

The Times-Herald.

The Great Harney Country
Covers an area of 8,428,000 acres of land, 4,721,000 acres yet vacant, subject to entry under the public land laws of the United States.

BURNS HARNEY COUNTY, OREGON, AUGUST 11, 1906.

NO. 38

The Times-Herald

The Official Paper of Harney County, the largest circulation and is one of the best advertising mediums in Eastern Oregon.

FAIR IS FOR

NO EXEMPTION ALLOWED.

Salem, August 1.

Hon. J. E. Logan,
Assessor of Harney County.
Dear Sir—In reply to your favor of the 28th instant I beg to say that the Supreme court in deciding the case of Wallace et al. v. Fallon et al., on appeal from Josephine County, declared the law authorizing the Householders' exemption unconstitutional and void.

While I regret that such is the case, and endeavored to sustain the exemption by preparing a brief and presenting an oral argument at the trial of the case, I am of the opinion that it is the duty of the officers to follow the law as declared by the court, and since the court has declared that there is no valid exemption law, that no exemption should be made.

Very respectfully yours,
A. M. CHAFFORD,
Attorney General.

\$25.00 REWARD \$25.00.

Notice is hereby given that hunting and shooting upon the enclosed lands of the American Land & Live Stock Co located in townships 39 & 40 S Range 35 E and township 39 S, R 36 E W M, Harney Co Oregon (better known as the Trout Creek and Colony Ranches,) is strictly forbidden. Any person or persons found hunting or trespassing with a gun in their possession on above described property will be prosecuted to the full extent of the law. A reward of \$25 is hereby offered for evidence that will lead to their arrest and conviction.

Galveston's Sea Wall

makes life now as safe in that city as on the highest uplands. E. W. Goodloe, who resides on Dutton St., in Waco, Tex., needs no sea wall for safety. He writes: "I have used Dr. King's New Discovery for Consumption the past five years and it keeps me well and safe. Before that time I had a cough which for years had been growing worse. Now it's gone." Cures chronic coughs, La Grippe, croup, Whooping cough and prevents pneumonia. Pleasant to take. Every bottle guaranteed at The City Drug Store. Price 50c and \$1.00. Trial bottle free.

ASK GOVERNOR TO PARDON COLWELL.

A special from Salem to the Telegram says: Governor Chamberlain is in receipt of a petition for the pardon of James Colwell, serving six years in prison for the killing of Warren Curtis, in Harney County, March 22, 1902. He was jointly indicted with George S. Miller and Burt Bailey, who were acquitted. The petition is headed by former Sheriff Tom Allen, who made the arrest and testified against the defendants. Curtis was shot by Miller during an altercation over the possession of some horses.

The Harney Saw Mill, Roy Buyard proprietor, is ready for the season's work. Orders of any size can be filled at any time. All kinds of dressed and rough lumber on hand, also shingles. Good road. Write for prices on large or small orders.

WANTED—Agents, Hustlers
Salesmen, Clerks and everybody who wants to enjoy a good hearty laugh to send 50c for "Tide to Agents." Worth \$50 to any person who sells goods for a living. If not satisfactory your money back. Circular for stamp. The Dr. White electric Comb Co., Decatur, Ill.

ADMINISTRATOR'S NOTICE

Notice is hereby given that the undersigned has been duly appointed administrator of the Estate of John I. Newman, deceased, by order of the county court of Harney county, Oregon, dated May 29, 1906, and has duly qualified. All persons having claims against said estate are hereby required to present them, with proper vouchers, within six months from the date of this notice to the undersigned at his office in Burns, Oregon.

Dated June 2, 1906.
M. L. Lewis
Administrator.

See Geer and Cummins' ad.

ABOUT NEW IRRIGATION LAW

ARTICLE SENT BY STATE ENGINEER J. H. LEWIS.

The Subject Treated in a Lengthy Manner And Furnishes Much for Serious Consideration by Irrigators.

The Times-Herald is in receipt of a letter from State Engineer Lewis in which he encloses the following, which he explains was prepared for one of the local papers. The Times-Herald gives it in full for the benefit of its readers in order that they may study the subject. The article does not entirely represent the sentiments of The Times-Herald, however:

The recent discussion before the commercial bodies of Portland on the development of Oregon's irrigation and water power resources, and especially the application of irrigation to the Willamette valley, which was unanimously urged by the Portland Board of Trade, has raised the question of legislation for its encouragement. The law proposed by the Governor's commission, which failed to be passed by the last legislature, has been strongly urged as a basis for discussion, as it is in line with the policy of the Government and in harmony with the federal laws. The commission was assisted in its preparation by Morris Bien, the legal adviser of the Reclamation Service, who is considered a leading authority on irrigation law. It is founded upon the experience of other states where the fundamental principles have been tried and found successful. Substantially the same law was recently passed by North Dakota, South Dakota and Oklahoma, and, with the addition of a few additional details, adopted by Utah. This law is chiefly administrative. A systematic method of establishing and recording vested rights in accordance with the established laws and decisions of the courts was provided, also for the acquisition and recording of new rights, with the necessary proof of completion of works and determination by a qualified officer of the amount of water put to beneficial use. Titles to water would then be as definite as titles to land and an abstract of the water records, showing definite title, made possible.

A plain statement of existing conditions of State legislation is found in a message of President Roosevelt of December, 1901, where he says:

"The security and values of the homes created depend largely on the stability of titles to water, but the majority of these rest on the uncertain foundation of court decisions rendered in ordinary suits at law. With a few creditable exceptions, the arid states have failed to provide for the certain and just division of streams in times of scarcity. Law and uncertain laws have made it possible to establish rights to water in excess of actual use or necessities, and many streams have already passed into private ownership, or control equivalent to ownership.

"Whoever controls a stream practically controls the land it renders productive, and the doctrine of private ownership of water apart from land cannot prevail without causing enduring wrong. The recognition of such ownership, which has been permitted to grow up in the arid regions, should give way to a more enlightened and larger recognition of the rights of the public in the control and disposal of the public water supplies. Laws founded upon conditions obtaining in humid regions, where water is too abundant to justify hoarding it, have no proper application in a dry country.

"In the arid states the only right to water which should be recognized is that of use. Irrigation this right should attach to the land claimed and be inseparable therefrom. Granting perpetual water rights to others than users, without compensation to the public, is open to all the objections which apply to giving away perpetual franchises to the public utilities of cities. A few of the Western States have already recognized this, and have incorporated in their constitutions the doctrine of perpetual State ownership of water.

The criticisms and suggestions of the President are applicable to Oregon as a whole, as the Willamette valley is now admitted to need irri-

gation for its highest development. If Oregon is not yet ready for a modern code of water laws, when will she be more ready? The greater number of speculative and questionable water rights claimed, the more opposition to the passage of such a law will be had.

NEEDS OF MODERN ADMINISTRATIVE CODE.

When but a few rights exist on a stream no difficulty over the division of the available water is had, but as soon as the appropriations exceed the supply trouble begins. Numerous ditches are now being constructed to utilize the flood flows for so-called "winter irrigation." Constant measurement of the waters and police control will be necessary to indicate when these canals should be closed and the regular flow go by to satisfy prior vested rights. With the construction of storage reservoirs, the question is still further complicated. This question will soon arise on the Umatilla River as to how late in the spring the Government will be permitted to take water for its storage reservoir. Mr. David Eckles reports a troublesome case in the Grande Ronde valley, which is typical of nearly all storage projects on the natural channel of a stream, and must be relieved by legislation, if irrigation by storage is to be encouraged. The stored waters were turned from the reservoir into the stream channel when needed, with the expectation of recovering the same, with due allowance for loss, at his ditch diversion, but the regular flow and increased supply was taken by the ditches with earlier rights taking water at points above his headgate. The difficulty was temporarily overcome by turning out the stored water at night and irrigating at a disadvantage. These difficulties are and have been successfully met in other states, whose laws provide for a careful administrative system over its waters. The stored water is measured each year, and each owner protected by the State in its use at any distance down the stream, with due allowance for loss by evaporation and seepage, regardless as to the number of ditches diversions between the reservoir and place of use.

DEVELOPMENT DISCOURAGED.

Before an individual, corporation, State or Government can with any degree of certainty enter into the construction of works involving the use of waters, two things must be known. First, the amount of flow at different seasons at the proposed point of diversion, and, second, the amount of water which is necessary to satisfy the vested rights below the proposed point of diversion. The State, in co-operation with the Government, has undertaken to secure records as to stream discharge, which to be of much value must extend over a period of two to five years. At present it is impossible to determine what amount of water is necessary to satisfy vested rights, which information is necessary, to know if any surplus water exists in a stream to be put to beneficial use.

Capital seeking investment in this line is, therefore, discouraged, and the value of legitimate rights very much lessened because of this uncertainty. Even where a court decree has been rendered, it may be upset at a later date unless all who claim the right to the use of waters were made parties to the suit, including the State, as trustee of the surplus waters, if any, for future users.

All present vested rights will ultimately come before the courts as water becomes more valuable as a matter of self preservation, as all ready experienced on certain Oregon streams, considerable areas have been in the courts having their rights adjudicated for the second or third time, and perhaps again in the future, as new ditches are built. If a new law will provide a systematic method of determining these rights, also the recording and protection forever on the part of the State, it is believed the increased value would justify the expense. The certainty of a new right, if permitted, would greatly encourage new development up to the limit of the beneficial use to which each stream could be put.

With the water laws of the Western States uniform, the troublesome questions of interstate rights would be eliminated. As the future of a larger part of this State will depend largely upon irrigation, which in turn is dependent upon laws providing a careful administration over the waters to eliminate the uncertainties of supply and expensive litigation, it is believed that this subject will receive careful consideration by the next legislative assembly.

MAY GET LIEU SELECTIONS

ALL WHO RELINQUISHED LANDS IN FOREST RESERVES.

Letter From Interior Department Which is Self Explanatory That Should be Read by all Interested.

The following has been sent us by the local land office and will be of interest to our readers:

Senate Resolution of March 19, is as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish to the Senate, on the first Monday in December, nineteen hundred and six, the names of the persons, firms, and corporations who convey or relinquish to the Government of the United States lands within the limits of Government forest reserves, and who duly recorded the same in the proper county prior to the Act of March third, nineteen hundred and five, and who had prior to said Act failed to select other public lands in lieu of the lands so conveyed or relinquished, or who have failed, through no fault of their own, to obtain patents to lands secured by them in lieu of lands so conveyed or relinquished, as provided by the act of June fourth, eighteen and ninety-seven, and who can not on account of said Act of March third, nineteen hundred and five, make such selections, and also report the number of acres so conveyed or relinquished.

That in order to procure such information the Secretary of the Interior is hereby authorized and directed to require all such persons, firms and corporations to file in the Land Department, within a time to be by him designated, such proofs of their conveyance or relinquishment as he may prescribe; and he is further authorized and directed to make such further orders, rules, and regulations as may be necessary to procure the information here by required.

Pursuant to the provisions of the above resolution all persons, firms, and corporations who conveyed lands to the United States Government situate within the limits of established forest reserves by deeds duly executed, acknowledged, and recorded in the proper county office prior to March 3, 1905, with a bona fide intention of thereafter selecting other public lands in lieu of the land so reconveyed or relinquished under the provisions of the act of June 4, 1897 (30 Stat. 36), and acts amendatory thereof, and who failed to make any selection in satisfaction of the lands by them so relinquished or whose selections under the provisions of the aforesaid act of June 4, 1897, have failed through no fault of the party making such relinquishment, and who by reason of the approval of the act of March 3, 1905, are now prevented from making any selections, are hereby directed to file in the office of the Commissioner of the General Land Office on or before October 1, 1906, an instrument in writing describing the land relinquished to the Government prior to March 3, 1905, and containing representations by the person or corporation who made the relinquishment, that no selection in lieu thereof has been made, or in case any selection was made and the selection has failed without fault of the party making the relinquishment, a reference to the selection or attempted selection, which will enable the Commissioner of the General Land Office to readily identify the same upon the records of his office, and that the land included in the relinquishment has not, since the deed of relinquishment was filed for record, been sold or in anywise encumbered by the person or corporation making the relinquishment to the Government.

This statement should be addressed to the Commissioner of the General Land Office, should be styled and briefed "Statement conformable to Senate Resolution, March 19, 1906," and must be accompanied by the deed of relinquishment to the Government of the United States, executed and recorded prior to March 3, 1905, and an abstract of title duly authenticated showing that at the date the deed of relinquishment was recorded the title to the land was in the person or corporation making the relinquishment. If the deed of relinquishment has been lost or for any reason can not be produced, a

copy thereof properly certified by the Recorder of Deeds of the county in which the land is situate will be accepted.

Deeds and abstracts of title will, upon the request of the party filing the same, be returned after they have been examined and noted by the Commissioner of the General Land Office.

The persons firms and corporations interested herein are expressly hereby notified and warned that while the statements and accompanying papers herein described may be filed for transmission to the General Land Office, in the local land offices, and that while the data contained in all statements received in the General Land Office at a time when its incorporation in the report to the Senate provided herein is practicable, will be included in such report, all responsibility for the filing of such statements and accompanying papers in the manner herein provided, rests with them, and that they are hereby directed to meet the requirements herein made at the earliest date possible.

The End of The World

of troubles that robbed E. H. Wolfe of Bear Grove, Ia., of all usefulness, came when he began taking Electric Bitters. "Two years ago Kidney trouble caused me great suffering, which I would never have survived had I not taken Electric Bitters Bitters. They also cured me of General Debility." Sure cure for all Stomach, Liver and Kidney complaints, blood diseases, headache, Dizziness and Weakness or bodily decline. Price 50c. Guaranteed at the City Drug Store.

The Times-Herald will make this a bargain month in the way of subscriptions and has arranged to give the Semi-Weekly St. Louis Republic free to all who pay up arrears and one year in advance to The Times-Herald. New subscribers who pay in advance will also receive this great national semi-weekly newspaper and family magazine in the United States. The two papers one year for \$2—for this month only.

A Mystery Solved.

"How to keep off periodic attacks of biliousness and habitual constipation was a mystery that Dr. King's New Life Pills solved for me," writes John N. Pleasant, of Magnolia, Ind. The only pills that are guaranteed to give perfect satisfaction to everybody or money refunded. Only 25c at City Drug Store.

Having sold the furniture business, C. A. Byrd will now turn his attention to painting and paper hanging and solicits a share of your patronage. He will also conduct a cabinet and repair shop.

Call and see Mrs. Hattie Bastie just east of the Windsor and select your millinery and have it trimmed to order.

Up-to-date job printing at reasonable prices.

The Lone Star

RESTAURANT

China George, Proprietor.
Cor. Main and B Streets.

MEALS AT ALL HOURS

Bakery in connection.

A Specialty of Short Orders.

Tables furnished with everything the market affords. Your patronage solicited.



ON YOUR HUNTING TRIP
Be sure to get Stevens' Hunting Trip. It is the best and most complete outfit for the hunter. It includes a complete set of traps, a dog, a rifle, and a doghouse. It is the best and most complete outfit for the hunter. It includes a complete set of traps, a dog, a rifle, and a doghouse. It is the best and most complete outfit for the hunter. It includes a complete set of traps, a dog, a rifle, and a doghouse.

First National Bank
CALDWELL, IDAHO
A General Banking Business Transacted
CORRESPONDENCE INVITED

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.
HOSKOT NAPTON. DON CARLOS BOYD.
PAYETTE, IDAHO. ONTARIO, OREGON.
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 & AYSTER.
Blacksmithing and Horseshoeing.
Wagon Work
ALL WORK GUARANTEED.
Main St., Burns, Oregon

M. L. LEWIS
Will be glad to furnish
PARTICULARS
and PRICES
To anyone desiring
INFORMATION.
See his Handsome
DESIGNS.

MARYLAND CLUB WHISKY
For Sale Only at
Hotel Burns Bar
Agents, Burns, Ore.
Rothe & Bros., Distributors, Portland, Oregon.

JOB PRINTING-THE TIMES-HERALD