

RAILROAD BUILDING WEST FROM RIVERSIDE

High Officials of Harriman System Visit Riverside and Give Orders for Construction of 40 Miles of Road West from That Point, According To Resident Who Visited Burns

Clay Luce, a resident of Riverside, who has been here during the past week on business is authority for the statement that a contract has been let and work will positively begin this month upon a continuation of the Oregon & Eastern railroad west for a distance of 40 miles.

Mr. Luce says he is positive of this; that a private car containing officials of the railroad was at Riverside two days last week in which were included General Manager O'Brien of the O.-W. R. & N. and also Chief Engineer Stradley of the Short Line. They went over the ground while there and also came out this way from Riverside some distance. Arrangements were made to lay additional trackage at Riverside to care for sidings for construction material and it was no secret that contractors were to begin placing their camps out along the line of the extension work without delay.

An additional 40 miles of road will bring it into this valley and give the Big Harney country an outlet to market. Weather conditions and heavy grading work will make progress rather slow from this time until spring, but the fact that they are coming on is good news and encourages the producers in this section. The railroad is all that is necessary to bring remarkable development to this big country and with construction now under way with no doubt of this road reaching the Valley by spring will bring renewed activities along this line and we may look forward to much changes during the next few months before the winter weather sets in. Many men who have been considering investments will no longer hesitate and greater areas will be under cultivation.

The Times-Herald has seen nothing of an official announcement of this extension but Mr. Luce is positive that orders were given during the visit of the officials

there last week, so there is little doubt of it being true.

Health Board Not Positive as to Mad Dogs

Last week a dog belonging to Mr. Gault's little boys showed signs of being mad and since it had been suspected for several weeks that dogs in this neighborhood had rabies and the health officers had taken precautions but had finally decided it was a mistake, although it is learned that two dogs had died under rather suspicious circumstances. This dog was taken in charge by the marshal and killed, the head being sent to the State Board of Health. Dr. Geary, county health officer, received a reply from the specimen sent the other day and Dr. White writes in part: "The examination of the brain of the dog sent by you reveals no Negri bodies. You must bear in mind, however, that a dog destroyed before death occurs naturally, the organisms are exceedingly hard to find. Urge the people to keep if anything developed to keep the dog tied up and if it recovers it proves conclusively the dog did not have rabies and if it dies, an examination of the brain can be made and a satisfactory diagnosis made."

The Times-Herald gives this information in order that people may govern themselves in accordance with the advice. It is important that this matter be determined for the safety of the community and we should do our best to ascertain at as early a date as possible the exact condition of things.

The J. L. Lowe sawmill, formerly the Bunyard mill, above Harney, has a complete stock of rough and dressed lumber, shingles moulding, etc. Good road. Call by phone for rush orders.—J. L. Lowe. 27tf

More Improvements in Burns Noted This Week

This week C. A. Bedell started contractors at work on rebuilding his saloon that was destroyed by the recent fire. At present they are merely putting in temporary work to house his bar until such time as he can arrange for the completion of the entire building. His license does not expire until January 1, therefore he will conduct a bar until that date at least. Geo. Fry is assembling material to again put his building adjoining the post office in order. This will not require a great amount of work as the walls are standing as is also the Bedell building, and he expects to have it ready for tenants in a short time.

Mr. Wyngarden, the contractor on the Levens building, has a large number of men at work cutting stone, laying foundation and also the rough floors. This work is progressing quite satisfactorily. The post office building is being remodeled to accommodate the growing needs of the office. The small office in the front by the side of the lobby has been taken out and the entire side boxed up for the parcel post mail. Large doors will be placed in where the window now is and the mail will be taken in that way to the distributing part of the office thus doing away with taking it through the lobby. When completed it will be quite commodious and handy for Miss Winters and her assistant.

W. L. Blott and wife have the foundation completed for quite an addition to their suburban home toward the river. It is to be an eight-roomed house when completed with a screened-in porch.

W. W. Drinkwater is just completing a nice residence on his acreage property down toward the river. It is a very convenient and pretty home.

Another improvement noted this week is the additional shelving and counter room being added in the I. Schwartz store. This is a nice improvement and gives the store more display room and the goods in a handy place for inspection.

C. E. Kenyon Well Received in New Home

The Weiser Signal says: C. E. Kenyon, for years one of the solid business men of the state of Oregon, this morning officially assumed his duties as cashier of the Weiser Loan & Trust company of this city. At this time he is one of the heaviest stock holders in the institution which is one of the conditions he insisted upon before coming here. His block of stock is second only to that of E. A. Van Sicken. His purchase of stock was made some time ago but it was not until this morning that he had so arranged his other business as to be able to come here and take up his work in earnest.

About 60 days ago he purchased the Van Sicken bungalow occupied by George C. Bradley at the corner of Idaho and Third street, but some changes and repairs were made in the building and it was not until recently that he moved his family here.

Catholic Church.

1. On Sundays and Holy days of obligation Holy Mass with sermon at 10 a. m.

2. On week days Holy Mass at 6:30 a. m.

All other services, besides those mentioned above will be announced in church.

All invited and welcome to the divine services. Sick-calls promptly answered at anytime. Religious information and instructions willingly imparted at the Franciscan Residence.

Chamberlain's Liniment.

If you are ever troubled with aches, pains or soreness of the muscles, you will appreciate the good qualities of Chamberlain's Liniment. Many sufferers from rheumatism and sciatica have used it with the best results. It is especially valuable for lumbago and lame back. For sale by all dealers.

THE ADJUDICATION OF THE WATER OF STREAMS

Comparison of Old and New Methods of Determining Water Rights. An Illustration by the Writer Showing Conditions Before Water Code of Oregon Was Put in Operation

BY JEAN BART BALCOMB.

In Harney and Malheur counties it is generally admitted that water is more valuable than land, yet land titles are immeasurably more safe and secure than the more valuable property rights in water. One is led to inquire then why so much insistence that land titles be made secure, and such sporadic and unsatisfactory attempts to make our water titles equally safe and dependable? Why do we have so few water rights adjudicated?

And by "adjudicated" is not meant a decree written in favor of one man as against another, with all the rest of the users on a stream left uncertain as to their rights; and the opportunity still open for any one or all of them to start new lawsuits, practically nullify existing decrees, and duplicate all the former burden of expense and uncertainties caused by delay.

As an instance in point, the writer recalls a case where "A" went with "B" and secured a decree giving him the entire flow of the creek, "forever enjoining" "B" or his agent, assigns or representatives from diverting, using or in anywise appropriating or interfering with the water of said stream". That sounds like a real adjudication and a decree that could not be misconstrued or misunderstood; but "B" kept on using the water, was tried and convicted for contempt of court and paid the penalty—but still continued to use the water.

After a number of years "B" went to trial with "C" and secured a decree to all the waters of the creek, in so far as he had need of them for his lands, "forever enjoining" "C" from diverting, using or in anywise appropriating or interfering with the waters of said stream". That likewise sounds like a real adjudication and a decree that could not be misconstrued or misunderstood. Yet "A", "B" and "C" have all kept using and quarreling over the waters of that stream for something less than a quarter of a century; just as strenuously, just as unsatisfactorily as though no decree had ever been written, and the end is not yet. Besides, all the other users along that stream have no more certainty as to their own rights than as though the matter had never been in court, as though there never had been a legal determination.

Both of these suits were brought before the same court, presided over by the same judge, who wrote both of the decrees; and there was no "big corporation", or "large cattle company", or grasping monopoly" concerned in the matter; no suggestion anywhere of the court being influenced, intimidated or bought off; simply the ordinary course of justice administered under the old regime; and what is true of one stream is largely true of all.

Another instance will be mentioned, involving some fifty clients, thousands of acres of arable land, and a stream of water adequate for all legitimate needs. In the hearing no testimony was introduced into the record relative to the duty of water, losses by seepage and evaporation, what constitutes irrigated land, the steps necessary for appropriation, diversion or beneficial use; yet a court is practically compelled to pass on all such questions, arriving at justice as best it may.

Such cases from actual court records are by no means the exception; they have been duplicated over and over again in the adjudications on the Malheur and other streams in eastern Oregon. Fortunately, the latest movement for the determination of water

rights bids fair to remedy the more glaring of these defects; its essential features naturally falling under three distinct heads.

First, the state furnishes at nominal expense competent engineering advice and service, procuring through disinterested sources all needed data as to ditches, reservoirs, lands irrigated, the flow of streams, and amounts of water actually used; together with recommendations looking toward larger crops, better methods of irrigation, and practical conservation of existing water supplies.

Second, it furnishes legal advice and services at minimum cost to the users, yet enabling them to present their claims in such form as to maintain all of their rights.

Third, it provides for the appointment of a water master whose duty is to carry out the decree of the court, look after the division of water encourage its use in such manner as to secure greater benefits to the individual user and to the community as a whole, and prevent the necessity of further litigation; which in the past has involved the expenditure of large sums of money, vexatious delays lasting over a long period of years, quarrelsome disputes and bitter feelings; thus seriously preventing the normal developed of the country.

The first requirement of the settlers who wish their rights determined is to present a petition to the water board asking that their rights be adjudicated. The Board next acts on the petition, granting the same if the limited funds and men in its employ make it possible for the work to be undertaken. The State Engineer is then directed to make the necessary surveys; this work having been accomplished on the Malheur largely during the season of 1913.

Last summer notices were sent to all water users on the river and its tributaries, giving the times and places of meetings; these all being arranged for the convenience of the farmers. These meetings being for the purpose of preparing and filing the various claims, explaining the methods of work employed by the board, and to afford an opportunity of coming into personal touch with the ranchers and irrigators, so as to secure the co-operation of all parties in this important work, and reach the best solutions of the various problems presented.

After the tabulation of claims which is now being done by the Board, the next step will be to give all parties an opportunity of examining the various claims, with a view to the correction of clerical errors, mistakes in dates, and inadvertent mis-statements as to physical features; so as to furnish a clear, concise, non-conflicting legal record. At that time also opportunity will be given to file contests, where such may become necessary.

At the hearing of these contests, which will be set for a convenient time and place, each interested party will be permitted and encouraged to secure such legal and engineering services as he may desire in presenting his case; the final determinations will then be made by the Board, and the decrees written by the Circuit Court in accordance with the findings of fact and law. Every opportunity will be presented at the various stages for an aggrieved party to amend his claims or furnish additional proof; thus his interests are safe-guarded to a far greater degree than was possible under the old way of having a hearing before a referee, who was usually a court stenographer without judicial functions.

The final step in adjudication proceedings before the Board, and in many respects one of the most important, is the appointment of a water master by the County Court. This prevents violations of the decree, gives a fair and honest distribution of the water, and provides for rotation where that will be advantageous to all parties interested. The more thought one gives to the workings of the new law, the more apparent it becomes that all rights are protected more cheaply and effectively than otherwise possible—the more apparent it becomes that the law was conceived in justice, is being executed with impartiality, and is peculiarly adapted to the up-building and developing of the natural resources of the great state of Oregon.

LATEST DEVELOPMENT LEAGUE NOTES

(From Our Portland Correspondent)

During the past two weeks the Portland office of the Oregon State Immigration Commission has a half-dozen men in the field listing farm lands for the benefit of prospective settlers, securing accurate legal descriptions, noting the physical character of the land and making a note of the prices at which owners are willing to sell. These listings demonstrate that there is available at the present time plenty of good, productive farm land at reasonable prices in nearly all sections of the state.

On Saturday of last week the Coos Bay band, of forty pieces, was entertained by the Portland Commercial Club. During their stay they entertained Portland at a public concert, thus bringing Coos Bay prominently to the front and offering some of the finest music heard in the city for many months.

On Thursday of last week the Radiators of Eugene entertained a special train load of Cherrians from Salem, giving them a luncheon at the Eugene Commercial Club, an automobile trip about the city and then took them to the Lane County Fair where a section of the grand stand had been reserved for them and from which they witnessed some remarkable racing. Later, the Cherrians were taken to the University where a dinner was served to them by the co-eds at the various sorority houses.

The Bend Commercial Club has taken up with Senator Lane the matter of expending \$450,000 on the Deschutes Reclamation Project. The Club asserts that the amount allotted to the Deschutes Valley by Secretary Lane, of the Department of the Interior, will be lost to Oregon unless it is definitely assigned to some project before January 1.

Burn No More Straw.

When farmers apply the torch to their straw stacks they are sending up in smoke plant food to the value of three dollars for each ton burned, according to O. A. C. agronomists. They are also robbing the soils of organic matter that would tend to make them light, porous and easily worked, and greatly increase their water-holding capacity. These values to sad and heavy soils are often as great as the plant food values thus making the entire worth of the straw about \$6 per ton. Let farmers compare this value with the cost of hauling the straw and applying it to the land, and they will burn no more straw. For cultivated crops the straw covered area should be disked and plowed under, but that is a charge on the cultivation fund rather than on the fertilization fund. On meadows and pasture lands the straw may be applied as a light top dress in the fall. Since much of the material in the straw came from the lands, it must be returned in some form to that land, or the land will become unable to produce profitable crops.

Diarrhoea Quickly Cured.

"My attention was first called to Chamberlain's Colic, Cholera and Diarrhoea Remedy as much as twelve years ago. At that time I was seriously ill with summer complaint. One dose of this remedy checked the trouble," writes Mrs. C. W. Florence, Rockfield, Ind. For sale by all dealers.

APPLICATION FOR INJUNCTION IS DENIED

Suit Brought by Pacific Live Stock Co. in Federal Court Attacked Constitutionality of State Water Code and Restraining Water Board from Adjudicating Rights on the Silvies

The United States Circuit Court, sitting en banc, this morning denied the application of the Pacific Livestock Company for an injunction against the State Water Board, represented by John H. Lewis and others. The case involved riparian rights in Southern Oregon.

The above paragraph, clipped from the Portland Telegram of last Monday, is all the information received here as yet of a decision that is of the greatest importance to the entire state and especially to this section. The action which was brought last June by the Pacific Live Stock Company in the Federal court attacked the constitutionality of the State Water Board from proceeding further with the adjudication of the water rights on the Silvies River, claiming that vested rights of the company were imperiled.

By the refusal of the injunction the way is cleared for the State Water Board to complete the adjudication now pending on the Silvies River. Superintendent Cochran, adjourned the proceedings, on account of this suit, until Nov. 6, at which time the taking of testimony will be commenced at Seneca, and followed up by the hearings at Burns. It is probable that this matter can be entirely closed up so far as the Board is concerned during the winter, and this will enable the construction and development of Harney Valley project next season.

Market Report.

Receipts for last week at the Portland Union Stock Yards have been cattle, 1732; calves, 30; hogs, 3065; sheep, 6151.

Cattle market steady. Liquidation considerably larger compared with last week. Best steers 7.75 to 7; cows 6 to 6.15; heifers 6.25 to 6.50 bulls 4.75.

Receipts of hogs not exceptionally large, trade steady with best stuff going over the scales 8.15 to 8.

Sheep house had a quiet session, as only a few head of mutton and lambs were offered for sale. Choice young lambs reached 6.25 Thursday. Ewes featured again at 4.50. Wether deal small. Trade closed on a steady basis.

Acute Indigestion.

"I was annoyed for over a year by attacks of acute indigestion, followed by constipation," writes Mrs. M. J. Gallagher, Geneva, N. Y. "I tried everything that was recommended to me for this complaint but nothing did me much good until about four months ago I saw Chamberlain's Tablets advertised and procured a bottle of them from our druggist. I soon realized that I had gotten the right thing for they helped me at once. Since taking two bottles of them I can eat heartily without any bad effects." Sold by all dealers.

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Fresh Meats, Poultry
Home Products for Home Consumers
SPECIAL INDUCEMENTS OFFERED
TO SHEEP MEN AND BIG ORDERS

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The Rexall Drug Store
We have the following brands:
Gato, Optimo, La Gamita, Triumph, Chancellor, American, El-Sidelo, Don Antonio, Muriel, and also a full line of popular 5 cent Cigars.
We can also supply your wants in
PIPES, CIGARETTES, CHEWING AND SMOKING TOBACCO
REED BROS. Props.

The Burns Hospital
MRS. ETTA CUMMINS, Prop.
Best Surgical Room and Equipment in the State Outside of Portland.
Nice Rooms, Good Care and Comfort for Patients--Reasonable Terms
Graduated Nurse in Charge

City Restaurant
Cottage Inn Bldg., South Main St.
W. R. McCuiston, Prop.
Dinner Menu for Sunday, Oct. 4
Cream of Chicken Soup
One half Spring Chicken, Fried to Order.....50c
Baked Spring Chicken and Dressing.....50c
Chicken and Dumplings.....35c
Chicken Gizzards and Rice.....35c
Boiled Beef and Horseradish.....35c
Beef Stew and Vegetables.....35c
Roast Beef and Brown Gravy.....35c
Roast Pork and Dressing.....35c
VEGETABLES
Mashed Potatoes..... Creamed Carrots
Cold Slaw..... Beet Pickles
Raisin and Custard Pie
Coffee, Tea and Milk
We will be prepared to cook and serve the above Menu to you from 11:30 a. m. to 8 p. m. Sunday
Nothing but White Help

The Burns Flour Milling Co.
Manufacturers of home products
HIGH GRADE FLOUR
"CREMO" THE FAMOUS BREAKFAST FOOD
The Cream of the Wheat, Fresh and Palatable
Bran and Other Rolled Mill Feeds
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If you are a customer of ours you know this. If not, become one and be convinced.
J. C. Welcome, Jr.