

LEASING PUBLIC DOMAIN.

To Oregon there is no more important measure pending than the one by which it is proposed by act of congress to lease the unoccupied public domain west of the one hundredth meridian to the livestock owners.

In Oregon there are hundreds of thousands of acres of unoccupied public domain awaiting reclamation by artificial irrigation and subsequent settlement by thousands of industrious people, which can never be occupied for other purpose than for grazing in case congress is induced by the strong lobby representing and paid by the National Cattlegrowers Association to make a wholesale job of leasing it to a distinctive class of citizens.

Portland is interested in the defeat of the scheme which would depopulate several counties of the state and turn them over to stock men, most of whom are non-residents and who supply their ranches with merchandise purchased in another state.

The present population of those counties now is supplied by the merchants of Portland who sell large invoices to the interior merchants. These Portland merchants hope that the present population of the interior counties of the state will be increased by immigration of people induced there by the advantages we are advertising among the people of the older states.

But let no one suspect that the object of the proposed bill is to increase population, though agricultural lands are exempted from the operation of the proposed law. When the grazing lands of Eastern and Southern Oregon are leased to the stock men who now occupy, and with comparatively few settlers, who will want to settle upon agricultural lands in a stock country where all the grazing lands are in the exclusive control of parties who have obtained the right of possession under the proposed measure. The Oregon delegation in congress should be called upon by every commercial organization in the state to work and vote against the bill.—East Side Herald.

Geo. H. Maxwell, commenting on the proposed land leasing bill in the National Homemaker, has the following to say in part:

The preference right given to stock-growers, now using the land, may be exercised over any area, in any county or State, and the large single owners and companies, the big outfits ranging over hundreds of thousands of acres, would undoubtedly absorb under leasehold enormous areas which they now use or claim to use. If any conflicts arose between the small settlers and the big outfits as to the right to lease, the settlers would get the worst of it, and no one knows this better than the settlers themselves.

As a general thing the big outfits control the water supplies without which these lands are worthless for grazing or for any other purpose, and the only way by which they can be made available for settlement is by the construction of reservoirs and canals by the National Government as advocated by The National Irrigation Association and recommended by the President in his message and the Secretary of the Interior in his Annual Report.

Under the provisions of section 3 of the bill, the leaseholds would become practically vested rights of exclusive possession for twenty years, and all possibility of any further reclamation and settlement

of the public lands would by absolutely barred for at least that period of time.

Any bill for the control of the range should be along the following lines:

No leaseholds should be created.

Grazing permits might be granted under some such plan as the following:

The owner and occupant of 160 acres of agricultural land to be allowed an exclusive grazing permit over four sections, 2,560 acres, to be selected wherever he chose, with privilege of fencing, and subject to cancellation only for purposes of reclamation and actual settlement.

Any number of settlers desiring to do so to have the right to combine their permit privileges under some co-operative form of use of the range, so that all the settlers in a single valley or within a given grazing area could be given the exclusive right of occupancy and control in common. Thus, 100 settlers would be entitled to exclusive grazing permits over 256,000 acres of grazing land, which they could enclose with a single fence, or, at comparatively small expense, herd their stock within this area.

These grazing privileges to which each settler would be entitled should be inalienably appurtenant to the farm, and non-assignable except with the farm. And no one settler should be allowed to hold more than one grazing permit. This would enforce a continuation of small holdings of both farms and grazing lands.

The excess area of grazing lands, remaining after all settlers now in the region had secured their appurtenant right, might be apportioned in areas of any extent, to present users under grazing permits, but such permits should be subordinate to the right of any new settler at any time to secure out of this excess area his appurtenant grazing privilege of four sections.

It is true that such a plan as this would not suit the more grasping of the stock-growers, but it would promote the reclamation of the irrigable lands and their settlement, and would bring about a gradual subdivision of the range so that when the irrigable lands were all reclaimed the range would be subdivided into a multitude of small holdings capable of the highest care and productiveness, and without any interference with any of the vested right, the reclamation and settlement of the arid public lands would have been accomplished.

The political friends of Congressman Moody are much gratified to learn of his efforts in behalf of the settlers and small stock men of this section by opposing the land leasing bill presented by the American Cattlegrowers' Association. It is not a matter of politics, however. Representative Moody has shown that he is looking after the interests of his constituents and we all commend him for his good work, regardless of party.

We acknowledge receipt of the East Side Herald, a new 8-page weekly paper just started in East Portland, of which J. B. Huntington is editor. It is a very neat and attractive sheet filled with much interesting matter. We wish the East Side Herald liberal support and success.

Indiana people are making some fuss about a hog with six feet, two more than the regular pattern. Oregon has some with but two feet and no one is proud of them either.

Decided in the Supreme Court.

The following was clipped from the Oregonian of Feb. 11: Homer B. Mace, respondent, vs. F. L. Mace, appellant, from Harney County. M. D. Clifford, Judge; modified. Opinion by Chief Justice Bean.

The object of this suit was to restrain defendant from interfering with the flow of water from Silvies

River to plaintiff's land through an alleged natural channel. Some four or five miles below where the river turns into Harney Valley it divides into two branches, called respectively the East and West Fork. From this point down to Malheur Lake the East Fork has a fall of not to exceed 1 1/2 feet to the mile, and its banks are somewhat higher than the land a short distance from the river. The land lying between the forks is known as "the island," and of this the plaintiff owns 160 acres. The defendant owns 160 acres of land on the East Fork a short distance below where it branches from the main river. The island land is naturally irrigated by water flowing from the river through natural sloughs or depressions. The island land owned by plaintiff adjoins the defendant's land on the south and is about a quarter of a mile from the river. At the upper end of defendant's land there has been, from time immemorial a natural slough through which the water has been accustomed to flow during the high water upon plaintiff's land.

In 1888 the defendant constructed a ditch near the south line of plaintiff's land, so as to utilize the surplus water. At the same time he put in a short flume and headgates so as to regulate the flow of water where it enters the slough from the river. He also built dams to increase the flow through the slough. In 1899 he closes the headgates so that no more water flowed across defendant's land to plaintiff's land. The lower court found that plaintiff was entitled to have the water flow through the channel as was wont to flow through a headgate put in by defendant in 1898, four feet deep and four feet wide, with the gate raised four inches from the bottom of the flume. The decree also gave the plaintiff authority to enter upon defendant's land to regulate the flow of water, repair the headgate, etc.

The Supreme Court holds that plaintiff is entitled only to the natural flow of water, which would be through a channel two feet deep and fifteen feet wide. It also holds that plaintiff has no right to regulate the flow of water or go upon defendant's land, and that all the court can do is to compel defendant to restore the river bank to its normal condition and permit it to remain. As the dam was put in by defendant, he can take it away if he wishes.

Judge C. H. Brown, C. W. Mallett and R. J. Williams were Ontario visitors yesterday from the White settlement. Mr. Williams, who has been feeding his cattle this winter at Mallett and Brown's has disposed of his entire band, 270 head, to Frye, Bruhn & Co., of Seattle. He delivered 100 head for shipment from Ontario Tuesday, the balance to be delivered in April.—Ontario Argus.

HORSES WANTED.

James Sherman, who is buying cavalry horses for the English government, wishes to inform horsemen that he will be in Burns until Mar. 1st. He offers \$33 per head for geldings and \$28 for mares. The animals must all be suitable for cavalry purposes.

ESTRAY.

One roan mare was sent to my place about Dec 1st last, by mistake. Weight 1000 lbs. Branded with a screwplate on left hip and vented, also W over the other irons. 6 years old, unbroken. Owner please call and settle bill against animal.

J. H. WITZELL, Burns Oregon.

NOTICE.

Is hereby given that by order made and entered on the 8th day of February 1902 the undersigned was appointed administrator of the estate of Emma J. Davis deceased and all persons holding claims against the estate are hereby notified to present the same to me at my residence near Drewsey, Oregon verified as by law required, within six months from the date of this notice.

Dated this 8th day of Feb. 1902. I. M. DAVIS, Administrator.

SUMMONS.

In the Circuit Court of the State of Oregon, for Harney County. Charles J. Johnson and Sam Batley, composing the firm of Johnson & Bailey, Plaintiffs, vs. John I.

Newman, Defendant.

To John I. Newman, the above-named defendant:

In the name of the State of Oregon you are hereby required to appear and answer the complaint filed against you in the above entitled action on or before the date of the last publication of this summons to-wit: the 1st day of March 1902; and if you fail to answer for want thereof plaintiff will take judgment against you for the following sums as demanded in their complaint: for \$72.50 with the interest thereon at the rate of ten percent per annum from November 14, 1900 and \$7.25 attorneys fees; for \$185.00 with interest thereon at 6 per cent per annum from Dec 27, 1900; for \$23.10 with interest at ten per cent per annum from January 1st, 1901; for \$40.85 with interest at six per cent per annum from January 1st, 1901; for \$259.00 with ten per cent interest thereon from the 1st day of January 1901 and \$25.00 attorneys fees; for \$10.40; for \$4.05 with interest at six per cent per annum from July 27th, 1900; for \$54.75 with interest at six per cent per annum from September 12th 1900; for \$8.09; for \$20.00 with 6 per cent interest thereon from February 8th 1900; for the sum of \$112.00 with interest at the rate of six per cent per annum from January 1st 1901; and for the further sum of \$145.00 with ten per cent interest thereon from January 1st, 1901 together with their costs and disbursements herein;

This summons is published by order of the Hon. James A. Sparrow, Judge of the County Court of Harney County Oregon, dated January 18th, 1902, which order requires this publication to be made in The Times-Herald for six successive weeks.

The date of this first publication hereof is January the 18th 1902.

Biggs & Biggs, Attorneys for Plaintiffs

NOTICE TO CREDITORS.

Notice is hereby given that the undersigned R. H. Brown was on the 2nd day of January 1902 duly appointed by the county court of Harney county Oregon administrator of the estate of Ralph Brown, deceased. All persons holding claims against said estate shall present their claims with the proper vouchers at the office of Biggs and Biggs in the city of Burns, within six months after the date of this notice.

Date of first issue January 18th 1902, R. H. BROWN Administrator of estate of Ralph Brown, dec'd.

Notice of Final Settlement.

In the matter of the estate of J. B. Craig, deceased: Notice is hereby given to the heirs of J. B. Craig, deceased, and to all persons having an interest in the estate, that the administrator has filed his final account, and the court by order made and entered January 3d, 1902, fixed Saturday, February 15, 1902, at 1 o'clock p. m. of said day, at the county court room, in Burns, Oregon, as the time and place of hearing such objections as may be made or filed thereto, and for the consideration and settlement of the administrator's account.

Dated January 4, 1902. A. L. VANDERPOOL, Administrator.

Dissolution Notice.

The co-partnership heretofore existing between Geo. W. Hayes and John G. Saxton has been dissolved by mutual consent. All persons indebted to the aforesaid firm will settle with John G. Saxton. Dated this the 11 day of January 1902, GEO. W. HAYES, JOHN G. SAXTON.

Petition For Liquor Licence.

To the Honorable County Court of Harney county, State of Oregon. We the undersigned legal voters of the precinct of Lawen, said county and state, most respectfully petition your Honorable Court to grant a license to N. J. Lewis & Co. to sell spirituous, malt and vinous liquors at their place of business in said precinct, in less quantities than one gallon, for a period of six months, commencing on the 9th day of February 1902: M. B. Hayes, Albert Cawfield, C. W. Drinkwater, Geo. W. Clark, Walter Gray, Robert Drinkwater, P. L. Oard, J. T. Oard, L. B. Hayes, J. L. Sitz, A. C. Sparlock, Joe Rector, J. P. Cochran, Wm. E. Gray, M. V. Smith, E. D. Jordan, Wm. L. Clark, I. B. Clark, P. F. Heinz, G. E. Parker, N. O. Oard.

Notice is hereby given that on Wednesday, the 5th day of February, 1902, we will apply to the above entitled court for said license as specified in this petition. N. J. LEWIS & CO.

NOTICE TO CREDITORS.

It the matter of the Estate of William Marrs, deceased. Notice is hereby given that the undersigned has been appointed Administratrix with will annexed, of the estate of William Marrs, deceased, by order of the County Court, for Harney county, State of Oregon, made the 7th day of January 1902. All persons having claims against the said estate shall present them, with the proper voucher, within six months from the date of this notice, at the law office of John G. Saxton, my attorney, Burns, Oregon.

Dated this 11th day of January 1902, MARTHA MARRS, Administratrix.

NOTICE.

Is hereby given to whom it may concern that by order of the County Court of the State of Oregon made and entered July 6th 1902 the undersigned was appointed administrator of the estate of Janie Shepard dead, and all persons having claims against her estate are hereby notified to present the same to the undersigned at the residence of Walter Cross on Trout Creek in this county within six month of the date of this notice. Dated at Burns, Oregon January 11th 1902. L. W. SHEPARD, Administrator.

At the SAME OLD STAND. We are Prepared to show our Patrons the Best of Winter Wearables. Heavy Underwear, Overcoats, Felt Boots, Rubbers, Overshoes, Blankets, Hats, Caps, Etc. We invite the ladies to call and inspect the new things in the line of new Dress Goods that we are now handling. We have many new articles that are of special interest to them. LUNABERG & DALTON.

M. FITZGERALD, PRESIDENT F. S. RIEDER, SECY AND TREAS. BIGGS & TURNER, ATTORNEYS. Eastern Oregon Title Guaranty Co. INCORPORATED. Abstracts Furnished and Title Guaranteed. To all Lands in Harney County, Oregon REAL ESTATE. Bought and Sold on Commission. Office in Bank Building.

...HOTEL ONTARIO... FRANK SMITH Propt., ONTARIO, OR. The Largest Hotel building in Malheur County. Best equipped, best managed and most popular hotel in Eastern Oregon. HEADQUARTERS FOR HARNEY COUNTY PEOPLE. First-Class Bar in Connection.

Harry C. Smith, Contractor and Builder. BURNS, OREGON. Draws plan, makes estimates, etc. Buildings put up within the amount figures given in estimates. Satisfaction guaranteed. My Specialties are Brick Laying and Plastering. Brick and lime always on hand at the yard. Residence Hanley house.

---RESERVED FOR--- MILLER & THOMPSON. They will have something to say next week.

GEER & CUMMINS. Dealers in HARDWARE, MACHINERY IMPLEMENTS. Crockery, Glassware, Windmills, Pumps, Guns, Ammunition, Fishing Tackle, Paints, Doors, Windows, Garden Seeds Etc. Sole agents for Rider-Ericsson Engines. Only Tin Shop in Harney County.

White Front Livery, Feed & Sale STABLE. McClain & Biggs Proprietors, Burns, Oregon. This Stable is located on the corner of First and B. Streets, and keeps hay and grain on hand. Has competent help. Runs a Job Wagon. Takes passengers to any part of the Country.

CITIZENS BUSINESS COLLEGE AND... CORRESPONDENCE SCHOOL. Affords the people of East and Central Oregon all the opportunity of a first-class modern Business College. It is a home institution covering every course involved in Business College work. Its rates are the same as charged elsewhere and the methods are the same. Students admitted at any time. Instruction at the College or by mail. During the summer months the College will conduct a SUMMER NORMAL SCHOOL. For teachers and others who desire a reviewing or preparatory course. For specimens of pen work, and full information on Business College subjects, address M. E. Rigby, Prin., Burns, Oregon.

THE CAPITAL SALOON, TRISCH & DONEGAN, Proprietors. Burns, Oregon. Make This Headquarters. CITY MEAT MARKET. P. G. SMITH, Propt., Burns, Oregon. Fresh Beef Pork, etc. in any quantity desired. Head Cheese Bologna and Sausage of all kinds always on hand. Your patronage solicited.