

**DR. PIERCE'S
FAVORITE
PRESCRIPTION**



**CURES
BACKACHE
NERVOUSNESS
HEADACHE
AND
FEMALE WEAKNESS**

STATE'S CLAIM REJECTED.

Klamath Indian Reservation Remains Property of Government.

Salem, Or., Dec. 5.—Governor Chamberlain has received a communication from Acting Commissioner J. H. Fimple, of the United States Land Office, notifying him that the state's claim to 92,378.09 acres of land, situated in the Klamath Indian reservation, has been rejected. This land was claimed by the state as swamp land in November, 1902, by General W. H. Odell, then acting as state's agent to select swamp land in this particular case, under the administration of Governor Geer, and the claim was rejected by the Land Department because the land claimed was situated with the Indian reservation and subject to allotment to the Indians.

The Governor received the official notice Wednesday morning, and the decision was submitted to the State Land Board. After a consultation it was concluded to place the matter in the hands of Attorney-General Crawford with instructions to appeal the case at once to the Secretary of the Interior upon the swamp land grant of 1860 takes precedence of the allotment to the Indians.

Acting Commissioner Fimple of the General Land Office, in passing upon the claim, after reviewing the case and the law pertaining thereto, states that the total area allotted to the Indians in Klamath county is 55,281.84 acres, and concludes:

"At the date of the passage of the swamp land grant to Oregon, March 12, 1860, which is a grant in praesenti, therefore acting upon the particular date of its passage or not at all, the lands of the Klamath Indians were ceded and not subject to any general grant, such as is the swamp land grant, and the swamp grant could not therefore operate on the lands in question.

"The Klamath Indian reservation was created by the treaty of October 14, 1864. By article 1 the Indians ceded to the United States all their right, title and claim to all the country claimed by them, reserving to themselves a certain described tract or body of land to be set apart as a residence for the Indians, to be held and regarded as an Indian reservation.

"The Indians' right of occupancy to the lands in the present reservation has never been extinguished, and the lands embraced therein are subject to allotment to the Indians. The allotment to an Indian of a tract of land in a territory over which the Indian right of occupancy has not been extinguished and the perfection of such allotment has the effect of making his right of occupancy

perpetual, and therefore, reserves the land from the operation of the swamp grant.

"It is not necessary to consider the question as to the swamp claim to any lands in such reservation which have not been allotted to the Indians, as the reservation is still in existence, and until such reservation is extinguished no action regarding the disposal of lands therein, other than by allotment, can be taken.

"In view of the facts above set forth, I am of the opinion that the claim of the state, under the swamp grant, does not attach to any lands in the Klamath Indian reservation as created by the treaty of 1864, which have been allotted to the Indians, and that the state's claim to such lands should be rejected, in order to leave the allotments free from conflict and ready for patent.

RAILROAD STATUS.

Improvement Has Been Noticeable During Past Five Years.

New York, Dec. 3.—It is the belief of the leading railroad officials of the country that the next period of depression will cause only few of the railroads of the United States to be forced into the hands of receivers. This belief is based on two grounds. It is pointed out that the physical condition of the railroads throughout the country has attained the highest state, and the companies are now in a condition where they can run with comparatively little extra work for a number of years.

An immense amount of work has been done on the railroads during the last five years in the way of heavier rails, more powerful equipment, better roadbeds and the replacement of wooden bridges by steel structures. These improvements will make needless the early expenditure of a great amount of money to maintain their present condition.

It will permit the railroads to retrench their maintenance expenses without injury to the physical condition of the property. For instance, during the past few years many of the railroads have increased their maintenance of way expenditures from around \$800 to from \$1000 to \$1,400 a mile. Similar increases have been made in the expenditures on equipment.

These expenditures have not only been sufficient to maintain the property, but have also included a large amount of improvement work. Should the country enter a period of depression the maintenance of way and equipment expenditures can be reduced enormously without injury to the physical condition of the property.

The second reason why railroad officials believe the railroads will be able to weather a period of depression is based on the better maintenance of freight rates. In 1893, when such a large percentage of the railroads of the country was forced into the hands of receivers, freight rates were in a state of demoralization.

In many sections of the country rates were cut to a point where it was impossible to make a profit. This reckless cutting of rates was one of the principal causes of the failures. Should the country again suffer bad times, such as occurred in 1893, it is admitted by railroad men that there will be some cutting of freight rates. It is not believed, however, that there will be any such demoralization as was witnessed in 1893.

The control of the railroads of the country has become concentrated in the hands of a comparatively few. These interests will use all of their resources to maintain freight rates at figures where a reasonable profit can be made. With operating expenses greatly reduced and rates maintained, it is believed that a majority of the railroads of the country can pass through a depression as severe as that of 1893 without coming under the influence of the courts.

Shippers in Willamette valley report the shortage of cars relieved on the Southern Pacific and products again moving.

Asthma

"One of my daughters had a terrible case of asthma. We tried almost everything, but without relief. We then tried Ayer's Cherry Pectoral, and three and one-half bottles cured her."—Emma Jane Entsminger, Langsville, O.

Ayer's Cherry Pectoral certainly cures many cases of asthma.

And it cures bronchitis, hoarseness, weak lungs, whooping-cough, croup, winter coughs, night coughs, and hard colds.

Three sizes: 25c, 50c, \$1. All druggists.

Consult your doctor. If he says take it, then do as he says. If he tells you not to take it, then don't take it. He knows. Leave it with him. We are willing. J. C. AYER CO., Lowell, Mass.

Prospect for Coal.

A company or mutual association, of John Day citizens has been formed for the purpose of investigating the coal condition of this valley. In order to form a basis of operations sufficiently attractive to induce co-operation of capital, leases have been secured on large tracts of land lying north of the river on the Long Creek road; and options taken on still other portions of the prospective coal fields in the immediate vicinity and further down the river.

Most of the land so far taken under lease belongs to B. C. Trowbridge and John Silvers, and the company taking it over is composed of P. A. Snyder, Frank Foster and the Dexter Bros.

The leases are made out on a royalty basis for a term of 99 years, and include to date 2800 acres. When the transactions have been completed there will be something like 5000 acres subject to the lease. It is thought that these terms will furnish ample scope, both in extent and time, for operations on a scale large enough to attract financial concern.—Grant County News.

Russian Fasts and Holidays.

The great number of fasts and holidays also stand severely in the way of progress in Russia. In 1902, without reckoning ordinary Wednesdays and Fridays, which are always fast days, there were only 176 days which did not fall under one head or the other, and many fell under both. Besides the ordinary Lenten period—which, however, in Russia is 48 days long instead of 40—they have three shorter periods of fasting, one of 19 days in June, one of 14 days in August, and another of 33 days in November and December. There are also three single days of fasting, in which two are also holidays.

Fasting is a serious matter in Russia, for fish, milk and eggs are forbidden as well as meats. The result is that the markets for such products are largely cut off for about one-third of the year, and dairy farming becomes unprofitable, as strict observance of fasts is a weightier matter with the people than honesty or any other feature of our system of morals.

Newspapers Consolidate.

Astoria, Or. Dec. 2.—The Daily Morning Astorian and Daily Evening News have consolidated and from reports will continue to issue both a morning and afternoon paper. The papers will be under one management and the plant of the Astorian will be utilized for both. Otis Patterson has been the owner of Astorian for a few months, and Robert Gibson of the News.

The 3-year-old son of J. T. McCulloch, of Jordan, Lion county was drowned Thursday morning while playing on a footing over Jordan creek.

Watches for the Holidays

We have them from \$2.50 up for boys and \$12.50 up for ladies and gentlemen; at these prices no one need be without a watch. All our watches are sold under a guarantee, hence you run no risk if you buy a watch of us.

We can interest you when you want Christmas Gifts.

JEWELRY of every description
SILVERWARE—1847 Rogers Brothers
Sterling, Standard makes.
CLOCKS—Reliable Lines.
CUT GLASS—Libby's, the best.
RINGS in all manner of settings and sizes

Artistic Engraving Done.

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