

The Times-Herald.

VOL. XVI.

BURNS, HARNEY COUNTY, OREGON, OCTOBER 24, 1903.

NO. 48.

NATIONAL IRRIGATION LAW

ALL TEXT OF IMPORTANT MEASURE NOW IN FORCE.

People Should Read This and Awake to Their Interests--What the Government will do for Arid West.

There being considerable interest manifested just at this time in National Irrigation and especially as this county is particularly interested, we print below the National Irrigation Law in full.

It may be old to a number of our readers but it will stand reading several times. Since Oregon has been accused of being asleep so far being interested or enthusiastic in the National Irrigation movement, it has been suggested that possibly the people did not understand the law. In response to the request of several prominent men in this vicinity we give the law in

Be it enacted by the senate and house of representatives of the United States, in congress assembled, That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commission in excess of allowance registers and receivers, and excepting the 5 per centum of the proceeds of the sales of public lands above stated set aside by law for educational purposes, shall be, and the same are hereby reserved, set aside, and appropriated as a special fund in the treasury, to be known as the "reclamation fund" to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semi-arid lands in the said states and territories, and for the payment of all other expenditures provided for in this act: Provided, that in case the receipts from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several states and territories, under the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of public lands to the more complete endowment and support of the colleges and the benefit of agriculture and the mechanic arts, established under the provision of an act of congress approved July 2, 1862," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

Sec. 2. That the secretary of the interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for storage, diversion and development of waters, including Artesian wells, and to report to congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated herefrom, and all facts relative to practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

Sec. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section 4 of this act, withdraw from the public entry the lands required or any irrigation works contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn, when, in his judgment, such lands are not required for the purpose of this act; and the secretary is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead

laws, any public lands believed to be susceptible of irrigation from said works: Provided, That all the lands entered and entries made under the homestead laws with areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, thereof and the necessary maps, plans and estimates of cost, the Secretary of the interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable, he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracks of not less than forty, nor more than one hundred acres, and shall be subjected to the limitations, charges, terms and conditions herein provided: Provided, That the commutation provisions of the homestead laws shall not apply to entries made under this act.

Sec. 4. That upon the determination by the secretary of the interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portion or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds of such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the water of said irrigation project, and the number of annual installments, not exceeding 10, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitable: Provided, That in all construction work, eight hours shall constitute a day's work, and no mongolian labor shall be employed thereon.

Sec. 5. That the entrymen upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the land covered by this entry shall pay to the government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land to provide ownership shall be sold for tract exceeding 260 acres to any one land owner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, no such right shall permanently attach until all payments thereof are made. The annual installments shall be paid to the receiver of the local land office to the districts in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act as well as any money already paid thereon. All money received from the above sources shall be paid into the reclamation fund registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

Sec. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: Provided, that when the payments required by this act are made for the major portion of the lands

irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the secretary of the interior: Provided, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the government until otherwise provided by congress.

Sec. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the secretary of the interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sum which may be needed for that purpose, and it shall be the duty of the attorney general of the United States upon every application of the secretary of the interior, under this act to cause proceedings to be commenced for condemnation within 30 days from the receipt of the supplication at the department of justice.

Sec. 8. That nothing in this act shall be construed as affecting or intending to affect or to interfere with the laws of any state or territory relating to the control, appropriation, use or distribution of water used in irrigation, or any vested right acquired thereunder, and the secretary of the interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any state or of any federal government or of any landowner, appropriator, or user of water in, to or from any interstate stream or the waters thereof: Provided, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Sec. 9. That it is hereby declared to be the duty of the secretary of the interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each state and territory hereinbefore named for the benefit of arid and semi-arid lands within the limits of such state or territory: Provided, That the secretary may temporarily use such portion of said funds for the benefit of arid and semi-arid lands in any particular state or territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each 10 year period after the period after the passage of this act, the expenditures for the benefit of the said states and territories shall be equalized according to the proportions and subject to the conditions as practicability and feasibility aforesaid.

Sec. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The Salve that Heals. without leaving a scar is DeWitt's. The name Witch Hazel is applied to many salves, but DeWitt's Witch Hazel Salve is the only Witch Salve made that contains the pure unadulterated witch hazel. If any other witch hazel salve is offered you it is a counterfeit. E. C. DeWitt invented Witch Hazel Salve and DeWitt's Witch Hazel Salve is the best Salve in the world for cuts, burns, bruises, tetter, of blind, bleeding, itching and protruding piles. Sold by Burns druggists.

Comb honey at Huston's.

IRRIGATION MEETING AT PENDLETON.

Program Now in the Hands of Committee--Graciously Handled.

The committee having in charge the program and arrangements for the coming meeting of the State Irrigation Association, met at the parlors of the Commercial Association last evening, says the East Oregonian.

An elaborate program was formulated and further committees appointed to advance the interest of the meeting.

The committees have covered the ground as fully as possible in assigning the subjects and selecting the speakers for the occasion, and every phase of the wide and varied subject of irrigation will be discussed by able exponents of the new faith of the West.

While the official program is not yet ready to be published, the following well-known and able gentlemen will be placed upon it and a majority of them will be on hand to respond to the subjects assigned them.

Governors Chamberlain, of Oregon, and Morrison of Idaho; L. T. Harris, of Eugene speaker of the lower house in the legislature; W. F. Butcher, of Baker City; Dr. Y. C. Blalock, of Walla Walla; Dalton Biggs, of Burns; J. H. Lowell, Caldwell Idaho; Judge F. A. Moore, of the supreme court; E. L. Smith Hood River; James Withycombe, Corvallis; Professor F. G. Young, State University at Eugene; J. K. Weatherford, Albany; Professor Leckenby, state experimental station at Union; C. W. Mallett, Ontario; J. B. Sawyer, Walla Walla; Senator Pierce Mays Portland; W. R. King, Ontario.

The committee decided that the ration of appointment for delegates should be the same as for the Portland convention last year. Portland will have eight delegates. Cities of over 2,000 population, four; under 2,000 two. Each county judge shall appoint two delegates, while he and the members of the county court are delegates by virtue of their office. Each city council shall have the appointment of two delegates. Irrigation companies and associations in the state are entitled to two delegates while the presidents of such associations are delegates by virtue of their position. Each state school shall have two delegates. The following are delegates by virtue of their positions:

All of the state officials, including judges of the Supreme court, judges of the circuit courts, district attorneys, members of the legislature and members of the state boards, all mayors of cities, all county commissioners, county judges and all federal officers in the state.

One of the main features of the occasion will be a symposium or general discussion of the subject of irrigation by practical irrigators, and as many of the actual irrigators of the state as possible, are specially requested by the committees to be present.

Some practical engineer will have a paper on ditch making and maintenance, which forms one of the vital phases of the subject, and winter irrigation, so closely allied to the subject in the Eastern Oregon counties, will be thoroughly discussed.

The matter of entertaining the visiting delegates has been referred to the women's club, as they kindly offered their services in advance and this matter will be well prepared. A grand reception will be tendered the governors of Oregon and Idaho, and Manager Nixon, of

the Fraser, has billed "Josh Spruceby" for the first night of the convention, and "King Dodo" for the second night.

The committee appointed for general entertainment and hotel accommodations consists of Leon Cohen, C. E. Roosevelt and J. V. Tallman.

The committee of finance consists of Judge G. A. Hartman, W. F. Mallock and T. C. Taylor. On the horse parade, George Peering, G. M. Froome and Dr. C. B. McNab.

The general reception committee consists of R. Alexander, W. H. Hawley, W. J. Furnish, Joe Basler, A. Kunkel, M. A. Rader, Sam Thompson, W. D. Hansford, Joe Hoch, F. X. Schempp, W. E. Brock, F. M. Oliver, J. B. Wilson, Ralph Folsom, L. Hunziker, L. B. Reeder, C. B. Wade, E. M. Lyons, Frank Curl, C. C. Sharp, A. S. Coeppen, Ed. Murphy, L. E. Tarbett, J. R. Dickson, W. E. Potwine, E. W. McComas, T. G. Montgomery, J. M. Bentley, J. H. Raley, Lee Moorhouse.

On fruit display, J. H. Gwinn, N. Burkeley, Teutsch and Bert Huffman.

A band of over 140 head of horses on route to Reno and purchased in Harney county passed through town yesterday.—Lakeview Examiner.

A. B. Schroder returned from Klamath Falls Monday, where he went to investigate the cattle market. He reports that there is practically no sale for cattle at present. The buyers are not making any offers, but are picking up a few head from parties, who having drove their beef to the market, find that they are at the buyers mercy, being unable to secure hay at any price and the result is that they sold for 5 cents around.—Central Oregonian.

Furniture cheaper than ever before in this town. We bought right and will sell right. The very best in Lace and Muslin Curtains, Ladies, call and inspect. We can please you in both style and price. Bureaus, Chiffoniers, Sideboards, Iron Beds, and in fact everything in our line.—Burns Furniture Co.

Dieting Invites Disease.

To cure Dyspepsia or indigestion it is no longer necessary to live on milk and toast. Starvation produces such weakness that the whole system becomes an easy prey to disease. Kodo! Dyspepsia Cure cures the stomach and the digestive organs to digest and assimilate all of the wholesome food that one cares to eat, and is a never failing cure for indigestion, Dyspepsia and other stomach troubles. Kodo! digests what you eat—makes the stomach sweet. Sold by Burns druggists.

Think These Over.

ESTRAYED.

From J. H. Seaward's ranch in Barren Valley, one sorrel race mare white strip down nose, scar on nose, branded lazy 2 on left hip, also 7 with bar beneath on right hip and vented with same on right shoulder. I will pay a suitable reward for information as to her whereabouts. SID A. KERTZ, Cord, Oregon.

Job printing—The Times-Herald. A good second-hand cook stove for sale inquire at this office.

The Finest of All
MARYLAND CLUB WHISKY
For Sale Only at
Hotel Burns Bar
Agents, Burns, Ore.
Retailers, Burns, Oregon.

JOHN D. DALY, PRES.
FRANK R. COFFIN, VICE PRES.
First National Bank
OF BURNS, OREGON.
Accounts of Corporations, Firms and Individuals Solicited.
WE WANT YOUR BUSINESS.
STOCKHOLDERS—John D. Daly, Frank R. Coffin, N. U. Carpenter, R. J. Williams, J. W. Geary, C. Cummins, H. M. Horton, C. A. Haines, Wm. Jones, Thomas Davis.
State and County Warrants bought at the market price.
This bank is insured and will be reimbursed for any loss by burglary or hold up day or night.

JOHN D. DALY, PRESIDENT.
M. ALEXANDER, VICE PRESIDENT.
FIRST NATIONAL BANK
OF ONTARIO, OREGON.
Accounts of Corporations, Firms and Individuals Solicited.
STOCKHOLDERS—John D. Daly, William Jones, Frank R. Coffin, Abner Robbins, B. F. Olden, M. Alexander, N. U. Carpenter, William Miller, E. H. Test, Thos. Turnbull.
E. H. TEST, Cashier.

HOWARD SEDREE, PRESIDENT.
W. R. SEDREE, CASHIER.
B. F. WHITE, VICE PRESIDENT.
First National Bank
CALDWELL, IDAHO
A General Banking Business Transacted
CORRESPONDENCE INVITED

PENN MUTUAL LIFE INSURANCE COMPANY,
OF PHILADELPHIA
INCORPORATED 1847.
Issues all forms of sound life insurance at the lowest rates. Our policies guarantee after three payments are made:
I. Automatic extended insurance for the face of the contract.
II. A paid up policy.
III. Loan or cash surrender value.
Unexcelled as a dividend payer.
INVESTIGATE BEFORE YOU INSURE.
Shorman & Harmon, General Agents, Marsman Bldg., Portland, Or.
E. H. Benedict, District Manager, H. A. Dillard, Agent, Burns, Or.

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.

ANDERSON HOTEL
Has again been opened to the public and we desire our old time friends and customers to stop with us at the old stand
BEST ACCOMMODATIONS
NICE BED ROOMS
HOME COOKING
A Share of Public Patronage Solicited
Mrs. Charles Anderson, SOUTH BURNS, At the old Stand.

THE CAPITAL SALOON,
TRISCH & DONEGAN, Proprietors.
Burns, Oregon.
Make This Headquarters.