

SUBSCRIPTION RATES:

One Year \$2.00
Six Months \$1.00
Three Months .75

JULIAN BYRD - - - - - Manager

The general influx of outside people into the Harney country looking for investments continues unabated. The unexceptionally fine weather has been quite an advantage in this respect but we cannot expect such weather to last always even in this favored locality.

Now that the local land office has rendered a decision in the Carey segregation of the Harney Valley Improvement Co., it is hoped the matter may be expedited at Washington and a final decision as to what disposition will be made of the land be rendered at once.

Wm. Hanley, who accompanied W. W. Cotton and party on a tour of this section last week, states that the entire party was most favorably impressed with the Harney country and left well pleased with their visit and what they had seen. While they could hardly be otherwise after seeing the many resources of this great inland empire, it is of particular significance that these people should go out with favorable comment.

There should be some arrangements made to get out some advertising pamphlets describing the resources of the Harney country, at an early date.

There is a constant demand for this class of matter and those printed last spring are about exhausted. The Push Club of this city secured the last ones and while they answered the purpose very well, they lacked in some respects. While general in character the matter was rather too condensed to be altogether satisfactory for general use. An attractive pamphlet up to date would prove very beneficial at the present time and it is hoped public spirited citizens will join with local real estate men in getting it up.

Oregon never received a stronger endorsement than the following from the pen of Professor Charles Curtis, of the Ames, Iowa, Agricultural College:

"There is nowhere on the face of the globe a land or people so dominant in the improvement of live stock or so potent in the production of the highest types of domestic animals as the British Islands. There is nowhere on the American continent a region affording conditions so closely allied to those of Great Britain as on the North Pacific Coast of the United States. The similarity is noticeable, not only is climatic conditions and natural environment, but also in the genuine enthusiasm and deep-seated faith in the industry possessed by the tillers of the soil."

The recent financial flurry in the East which caused the failure of some banks has subsided almost entirely with practically no inconvenience to the Western financial institutions other than to stop the shipment of currency due them from the Eastern concerns. Gov. Chamberlain issued a five days' holiday for the banks of this state, but it seems it was not necessary, as the Portland banks took only temporary advantage of it and are again doing business as before. The banks of this place found no occasion to take advantage of the holidays granted, as the patrons have absolute confidence in them and there has been no expressions of uneasiness whatever. In fact there is no occasion for such, for the general prosperity of the Harney country is not affected by the stock gambling of Wall Street.

WOULD LEASE RANGE LAND.

At an annual meeting of the Oregon Woolgrowers' association to be held in The Dalles November 12, one of the most vital subjects for consideration will be the government's proposition to lease the public ranges, says the East Oregonian.

At the next session of congress the Burkett bill, introduced last session, but which was not reached on the calendar, will again be brought forth.

While the Burkett measure was under consideration last winter...

men was named by the president to meet with the public lands committee of congress and a session was held in Washington. Dan P. Smythe of this city was Oregon's committeeman at the time and while at the capital became familiar with the government's attitude toward the public range.

"The proposition will again be brought up" says Mr. Smythe, "for the eastern people have the belief that western stockmen are being given something for nothing by the government and there is a wide demand that charges be made for using the range. It seems impossible for the western senators to block the measure and if so it is up to the stockmen to see that the measure as passed is as well adapted to the conditions as possible.

"At The Dalles meeting, which will be the official gathering of the Oregon sheepmen this year, the subject will be discussed and some line of action probably agreed upon so that the Oregon congressional delegation can have something to go by. Among other features connected with the leasing proposition is the question of whether or not ranges may be fenced, the term of years for which leases may be made, leasing prices, etc."

A DREADFUL SLAUGHTER.

The manager of this great religious weekly spent the first of the week the guest of Rev. A. J. Irwin at his country homestead in the Weaver springs basin. He had one of the best times of his life and had the pleasure of viewing some of the finest soil and new homesteads in that section, besides a shoot at water fowl at the lakes. One can hardly appreciate the advancement being made in that favored locality and around Dog Mountain until a visit is made to that section. Many new houses are being made throughout the entire valley and those along the foot hills are most promising. We saw some young fruit trees that were making a most satisfactory and thrifty growth; fall grain looking well, and alfalfa crops that were really astonishing.

The improvements on these places in most instances are very substantial—the houses, barns, fences and all improvements being of a permanent nature. Such evidence is most gratifying as it shows a sturdy class of people who show their faith in the Harney country and a determination to make permanent homes.

The trip to the lakes was most thoroughly enjoyed, although it rained on us and threatened to get our feet wet which is entirely against our principles. There was also a shocking slaughter upon our arrival at the lakes, considering the tender heartedness and general timid and moral character of ye scribe and the reputation of the preacher. The birds were plentiful and most tantalizing and showed a disposition to perch on the muzzle of our gun. The preacher showed up at last in his weakness toward sport but had no advantage over us, for he couldn't shoot any oftener or more rapid than The Times-Herald man, though he would occasionally kill a bird while we rarely ever brought one down. We bagged a few, however, but the slaughter of powder and shot was enormous.

While enroute to the lakes we stopped and viewed the railroad survey. For as far as the eye could reach both east and west the sage and other growth had been cut away and a straight line could be seen on each side until it faded into a narrow line. It will make an ideal railroad route and from appearances all that will be necessary for construction is lay the ties and rails.

We would like to give a vivid description of the convenience and general appearance of the preacher's country home. Chas. Wilson's farming and other interesting items and incidents of the trip, but we feel that space this issue must be devoted to other matters—perhaps no more importance, but more pressing at this particular time.

At a meeting of the directors of the First National Bank of this city last Saturday the surplus was increased from \$15,000 to \$175,000. This is a move of interest of the patrons of the institution and makes it one of the strongest banking houses of Eastern Oregon. It is a satisfaction to have such an enterprising lot of financiers at the head of a bank in Harney county.

Sam Parrish, of Izee, who assisted in driving a band of cattle to Pendleton, was here Saturday on his return home—Blue Mt.

DECISION IN CAREY ACT CASE

LOCAL OFFICERS RECOMMEND SELECTION BE CANCELLED.

Pacific Live Stock Company's Protest Against Harney Valley Improvement Company Upheld by The Land Office.

The register and receiver of the local land office have rendered decision in the case of the protest of the Pacific Live Stock Co. vs. the State of Oregon and the Harney Valley Improvement Co., involving the Carey selection embracing 58,344.57 acres of land in this valley.

Register Farre wrote his decision on August 23. He goes into an exhaustive review of the evidence taken at the time of the hearing last November and his decision covers about 12 pages of type written matter. He shows a careful study of the testimony and is very conservative in his opinion and comment of the same. After summing up this testimony he closes with the following:

"Will the average land in Harney Valley, or such lands as are embraced in this selection, in an ordinary year, with a precipitation of a little over ten inches, produce a remunerative crop without artificial irrigation? We believe not, and taking into consideration all matters before us, do not feel justified in holding that these lands are non-desert, and accordingly find that the lands are desert within the meaning of the law, and we are not entirely unsupported in our view, for the aridity of Harney Valley and surrounding country is also recognized and mentioned by Professor Israel C. Russell (see Preliminary Report on the Geology and Water Resources of Central Oregon, 1905.)

"In regard to the availability of water supply, the Pacific Live Stock Company has introduced in evidence a decree, based on stipulation, of the Circuit Court of the United States for the District of Oregon, in the case of the Pacific Live Stock Company vs. W. D. Hanley and others, and also a large number of certified copies of water claims. "Under the laws of the State of Oregon a water notice is not sufficient evidence of an appropriation, but it is the application of the water to a beneficial use made within a reasonable time. It does not appear in the evidence of an appropriation of any water.

"The decree against Hanley and the other does not decree to the Pacific Live Stock Company any given quantity of water; it simply shows that it is entitled, during certain parts of the year, to have the waters of Silvies River and its tributaries flow down their various channels through and over the lands of the Pacific Live Stock Company, and thence into Malheur Lake, and that the defendants in said suit are entitled during a short period of each summer to maintain dams in the river, and to regulate said flow to certain extent. "It does not appear that the Harney Valley Improvement Company was in any way connected with said suit, and consequently said decree can not bind it.

"It being a matter of common knowledge that by far the largest bulk of the waters of Silvies River and its tributaries flow into Malheur Lake and there evaporate, it can therefore not be contended that the Pacific Live Stock Company and the other aforesaid water claimants absorb all the water there is; and we can not, therefore, find that there would be no water for the Harney Valley Improvement Company.

"As to the feasibility of the plan of reclamation by the Harney Valley Improvement Company, the testimony seems to us insufficient to base any findings thereon, it being entirely hearsay and opinion testimony, not based upon any scientific or practical investigation.

"It however, appears from the testimony, (proclamation by the Governor of the State, published in the Oregonian, and the telegram from the Secretary of State—Exhibits F and G,) that the

Harney Valley Improvement Company has no further legal existence. It also appears from the statement filed by Wm. Hanley, its former president, that the capital originally subscribed to carry on its project of reclamation has been diverted into other channels, and is no further available, therefore, there being no person or corporation to reclaim, and no money to carry on the project with, we respectfully recommend that the application of the State of Oregon, on behalf of the Harney Valley Improvement Company, for the segregation and reclamation of all of those lands embraced in the State Desert Land List No. 5, be rejected, and the lands be restored to entry or other disposal. Dated at Burns, Oregon, August 23, 1907.

WM. FARRE, Register. Receiver Gowan writes an opinion under date of Oct. 31 in which he concurs with Register Farre. However, he receives the matter on rather different lines. In his opinion he says:

"I concur with the Register in his general findings herein, and in his recommendation that the application of the State of Oregon, on behalf of the Harney Valley Improvement Company, for the segregation and reclamation of all of those lands embraced in the State Desert Land List No. 5 be rejected, and the lands be returned to entry or other disposal.

"We do not deem the plan proposed by the Harney Valley Improvement Company feasible. Storage of water in the two main canals would be entirely inadequate to the requirements of the acreage proposed to be reclaimed and embraced in this selection. It is self-evident that, with any gravity system, large storage reservoirs are absolutely necessary to conserve the waters, to be released during the season for irrigation of the lands for growing crops.

"The selection agent, M. Fitzgerald, states that in his opinion the proposed plan is not sufficiently adequate (see page 87), "not an available source of water supply" (page 82), "do not think it feasible" (page 92); that already all the waters of Silvies river (the main source of water supply for this selection) has been adjusted by court decrees and arbitration among the numerous parties in interest (see page 95).

"While it is true, as stated by the Register, that the Harney Valley Improvement Company were not direct parties to these suits and arbitrations, yet the decree is binding, nevertheless, upon Mr. William D. Hanley, one of the principal, and the most interested, party herein. By the terms of said decree and arbitration he is prohibited from taking only the waters of said river sufficient for the irrigation of seven sections of land, and limited as to the time of diversion, to-wit: May 1 to July 1 of each year.

"It can hardly be considered that he may be allowed to do indirectly, what he may not do directly, and not place himself, and his representatives and successors, in a position of contempt of court, and that said decree is not only binding upon him as a party in interest, but upon his representatives and successors who are bound thereby.

"The maximum flow of water in Silvies River, during the most favorable years, is shown to be about 600 cubic feet per second, and in duration 20 days only, during the month of April, and then decreasing to 100 feet, before the close of the irrigation season. This in itself clearly shown and want of a sufficient water supply for the purpose of reclaiming this large selection of land.

"Again, considering the court decree, marked Exhibit "A," and the 500 cubic feet of water already appropriated from said river, as shown by the numerous exhibits filed in this protest, it is clearly shown that there are acquired water rights more than sufficient to consume the waters of said river.

"While it may be considered that the mere recording of a "Water Right" is not a full and

(Continued on page three.)

GREEN RIVER WHISKEY

The Whiskey Without a Headache

This Celebrated Whiskey has been used for the past 80 years in the U. S. Hospitals, Army and Navy, on account of its purity. Highly recommended by all leading physicians for family use as a tonic and stimulant.

For sale by only one dealer in each town Henry Richardson, Sole Agent, Burns, Or

Mrs. A. Egli accompanied her husband out to Wagontire Monday.

Miss Maude Savage is again in the city after a short visit at home.

NO TRESPASSING. Hunting is forbidden upon my premises. Trespassers will be prosecuted. H. C. LEVINE.

NOTICE FOR PUBLICATION.

Notice to hereto given that John H. Smith, of Burns, Oregon, has filed in the office of the Register, at Burns, Oregon, a certain claim, viz: Homestead claim for the land described in the following: Section 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

The Eastern Oregon Engineering Co. CIVIL, MUNICIPAL AND IRRIGATION ENGINEERS

Main Office, Burns, Oregon A. S. WATKINS, M. E. Branch Office, Lakeview, Oregon W. M. FARRE, M. E.

McGowan & Nichols Land-Locations—Real Estate for Sale Land Scrip Bought and Sold. BURNS, - - OREGON.

OUR NEW LINES OF Papers, Drugs, Stationery Confections and Cigars are now in U-TAH NA Chocolates, Eaton-Hulbert Stationery, Madras, Banquet Hall, Post-Dispatch, Nathan Hale, etc. Bylo Talcum Powder. CITY DRUG STORE. H. M. HORTON, Prop.

LUNABURG & DALTON General Merchandise Burns, Oregon

Shelf Hardware Ammunition Tinware, Granite-ware, Pitch Forks Etc., Etc. MITCHELL WAGONS Mitchell Hacks, Staver Buggies MYERS WELL AND SPRAY PUMPS IOWA DAIRY CREAM SEPARATORS Stover Gasoline Engines, Rope, Pipe, Garden Hose CALL AND GET PRICES J. J. TUPKER OPPOSITE OVERLAND HOTEL Burns, Oregon

Just Arrived A COMPLETE LINE OF RUBBER GOODS Consisting of Fountain Syringes, Combination Fountain Syringes and Hot Water Bottles, Gloves, Nipples, Veterinary Syringes, H. R. Syringes, Finger Cots. The Welcome Pharmacy, Burns, Oregon.

Burns Meat Market New Shop Opposite the First National Bank Main St.

Pork, Vienna, Bologna and Liver Sausages Beef in any Quantity.

Every Manufacturer tries to imitate McCormick Machine Buy the Genuine McCormick MOWERS RAKES BINDES From GEER & CUMM BURNS, - OREGON

French Hotel

The Most Popular House in Interior NEATLY FURNISH--ALL OUTSIDE Headquarters for Traveling Men ADELAR RACINE, Manager, Burns

BURNS LIVERY AND FEED ST. LEWIS & GARRETT, Props. Special attention to transient and freight teams. Horses kept in week or month. FIRST CLASS LIVERY. Hay and grain on hand. Your patronage is appreciated. South Main St., Burns.

Special Attention Given to Conducting Funerals NEW AND ACCURATE HAY SCALES IN CONNECTION WITH BARN.

BURNS MILLING HORTON & SAYER, Prop. Rough and Dressed Lumber Rustic, Flooring, Moulding Finishing Lumber Nearest Sawmill to Burns. Good Lumber Yard in Burns.

THE HOTEL BURNS SAM BAILEY, Proprietor. Fine Wines, Liquors and Cigars Agents for Maryland Club Whisky CLUB ROOMS IN CONNECTION. EVERYTHING FIRST CLASS. Courteous and obliging Mixologists.

FLOYD & MITCHELL General Blacksmithing and Repair HORSE-SHOEING A/SPECIALTY. Customary Prices. Foley's Old Stand.