

The Times-Herald.

TE TO A GOOD MAN
HARRISON KELLEY IS SUBJECT OF EULOGIES.

The Association Passes Memorial Resolutions and Same are Spread Upon Court Journal.
The Honorable Members of the Court of the Circuit Court of the State of Oregon for Harney County, Oregon:
Your committee, organized at the last regular term of court, to prepare and present memorial resolutions upon the death of Capt. Harrison Kelley, late a member of this bar, and resident of the City of Burns, Oregon, who died after a short illness on the 15th day of Sept. last, respectfully report the following resolutions as expressive of the sentiments of the deceased by members of the profession and of this section.
Resolved: That in the removal of Capt. Harrison Kelley from the living midst our circle of friends and said court have lost an able, earnest, esteemed and trustworthy member.
That the city of Burns has been deprived of one who with his example and aid it in its infancy, and said court have lost an able, earnest, esteemed and trustworthy member.
That the bereaved family have been deprived of a loving, kind and respected husband and father and to whom we extend our most sympathetic and affectionate regards.

THE MIGRATORY STOCK LAW
TAX ON SHEEP FROM OTHER STATES CAN BE COLLECTED.
Oregon Attorney-General Claims The Law is Valid and Quotes Decision of The Idaho Supreme Court.
That the act of the Legislature of 1905, imposing a tax of 20 cents a head upon sheep driven into the State of Oregon from other states, is valid and can be enforced is the opinion of Attorney-General Crawford, who so advised District Attorney Phelps, of Pendleton. In this law may be found some solution of the dispute that has arisen in Umatilla county over the question of grazing privileges in the Wenaha forest reserve, says the Oregonian.
Recently a case involving this law was tried before Judge Ellis and decided adversely to the law. It is understood that Judge Ellis declared the law invalid because it imposed a tax not equal in its application.
Attorney General Crawford does not view the tax as a revenue tax of the ordinary kind, but as a license fee that is required to be paid to the state for the privilege of bringing sheep here to be pastured. The collection of this tax would be an exercise of the police power, in the opinion of Mr. Crawford, and governed by the principle laid down by the Supreme court of the State of Idaho and by the courts of other states. In Idaho, in the case of Spencer vs. Morgan, the Supreme court said:
"In every state the keeping of livestock is under police regulation. The clash of interest between stock raising and farming calls for the interference of the state by the institution of police regulations; and whether the regulations shall subordinate the stockraising interest to that of farming, or vice versa, is the case of an irreconcilable difference, as is the case with respect to the going at large of cattle, is a matter for the legislative discretion and is not a judicial question. In the exercise of this general power of control over the keeping of livestock, the state or municipal corporation may prohibit altogether the running at large of such animals, and compel the owners to keep them within their own enclosures."
Commenting upon Attorney-General Crawford says: "If the state has that authority, then it certainly has authority to compel foreign sheep to be kept out of the state or to provide the regulations by which they may be allowed to enter the state, upon the which the foreign sheep might enter the state."
Attorney-General Crawford says he hopes to see the case brought to a final decision by the courts of Oregon, so that the validity of laws of that character may be definitely known. The law does not expressly declare that it is intended as a measure for the protection of Oregon livestock, yet there are some things in the act that show such a purpose. The law provides for the issuance of certificates of ownership of sheep who have paid the tax, and that certificates shall be the owner of the sheep, but sheep shall be excluded from the state.

THEY MUST LIVE ON LAND
HOMESTEADERS MUST COMPLY WITH LAW STRICTLY.
Last Eight Month of Commutator's Period Must be Actual Residence Says Secretary Hitchcock.
Secretary Hitchcock has put all homesteaders on the public lands on notice that if they intend to complete their entries they shall remain upon the land continuously during eight months of the 14 months commutation period is a report that comes from Washington.
Three decisions, all along the same line, have been handed down by the secretary in the past month. One case came from South Dakota, another from Nebraska, and the third from Oklahoma. In all three the entrymen had offered proof with their applications to commute, which was deemed insufficient as to residence by the commissioner of the general land office, whose opinion was sustained by the secretary.
Under the practice of the interior department a homesteader may take six months to establish constructive residence on the land covered by his application—that is, he may take that length of time to go upon the land and build his house and start cultivation.
The commutation period is 14 months from the date of entry, when the entrymen upon paying \$1.25 an acre for his holdings, and submitting satisfactory proof of residence during that period, may receive a patent for the land covered by his entry.
The secretary is very positive in holding that the last eight months of the commutation period shall be of actual residence. On this point he says that "in commutation cases the law not only requires that it shall clearly and satisfactorily appear from the proof that the bona fide residence was established within six months from the date of entry, but also that the actual residence upon the land has been continuous from the time it was established until the date of the making of final report."
In the cases recently decided the proof is rejected without prejudice, which means that the entrymen are privileged to go back upon the land and establish residence and otherwise comply with the law at any time within the five year life of the entry.
It is expected that when these decisions gain wider circulation in the public land states, there will be a general compliance with the law, or else a lot of homesteads will be relinquished. Developments along this line are looked for along the extension of the Milwaukee rail road from Everts, S. D., to Seattle, Wash., where the local land officers have been kept busy in recent months receiving homestead entries.

NOTICE
The firm of Geer & Cummins have made an assignment to me for the benefit of their creditors, of all their stock of merchandise together with all notes and accounts due them.
Mr. I. D. Bushnell has been placed in charge of the affairs of the firm and all persons indebted to them are hereby requested to call at their place of business and make payment at once.
R. L. SARKIS, Assignee.
WANTED: 10 men in each state to travel, post signs, advertise and leave samples of our goods. Salary \$75.00 per month. \$3.00 per day for expenses. ROYAL SUPPLY Co., Dept. W. Chicago, Ill.
Look Out—Get the safety Incubator, now it runs without a lamp. See W. T. Smith about it, Burns Oregon.
Human Flood Marks.
A tale of horror was told by marks of human blood in the home of J. W. Williams, a well known merchant of Bac, Ky. He writes: "Twenty years ago I had severe hemorrhages of the lungs, and was near death when I began taking Dr. Clog's New Discovery. It completely cured me and I have remained well ever since." It cures Hemorrhages, Chronic Coughs, Settled Colds and Bronchitis, and is the only known cure for weak lungs. Every bottle guaranteed at The City Drug Store. 50c and \$1.00 trial bottle free.

FOR SALE
Five Mammoth Black Sampson Kentucky Jacks, from 14 to 16 hands high, weighing from 1000 to 1200 each, raised in Harney county. All guaranteed good covers and safe. Also a standard-bred stallion with a record of 2.8. These animals are at the White Front Barn in this city and horsemen are invited to call and see them.
A complete stock of groceries at Fred Haines & Co.

THE GREAT HORNEY COUNTRY
Covers an area of 6,280,000 acres of land, 4,721,000 acres yet unoccupied to entry under the public land laws of the United States.
JOHN D. DALY, Pres. N. C. CARPENTER, Vice Pres.
J. L. GAULT, Cashier. A. C. WELLS, Asst. Cashier.
First National Bank OF BURNS, OREGON.
Solicits the accounts of individuals, firms and corporations, with the assurance that it extends to its patrons every courtesy consistent with safe and conservative banking.
Special attention given to out of town customers.
If you contemplate opening a bank account, we shall be pleased to have you either write us or call in person. All inquiries cheerfully answered.
Oldest and Largest Bank in Harney County.
M. ALEXANDER, President. W. JONES, Vice-President.
C. E. KENYON, Cashier. C. W. FLATT, Asst. Cashier.
FIRST NATIONAL BANK
ONTARIO, OREGON.
Interest Paid on Time Deposits.
We Solicit Your Banking Business.
STOCKHOLDERS:—M. Alexander, Wm. Jones, R. H. Test, C. E. Kenyon, H. Alexander, Estate of Abner Robbins, William Miller, Frank R. Coffin, Thos. Turnbull.
HOWARD BEBEE, President. W. B. SAUNDERS, Vice President.
R. A. COWDEN, Cashier.
First National Bank
CALDWELL, IDAHO
A General Banking Business Transacted
CORRESPONDENCE INVITED

PROCLAMATION
Whereas, the Secretary of State of the State of Oregon has notified me in writing that pursuant to the provisions of an Act entitled "An Act making effective the initiative and referendum provisions of Section 1, Article IV of the Constitution of the State of Oregon, and regulating elections thereunder, and providing penalties for violations of provisions of this act," approved February 24th, 1905, a committee of citizens of Clackamas County, C. W. Kerns being the Chairman thereof, duly filed in his office on January 25th, 1906, an initiative petition containing 7761 signatures, properly attached to a copy of said measure, certified in accordance with law, demanding that a proposed law, the title, tenor and effect of which is hereinafter particularly set forth, shall be submitted to the legal voters of the State of Oregon for their approval or rejection at the general election to be held in said state on the 4th day of June, being the first Monday in June, 1906.
Now, Therefore, I, Geo. E. Chamberlain, Governor of the State of Oregon, in obedience to the provision of said act hereinbefore mentioned, do hereby make and issue this proclamation to the people of the State of Oregon, announcing that the said committee of citizens of Clackamas County, Oregon, C. W. Kerns being the Chairman of said committee, has filed said initiative petition with the requisite number of signatures thereto attached, demanding that there shall be submitted to the legal voters of the State of Oregon for their approval or rejection at the regular election to be held on the 4th day of June, 1906, said day being the first Monday in said month, a bill to propose by initiative petition a bill entitled "A bill to propose by initiative petition a law for the establishment of tolls on the Mount Hood and Barlow Road, and provide for the purchase of the same by the State of Oregon." the tenor and effect of which is in brief to direct the Secretary of State to purchase the Mount Hood and Barlow Road from the Pacific Abstract, Guaranty & Trust Company, the owner thereof, for a sum not exceeding \$24,000.00, and to deliver to said company before the 1st day of September, 1906, or as soon as said bill may become a law, a warrant upon the State Treasurer payable out of any moneys in the general fund of the State of Oregon not otherwise appropriated in favor of said corporation for the sum of \$24,000.00 upon delivery to the said Secretary of State of a deed conveying to the State of Oregon said road together with all rights, franchises and privileges of every kind and character pertaining thereto, and as soon as the title to said road is conveyed to the state all tolls of every kind and character are to be abolished and said road free to the use of the public.
Done at the Capitol at Salem this 5th day of February, A. D., 1906.
(Signed) GEO. E. CHAMBERLAIN, Governor.
By the Governor: F. I. DENBAR, Secretary of State.
Dr. W. C. Brown, Dentist. Office in the new stone building north of the Post Office.
WANTED—Agents, Hustlers, Salesmen, Clerks and everybody who wants to enjoy a good hearty laugh to send \$50 for "Tops to Agents." Worth \$50 to any person who sells goods for a living. If not satisfactory your money back. Circular for stamp. T. Dr. White Electric Comb Co., Decatur, Ill.

THE OLD RELIABLE
Royal BAKING POWDER
ABSOLUTELY PURE
The greatest of modern-time helps to perfect cooking
Used in the best families the world over
It is interesting to note that fortunes are frequently made by the invention of articles of minor importance. Many of the more popular devices are those designed to fit people and meet the most common needs, and one of the most interesting of these that has ever been patented is the Dr. White Electric Comb, patented Jan. 1, 1909. These wonderful Combs positively cure dandruff, hair falling out, and nervous headaches, and when used with Dr. White's Electric Hair Brush are positively guaranteed to make straight hair curly in 25 days time. Thousands of these electric combs have been sold in

THEY MUST LIVE ON LAND
Wash., where the local land officers have been kept busy in recent months receiving homestead entries.
For Sale—Five choice lots in Ontario, 40 lots in Lawen, 10 lots in Burns; 160 acres of good land a part of it natural meadow 10 miles east of Burns, unimproved; 160 acres near Saddle Butte with present crop of wild grass standing, has a house and good fence. Particulars can be obtained at this office.
Go to Fred Haines & Co. for toilet and shaving soap—its cheap.
NOTICE OF SALE OF STATE LANDS.
Notice is hereby given that the State Land Board will receive sealed bids until 2 o'clock P. M. on May 8, 1906, for the purchase of the following described patented Swamp Lands, to wit:—
The N 1/2 of NW 1/4 and SE 1/4 of Section 23, N 1/2 of SE 1/4 and SE 1/4 of SE 1/4 of Section 34; and all of Section 35 T 20 S. R. 29 E.
All bids must be accompanied by a regular application to purchase in accordance with the law for the sale of swamp lands and by cash or check for the full amount of the price offered.
No bid for less than \$1.00 per acre will be considered.
The right to reject any and all bids is reserved.
Applications and bids should be addressed to G. G. Brown, Clerk State Land Board, Salem, Oregon, and marked "Application and Bid to purchase Swamp Lands."
G. G. Brown, Clerk State Land Board. Dated this 28th day of March, 1906.
The Lone Star RESTAURANT
China George, Proprietor.
Cor. Main and B Streets.
MEALS AT ALL HOURS
Bakery in connection.
A Specialty of Short Orders.
Table furnished with everything the market affords. Your patronage solicited.

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Five Mammoth Black Sampson Kentucky Jacks, from 14 to 16 hands high, weighing from 1000 to 1200 each, raised in Harney county. All guaranteed good covers and safe. Also a standard-bred stallion with a record of 2.8. These animals are at the White Front Barn in this city and horsemen are invited to call and see them.
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MEALS AT ALL HOURS
Bakery in connection.
A Specialty of Short Orders.
Table furnished with everything the market affords. Your patronage solicited.

STEVENS
ON YOUR HUNTING TRIP
Be sure to be equipped with the STEVENS. The best and most reliable. Write for STEVENS . . . from \$2.50 to \$100.00
REVOLVER . . . from \$2.50 to \$100.00
RIFLE . . . from \$2.50 to \$100.00
The STEVENS Arms and Tool Co., Chicago, Ill., U.S.A.
H. N. NELSON
Has had over 24 years experience as
Watchmaker and Optician.
Second door north of post office.
Burns, Oregon

The Finest of All
MARYLAND CLUB WHISKY
For Sale Only at
Hotel Burns Bar
Agents, Burns, Ore.
Rothel & Bros., Distributors, Portland, Oregon.
M. L. LEWIS
Will be glad to furnish PARTICULARS and PRICES to anyone desiring INFORMATION. See his Handsome DESIGNS.

THE CARTER HOUSE.
AMERICAN PLAN
ONTARIO, OREGON.
Fire-Proof, Modern, Elegant.
Rates \$2.00 and \$2.50 per day.
All Outside Rooms—Near Depot
This modern new Hotel was only recently opened to the public. Harney County people will be always welcome and courteously cared for. A first-class bar in connection.
LIVERY BARN IN CONNECTION.

Napton & Boyd
Real Estate. Mines and Mining.
PAYETTE, IDAHO. Ontario office: New Wilson Brick.

THE CAPITAL SALOON,
TRISCH & DONEGAN, Proprietors.
Burns, Oregon.
Make This Headquarters.
Wines, Liquors and Cigars.
Billiard and Pool Tables.
Club Rooms in Connection.
CHAS. WILSON,
SUCCESSOR TO WILSON & LAYTON
Blacksmithing and Horseshoeing.
Wagon Work.
ALL WORK GUARANTEED.
Main St., Burns, Oregon