

The Times-Herald.

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

The Great Harney Country Covers an area of 6,428,800 acres of land, 4,758,399 acres yet vacant subject to entry under the public land laws of the United States.

VOL. XX.

BURNS, HARNEY COUNTY, OREGON, MARCH 30, 1907

NO 19

ING IN FOREST RESERVE

ARY OF AGRICULTURE WILSON HAS SAY.

Will be Brought to Attention of Department—Claims They Have Right to Impose a Fine.

Blue Mountain Eagle says: From Senator Fulton to Combs, of John Day, recently published in the Blue Mountain Eagle has brought the following from James Wilson, secretary of agriculture. Mr. Wilson takes opposite view from Senator and in order that stockmen be advised as to the intentions of government in all instances of forest regulations are violat-

tion of the secretary's letter is published in full:

Washington, D. C., March 13, 1907. Blue Mountain Eagle.

Attention has been called to me from Senator Fulton to J. Combs, dated February 4, and in your issue of February 12 to your editorial comment on the regulations forbidding grazing without a permit on the forest reserves made under the authority of the Act of June 4, 1888, (30 Stat. 34-36), provides as follows:

Secretary may make such regulations as will insure the preservation of such reservations, to regulate their occupancy and to preserve the forest from destruction; and violations of the provisions of such rules and regulations shall be punished as is provided in the Act of June 4, 1888, above referred to, "a fine of not more than \$100, or imprisonment for not more than six months, or both, in the discretion of the court." You will see that congress has subjected to fine and imprisonment any person who violates the regulations of the secretary of agriculture made to protect the forest reserves. The constitutionality of the provision of this act making violation of the regulations a crime, has been questioned by the district courts of California, Utah and Washington, and decided against its constitutionality. The court of Arizona, which is the only court with the district court, has decided in favor of its constitutionality. The court of Oregon, which is the only court with the district court, has decided in favor of its constitutionality.

Now, while I do not believe there is any law making it an offense to drive stock upon a reserve I certainly would not, and do not advise any person to do so without the consent of the proper officials. I do not believe there is any such law, because I do not believe Congress can delegate to a department official the power to prescribe what shall or shall not constitute a crime. But be that as it may, it must be conceded, I think, that even Congress is without authority to make it a crime for one to permit his stock to go at large within the limits of a state.

Whether or not lands shall be fenced in order to guard against trespass by stock is a policy that must be determined by a State Legislature, and not by Congress. Oregon has a fence law. If the general Government would prevent stock lawfully at large from going upon its lands it must do so as other proprietors must do, namely, fence its lands or police them with a sufficient force to keep the stock off.

It may be that Congress has power to make it an offense to drive stock into a reserve. Indeed, I am inclined to think it has, but it has not done so, unless it was competent for it to delegate to the Department of Agriculture such power, which I deny.

Still, all I was intending to be understood as saying was that neither Congress nor the department can subject an owner of stock to a penalty because his stock, being lawfully at large under the state laws, goes on an unfenced tract of public land without his connivance. That very question was discussed in the United States Senate during the last session and the leading lawyers of the senate, notably Senator Spooner, emphatically and unhesitatingly expressed the opinion that congress was without power to

enact such a law. "So far as such matters are concerned, the relation of the general government to its lands is exactly the relation of an individual to the lands he owns. If it is the policy of the state to allow stock to run at large, and to require a land proprietor to fence his land would be guard against trespassing, then the general government must fence or otherwise guard against such trespassing. And, while I do not believe Congress can delegate to any official the power to make it a crime to drive stock upon public land, still I wish distinctly to state that I do not advise any person to violate any such order or rule when made. By so doing he invites litigation and trouble.

"I do contend, however, that our farmers and stockmen have the right, when our state law permits, to turn their stock at large and, should the animals without their connivance, go upon a reserve, the general Government is without power or authority to impound the stock or arrest the owner, and for any official to do the one thing or the other would, in my judgment, be a clear violation of his duty and the law.

"I also wish to say that it is not my understanding that Secretary Wilson contends for any such authority. He is one of the most just and conscientious men I have ever known.

"As regards the change made by the government for grazing on the reserves, I have always contended that it should not, in any event, be in excess of the actual cost to the Government consequent thereto, which, in truth is practically nothing, as few if any additional rangers are required because of the presence of the stock. The price charged by the Government is not only burdensome to the stockmen, but has already created a large fund which is being employed in part, I am informed in forestry experimental work in California and other states. Surely such a tax should not be imposed on our people.

"It is true that stockmen's associations have, on occasions, approved these charges, but, privately, they complain to me that they constitute a burdensome tax and that their approval was due to a conviction that otherwise they would have been discriminated against in the allotment of grazing privileges. In that conviction I am confident they were mistaken. In any case, the opposition I am making against such charges is entirely for them, and because of their appeals to me in that behalf, and because I believe the charges to be unreasonable and unjust.

Bought Townsite. Negotiations that have been pending for some time between the Sumpter Valley Railway Company and Walter Fisk, involving the Fisk ranch and virtually the whole of the Austin townsite have been brought to a close, the former purchasing the same for a consideration said to be \$5,000.

This deal gives assurance that another big mill of the Oregon Lumber Company will at once be built at the present terminal of the Sumpter Valley railway.—Democrat

THOROUGHbred EGGS FOR SALE. I now have for sale, eggs from my pens of S. C. White Leghorns, White Plymouth Rocks and Single and Pea comb Rhode Island Reds. After April let I can supply eggs from pens of Barred Rocks and Black Langshans. Circulars of prices sent upon application.

GRACE B. LAMPHERE. Burns, Oregon.

Half the World Wonders how the other half lives. Those who use Bucklen's Arnica Salve never wonder if it will cure cuts, wounds, burns, sores and all skin eruptions; they know it will. Mrs. Grant Eby, 1130 E. Reynolds St., Springfield, Ill. says: "I regard it one of the absolute necessities of housekeeping." Guaranteed by City Drug Store, 25c.

W. T. Smith has authorized a meeting of all who have taken borax claims in the Swan City district on April 1 at Cleverly's furniture store for the purpose of organizing the company, electing the directors and such other business as may be necessary.

SENATOR FULTON EXPLAINS

DID NOT ADVISE TO IGNORE RESERVE REGULATIONS.

Believes The Federal Government Cannot Delegate Power to Punish Trespassers on Reserves.

Senator Fulton emphatically denies the implication contained in a dispatch from Washington, published in the Oregonian yesterday, that he recently advised his constituents in Eastern Oregon to ignore the rules and regulations of the Department of Agriculture for the grazing of stock in forest reserves, says the Oregonian.

As to other features of his published correspondence with J. D. Combs, of John Day, Senator Fulton has no apologies to make, and in that connection yesterday gave out an interview setting forth plainly his own views on the subject of forest reserves in their relation to woolgrowers and cattlemen, especially with reference to what he believes to be exorbitant grazing charges imposed by the government.

"The letter I wrote Mr. Combs," said Senator Fulton at the Imperial last night, "was hastily written; was not designed for publication and was in response to a specific statement of facts by him. My letter was not so carefully guarded in language as it would have been had I any thought of its being published, and it may be misleading without a knowledge of the particular facts to which it was addressed.

"Mr. Combs wrote me that certain Government officials had notified farmers residing in the vicinity of a forest reserve not to turn their stock out to graze before June, I think it was, as no stock would be permitted upon the reserve until then, and if any were found there they would be taken up and the owners prosecuted. That, in substance, was his statement as I recall it. He further said that it was a great hardship on the farmers to be compelled to keep their stock up until so late in the season. In my answer I had only that state of facts in view. I went so far as to say that in my judgment there was no law making it a crime even to drive stock into a reserve.

"I did not advise, and certainly would not advise, any such action. I simply intended to illustrate how far the law was from making it a crime for a farmer to permit his stock to be at large, and by reason thereof to go upon a reservation without his direct agency in the matter.

"Now, while I do not believe there is any law making it an offense to drive stock upon a reserve I certainly would not, and do not advise any person to do so without the consent of the proper officials. I do not believe there is any such law, because I do not believe Congress can delegate to a department official the power to prescribe what shall or shall not constitute a crime. But be that as it may, it must be conceded, I think, that even Congress is without authority to make it a crime for one to permit his stock to go at large within the limits of a state.

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MR. CONNER ADVERTISES US

WRITES DESCRIPTIVE LETTER FOR PUBLICATION.

Some Interesting Facts About The Great Harney Country That Will Attract Attention of Home-seekers.

Mr. C. C. Conner, of Helix, Umatilla county, who was here last month and bought land, has written the East Oregonian as follows:

Answering many inquiries in regard to Harney county, Oregon, which I have just visited, would like to say something of it through your columns.

Harney county presents more advantages to the homeseeker than any other section of the great west. It offers a more attractive field for the poor settler, and a greater opportunity for the capitalist, seeking investment for low values in land, with a future, than any similar area west of the Rockies. Harney county is larger than the state of Massachusetts, and has a population of less than 5,000.

It contains 4,700,000 acres of vacant government land yet subject to entry. This sparse population is not due to unfavorableness of the soil or climatic conditions, but to the fact that it is isolated, and consequently largely unknown to the outside world.

Harney county embraces an area of 6,385,000 acres, or about 10,000 square miles, and is in the southeastern part of the state. It consists of agricultural, grazing, timber and mineral land. Harney valley is the largest level body of land within the state, being 45 wide and 75 miles long, as level as a pavement, composed of a dark, heavy soil, especially adapted to the growing of all cereals. The altitude of the valley is 4100 feet, with an increasing annual precipitation 12 to 15 inches.

Owing to the distance to market the only exports up to this time have consisted of cattle, sheep, mules, horses, wool and borax. The livestock is driven to adjacent shipping points, during the summer and fall.

Agricultural pursuits have long passed the experimental stages in Harney county. Although there is no demand for grain, vegetables and fruit, except for local consumption, a considerable portion is devoted to this industry, wheat, oats, barley, rye, hops, sugar beets, potatoes, apples, peaches, prunes, plums, apricots, grapes, all kinds of berries and vegetables of every kind are grown there.

Grain is grown on sagebrush land without irrigation, with good yields each season, and crops have never been a failure. Samples of spring sown wheat on fall plowing which averaged 35 bushels and tested 29 pounds can be seen at the Puget Sound Warehouse company's office in Pendleton, also samples of spring sown wheat raised on sod ground which was plowed in the fall, and which averaged 18 bushels and tested 56 pounds, and barley which averaged 60 bushels per acre, and weighed 96 pounds to the tied sack can be seen at the same place.

Around the borders of the Harney and Malheur lakes, particularly, and in the whole valley proper, sugar beets are grown to perfection. The thousands of acres of bottom land where native wild grass meadows abound, are really the beauty and pride of Harney valley. The wild meadow grasses consist of blue joint, red top, clover and

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The universal remedy for STEVENS' PATENT. It is a powerful and reliable remedy for all kinds of skin eruptions, cuts, wounds, burns, sores, and all skin diseases. It is guaranteed to cure all such cases, and is sold by all druggists.

GRACE B. LAMPHERE. Burns, Oregon.

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A Modern Miracle.

Truly Miraculous seemed the recovery of Mrs. Mullie Holt of this place," writes J. O. R. Hooper, Woodford, Tenn., "she was so wasted by coughing up phlegm from her lungs. Doctors declared her end so near that her family had watched by her bed-side forty-eight hours; when, at my urgent request Dr. King's New Discovery was given her, with the astonishing result that improvement began, and continued until she finally completely recovered, and is a healthy woman to-day." Guaranteed cure for coughs and colds. 50c and \$1.00 at the City Drug Store. Trial bottle free.

WANTED — Agents, Hustlers, Salesmen, Clerks and everybody who wants to enjoy a good hearty laugh to send 50c for "Tins 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.

THEY LIVE 100 YEARS.

The chances for living a full century are excellent in the case of Mrs. Jennie Duncan, of Hainesville, Me., now 70 years old. She writes: "Electric Bitters cured me of Chronic Dyspepsia of 20 years standing, and made me feel as well and strong as a young girl." Electric Bitters cure Stomach and Liver diseases, Blood disorders, General Debility and bodily weakness. Sold on guarantee at the City Drug Store. Price only 50c.

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.

\$25 Reward—The Blue Mt. Rapid Transit Co. will give \$25 reward for the arrest and conviction of the parties who removed straps and other property from one of the coaches on the mountain.

F. E. BRAMLETT, SILVER MOUNTED BITS AND SPURS. Made to Order. All kinds of plating—tableware specialties. Cor. Main and B. Sts., Burns, Oregon.

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.

The Finest of All MARYLAND CLUB WHISKY. For Sale Only at Hotel Burns Bar. Agents, Burns, Ore. Rothel & Bros., Distributors, Portland, Oregon.

IF YOU WANT CASH For Your Real Estate or Business I CAN GET IT. No Matter What Your Property is Worth, or in What Town, City, State or Territory it is located.

Free of Charge. David P. Tail, The Land Man, 415 Kan. Ave., Topeka, Kansas.

If You Want to Sell Fill in, Cut Out and Mail Today. Please send, without cost to me, a plan for finding a cash buyer for my property which consists of: Town or City, County, State.

If You Want to Buy Fill in, Cut Out and Mail Today. I desire to buy property corresponding approximately with the following specifications: Town or City, County, State. Price between \$ and \$, I will pay \$ down and balance.

E. N. NELSON

Watchmaker and Optician

Burns, Oregon. GOLD MEDAL. Awarded for best work at a Competitive Exhibition in Europe.

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 & ASHTON. 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.

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