that when their opinions went against many lawyers the lawyers would not like them.

Referring to this Judge McNary said: "If anyone does not like my opinions, he can go elsewhere for his opinions. When I know I'm right I shall stick to it, and write my opinions accordingly; and if the other judges write opinions with which I don't agree, I am going to dissent."

"I'm going to be square. I know human nature pretty well, and I have sympathy for the members of the bar. Whatever the outcome is I want you to know that I tried to be fair."

The banquet was given by the Marion bar association.

Several county treasurers and bankers from the smaller counties have been worrying over the effects of the county fund depository law enacted by the last legislature. Treasurer B. S. Hatfield of Columbia

county is the last one who has written to Secretary of State Olcott about the law. He says the law is going to work a great hardship on the small banks, and that it is a "case of theory, and lacking in practical knowledge." His letter to Secretary Olcott says:

"This law is not considered very practical by the bankers of this county. They do not have the securities to put up as specified in the law. The money is only in the banks a short time and the banks are at considerable expense shipping coin from Portland to meet the demands, consequently there is nothing left for them after they pay the county on their daily balances at the rate of 2 per cent."

He states that the author of the bill evidently thought there would be a scramble for the funds, but the little banks are handicapped when they have no assurance of having the money for any length of time because if they loaned it and there was a sudden call for it they could not meet the demand.

Petitions to referend the workman's compensation act are being circulated in Portland, and members appointed on the state industrial insurance commission, and other friends of the measure, are bitterly fighting the referendum movement.

They allege that the movement is being fostered and paid for by agents of the casualty insurance companies.

During the month of April 411 accidents sufficiently serious to be reported to the state labor commissioner occurred in Oregon. Of these 146 were in connection with railroad work. Eleven of the accidents were fatal.

After fighting in and out of the courts for two years for a license to do business in the state, the Union Pacific Life Insurance company obtained the desired license last week.

At the time a mandamus suit

brought by the company against Insurance Commissioner Ferguson was pending in the supreme court; this was dismissed. Before the license was granted the company ousted Mark T. Kady from the office of president, and elected a new set of officials. The company has over \$100,000 capital now invested according to the requirements of the insurance laws.

Profile maps of the John Day river, from its mouth to the junction of the middle fork, a distance of 180 miles, have been completed by the state and the United States geological survey, and soon will be ready for free distribution by the government. Advance sheets of the map have been received by State Engineer Lewis. The state engineer has also received advance sheets of topographical maps covering the territory about Albany and Jefferson, showing all five-foot contour.

F. G. Butcher, city sealer of weights and measures of Portland, has been appointed deputy state sealer of weights and measures. He will work under the direction of the state treasurer's office. His duties will be to test and examine all weights and measures. In Portland he found a large percentage of the scales in use not true, and somehow the difference was always in favor of the seller. His salary will be \$2400 a year.

Governor West visited the Tumalo irrigation project, for which the legislature appropriated \$450,000 to complete, last week and when he returned to the capital he said he thought more of the project than ever before.

He stated his belief that the state would make a fine success in its first venture of this kind, which would be the opening for other undertakings of a like nature.

Secretary of State Olcott has checked up the records in the automobile department and finds that 3500 automobiles that were licensed last

(Continued on Page 8)

(Continued on Page 2)