

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 6,428,000 acres of
land, 4,634,961 acres yet vacant subject
to entry under the public land laws of
the United States.

THEIR CANYON KEY?

Spanned North and South Railroad From British Columbia

IDEAL COMBINATION OF LINES

Spanned Harney Valley on Two Transcontinental Lines and Direct Connection With Sea Ports at Portland, Coos Bay and San Francisco Harbors.

The Malheur Canyon going to be the key for one of the great railroad projects ever undertaken in recent years? Is it going to come into the Harney country from the north east as well as from the west and then south to San Francisco?

The intimation from the Great Northern Railway, is due to the fact that the Chicago & North Pacific, the Great Northern and the Canadian Pacific and that a trunk line from the Canadian Pacific in Canada down into Oregon through the Blackfoot region then on south to San Francisco, then on over to connect with the N. P. road running from New Meadows, Oregon, it will run across to Malheur Canyon and from there south to San Francisco. This proposed line is to be built to the Blitzen and out that to the south or continued to the Blitzen line is not certain. The Hill system owns the line from Reno to Lakeview, it is possible such a connection would be made.

rate, regardless of the line, it means great things for this county. Should the line go up the Blitzen and then on to Catlow Valley it would mean a much greater territory in this particular section. The pessimistic views of the Hills have been abandoned this territory and had they have hardly started their big plans in view to develop this territory. They are interested in vast tracts of land which when peopled and developed will create vast tonnage of goods. It is not reasonable to build to Bend and abandon the vast territory on where the real business for a railroad is to be built.

OPSIS OF THE ANNUAL STATEMENT OF THE Fire Association of Philadelphia

Commissioner of the State of Oregon, pursuant to law:

CAPITAL	
Capital paid up.....	\$ 750,000.00
INCOME	
Received during the year in cash.....	\$4,231,667.00
Dividends and rents received during the year.....	350,615.95
Income from other sources received during the year.....	38,109.35
Total income.....	\$ 4,620,392.30
DISBURSEMENTS	
Expenses paid during the year.....	\$2,378,917.42
Dividends and salaries paid during the year.....	1,301,813.95
Expenses and fees paid during the year.....	150,346.67
Reserve for all other expenditures.....	331,472.88
Total disbursements.....	\$ 4,462,550.92
ASSETS	
Real estate owned.....	\$ 514,776.04
Stocks and bonds owned.....	\$4,870,819.00
Mortgages and collateral, etc.....	2,250,738.78
Cash on hand.....	656,642.16
Deposits in course of collection and in transit.....	581,378.37
Accounts and rents due and accrued.....	114,865.28
Total assets.....	\$8,989,219.63
Reserve deposits in any state (if any there be).....	68,500.00
Total assets admitted in Oregon.....	\$ 8,920,719.63
LIABILITIES	
Reserve for losses unpaid.....	\$ 350,929.47
Reserve for unearned premiums on all outstanding policies.....	5,348,878.47
Other liabilities.....	33,553.89
Total liabilities.....	\$ 5,733,361.74
Balance in force December 31, 1911.....	781,852,409.00
BUSINESS IN OREGON FOR THE YEAR	
Amount of business received during the year.....	\$ 2,871,573.00
Amount of business returned during the year.....	59,781.15
Amount of business returned during the year.....	10,732.08
Amount of business returned during the year.....	21,871.70
Amount of business returned during the year.....	22,501.24
Total amount of risks outstanding in Oregon December 31, 1911.....	\$ 4,629,864.00

FIRE ASSOCIATION OF PHILADELPHIA
By E. C. IRWIN, President.
Resident general agent and attorney for service:
F. J. ALEX. MAYER, 102 Shattuck Bldg., Portland Oregon.
Resident Agents at Burns, Oregon:
MOTHERSHEAD & DONEGAN

Although deadly, it is less dangerous to handle than either phosphorus or potassium cyanide. Various baits may be used, such as wheat, oatmeal or corn. The bait should be soaked over night in a poisoned syrup, made as follows: Dissolve an ounce of strychnia sulphate in a pint of boiling water, add a pint of thick syrup, and stir thoroughly. The prepared syrup may be scented with a few drops of oil of anise.

This quantity is enough to poison half a bushel of wheat or corn, but smaller quantities of grain or syrup may be prepared as needed. After the solution has been thoroughly mixed, if it is to wet a little dry corn meal may be used to take up the excessive moisture. If it is not wet enough to moisten the grain thoroughly, a little water may be added.

Because of danger of destroying native birds, the poisoned bait should not be placed in exposed places, but under shelter which will admit mice and exclude birds. Wide boards lying upon thin cross pieces of wood are good.

DEVELOPMENT WORK IN PROGRESS.

(Portland Correspondent)
President W. J. Kerr, of the Oregon Agricultural College, has just completed a tour of Central Oregon, where he is directing the location of two demonstration farms, and of Sherman, Marrow and Gilliam counties, where he is supervising the work of Orren Beatty, traveling advisor of the college. The funds for equipping and managing the two demonstration farms have been subscribed by the railroads, the business men of Portland and the county commissioners of Crook county. The funds for Mr. Beatty's work have been subscribed by Portland business men exclusively. Both features of the work are under the direction of President Kerr.

To cooperate with the Oregon Development League in exhibit and immigration work, President Carl R. Gray, of the North Bank railroad, has appointed Lloyd W. McDowell his special personal representative. Mr. McDowell will work all through Oregon for the purpose of securing exhibits for land shows and to aid in publicity work.

President J. D. Farrell, of the O.-W. R. & N. Co., has been greatly encouraged by reports received as to the value of the work of C. L. Smith, his special agricultural agent, who is lecturing throughout the state on improved farming methods.

The Portland Chamber of Commerce, in planning to increase the size and variety of exhibits carried at its headquarters in Portland, has sent out a call seeking the cooperation of the Commercial Clubs of the State. The Chamber employed an expert processor April 1. It wants specimens of the very best commercial fruits and vegetables—not freaks or over-sized things—grown in the state. It will furnish the jars, space for exhibit, and everything else connected therewith free, and will have the exhibits preserved and displayed by this expert. Any exhibit sent to the Portland Chamber of Commerce, 60 Fifth street, Portland Oregon, will be taken good care of and will be gladly acknowledged.

The Twelfth Annual Stock Breeders' sale under the auspices of the Portland Horse and Cattle Sale Co. will be held at the Portland fair grounds, April 16 to 18. F. E. Alley of Roseburg, N. K. West of La Grande, Oregon and M. L. Whitmore of Pomeroy, Washington, are among the prominent State breeders that will have horses at the auction. Some of the most noted breeders of Percheron horses will also be represented.

You can say goodbye to constipation with a clear conscience if you use Chamberlain's Tablets. Many have been permanently cured by their use. For sale by all dealers.

Dry slab and pine wood \$6.50 and \$7.00 per cord, cash only at Lumber yard.

FEDERAL COURT DECREE

Stipulating Rights of Individuals to Water From Silvies River

CASE OF P. L. S. CO. VS. SEVERAL

Dams and Intakes to Ditches Must Conform to Original Stipulation and Decree—Water Confined to the Lands Designated and the Surplus Turned Back.

Following is the decision of Judge Bean of the federal court in the recent suit of the P. L. S. Co. vs. C. A. Sweek, J. M. Dalton, A. E. Young and others, involving water rights. After a reference to the former decree in which the rights of all were stipulated, the decision reads:

The dam which defendant Sweek had in the river at the time of the decree and which he was thereby permitted to maintain was damaged about three years ago so that it could not be used, and was repaired by Sweek during the year 1910. It is charged by the complainant that it was not rebuilt the same as at the time of the decree, but that permanent boards not removable were placed across the bottom thereof to the height of about four feet, thereby causing a permanent obstruction to the flow of the water at all seasons of the year in violation of the terms of the decree. I do not think this charge is sustained by the testimony. Mr. Sweek who repaired the dam and Mr. Wallace who assisted him in doing so both testified that the old dam was not torn out but was placed in the same condition as formerly and that no change was made therein which would in any way increase the obstruction to the flow of the water. The only evidence to the contrary is that of Mr. Foster, a surveyor, who made a measurement of the Sweek dam in October, 1899, and Mr. Gilcrest, the superintendent of the complainant. Mr. Gilcrest's testimony is based on his recollection of the size and dimensions of the old dam and not upon any actual measurements thereof, and is not sufficient to overcome the positive and unequivocal testimony of Sweek and Wallace. Foster's measurements were made about two years before the date of the decree and there is no evidence that the dam was in the same condition at the time of the decree as when Foster measured it. Indeed it seems probable that it was changed shortly thereafter because the measurements of Mr. McQuinn, a competent surveyor who had occasion to measure and use the dam in the course of some work he was doing for other parties in January, 1900, correspond substantially with the dimensions of the dam as it is now constructed and in use.

At the time of the decree, Young had a dam across the river with small ditches tapping the river just above the dam and leading down on each side of his garden and orchards, and also a main ditch from the stream on the east side, a short distance above the dam and near the north line of section 30, leading east for about a half mile, through which he used water for irrigation. The charge against him is that in the year 1911, without right and in violation of the decree, he constructed a new ditch or flume on the west side of the river some distance above the dam for the purpose of diverting the waters for irrigation purposes, and that after the 23rd of July of that year he suffered to remain in a dam then being used by him the removable boards in two sections thereof, thereby obstructing the flow of the water. Neither of these charges are denied. The claim of Young is that no water has ever been used through the new ditch or flume, and that he took out the removable boards from two openings in the dam on the 23rd day of July and that such opening was sufficient to permit an unobstructed flow of the water.

As will be seen from an examination of the decree, Young's rights are clearly stated and defined therein. He has the right to maintain one dam in the river at the place where the dam was located at the date of the decree, and the ditches then maintained in connection therewith, and by means of such dam and ditches to divert water at the times and for the purposes stated in the decree. He is perpetually enjoined and restrained from diverting water in any other way, at any other time, or for any other purpose. The construction of the new flume or ditch in 1911, if intended to be used for irrigation, was contrary to the terms of the decree. It was not one of the ditches being maintained by him at the time of its rendition. So also was his failure to remove all the removable boards from the dam after his right to use the water had ceased. It was not for him to say whether the flow of the water was obstructed by his permitting a part of the boards to remain in the dam. The complainant was entitled under the decree to have them all removed and Young could not determine the question whether it would or would not be benefited thereby.

There is another feature in reference to Young's conduct that ought not to pass unnoticed, although it is not specifically charged as a violation of the decree in the petition filed. His dam went out in 1907. About that time or shortly before he built another dam at the expense of Hanley near the north line and some distance above the old dam, and constructed a new ditch along his north and east line and onto section 29, throwing the dirt therefrom on his side of the ditch making a levee or embankment to prevent his land from being overflowed. He used a part of the water through this ditch for irrigation and permitted the remainder to go down to Hanley's land, and this he clearly had no right to do under the terms of the decree. He claims that since the decree he has changed the character of his cultivation and used only about 25 per cent as much water as he did at the date of the decree, and he seems to think that he had a right to permit Hanley or some one else to use the remainder without violating the decree. But, as already stated, his rights are defined in the decree. By it he is not entitled to any definite quantity of water but only sufficient to irri-

gate the described lands, and if by reason of a change in the character of his cultivation he now uses less water than he did at the date of the decree, he must let the surplus go down the stream as it is wont to flow, and cannot permit its use by another without violating the decree.

The owners of the Peoples' Ditch at the date of the decree were James Dalton, Green Huds-peth and Harrison Kelley. Huds-peth and Kelley have since died and their successors in interest have not been cited to appear. Dr. Geary is a son-in-law of Kelley and his wife and her mother have succeeded to Kelley's interest. Geary was cited to appear and show cause why he should not be proceeded against as for a contempt in violation of the decree, but the evidence shows that he has exercised no control over the ditch and has no interest therein. He was the administrator of the Kelley estate from 1905 to April 1907, but is in no way responsible personally for the present condition of the ditch or dams.

The charge in reference to the Peoples' ditch is that the dam in the river at the time of the decree has been permitted to become out of repair, so that it will not retard the flow of the water at the time the owners of the ditch are entitled to use it, without the placing of manure and other material in and around the dam, and that the headgate of their ditch has been permitted to become out of repair so that the water of the river not only flows through but under and around it, so that it does not regulate and cannot be made to regulate the flow of the water into the ditch.

These charges I think are sustained by the evidence. It is apparent from the testimony of the witnesses and especially from the photographs offered and admitted in evidence that the dam is so out of repair and in a general delapidated condition. It should be repaired and put in good order. The headgate is also out of repair. It is impossible, in its present condition, to regulate by it the flow of the water through the ditch so that no larger quantity shall flow therein than defendants are entitled to take under the decree. It should also be repaired and put in proper condition so as to conserve the use of the water. It appears from the testimony that during the summer and fall season and after the time the defendants are permitted to use the water, but a small quantity flows in the river, and if it is obstructed or interfered with, it will not reach the lands of the complainant and it will be without water for domestic and stock purposes. Under the decree it is entitled to the use of all the waters in the stream except such as is awarded to the other parties by the decree, and it is entitled to be protected in its rights.

The order to show cause will therefore be discharged as to defendants Sweek and Geary and they will be awarded costs. The defendants Young and Dalton, however, have failed to observe the terms and provisions of the decree, but as their violation thereof was due probably to neglect rather than to willfulness, and as this is a civil proceeding in contempt (Gompers vs. Buck Stove & Range Co., 211 U. S. 418) and no damages to complainant are shown, they may purge themselves by paying the costs.

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Get a safety incubator of W. T. Smith he simply guarantees them and is here on the ground to make them good. No oil, no explosion, and hatch as many of the eggs as any machine on earth.

Demonstrations

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Reliable Citizens of Harney County

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