

# Harney Valley Items.

VOL. 18.

BURNS, OREGON, SATURDAY, JANUARY 25, 1902.

NO. 9.

REVISOR

## Geer & Cummins

Hardware of Every Description.

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 State Treasurer, C. S. Moore  
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 State Printer, W. H. Leeds  
 Supreme Judges, C. E. Wolferton, J. H. Bean, P. A. Moore

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 Prosecuting Attorney, Wm. Miller

**U. S. LAND OFFICE, BURNS.**  
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 Receiver, Chas. Sewell

**HARNEY COUNTY.**  
 Joint Senator, J. W. Morrow  
 Representative, I. S. Geer  
 County Judge, James Sparrow  
 Commissioners, A. Venator, Geo. Hagye  
 Clerk, H. Richardson  
 Sheriff, Geo. Shelley  
 Treasurer, E. A. Miller  
 Assessor, Joe Buchanan  
 Supt. of Schools, J. C. Bartlett  
 Surveyor, Geo. Whiting  
 Coroner, Dr. W. L. Marzen  
 Stock Inspector, Lon Richardson

**BURNS PRECINCT.**  
 Justice of the Peace, D. Jameson  
 Constable, Geo. Trozanski

**CITY OF BURNS.**  
 Mayor, C. E. Kenyon  
 Marshall, Jas. Cardwell  
 Recorder, C. S. Biggs  
 Treasurer, W. A. Gowran  
 Councilmen, J. C. Foley, W. E. Triach, Geo. Fry, Geo. Shelley.

### Lodge Directory.

**BURNS LODGE No. 70, K of P.**  
 Meets every Thursday night.  
 F. M. Jordan, C. C. S. Mothershead, K of R. S.

**BURNS CHAPTER, NO. 49, O. E. E.**  
 Meets second and fourth Monday of each month in Masonic hall, Vongly building. Mrs. Maggie Levens, W. M. Mrs. Eunice Thompson, Sec.

**BURNS LODGE, NO. 97, A. F. & A. M.**  
 Meets Saturday on or before full moon. Qualified brothers fraternally invited. C. E. Kenyon, W. M. F. S. Rieder, Secy.

**BURNS LODGE, NO. 93, A. O. U. W.**  
 Meets at Brown hall every Friday evening. Visiting brothers fraternally invited. Thos. Sagers, W. M. Chas. N. Cochran, Recorder.

**HARNEY LODGE, NO. 77, I. O. O. F.**  
 Meets every Saturday evening, Brown's hall. Visiting brothers fraternally invited. Frank O. Jackson, N. G. C. H. Smith, Secretary.

**TULE CIRCLE, NO. 165, WOMEN OF Woodcraft.** Meets 2nd and 4th Tuesday at Brown's hall. Mrs. Tillie Jordan, Mrs. Ione Whiting, Goprljan, Clerk.

Oregonian and Items, \$2.00

### END OF BIG LAND CASE

#### The Willamette Valley Wagon Road Gets 18,000 Acres.

Secretary Hitchcock, of the Department of the Interior, recently rendered a very important decision, affecting a large number of people in Eastern Oregon and involving a very large acreage of land. The case is that of the Willamette Valley & Cascade Mountain Wagon Road Company vs. Alfred Erickson et al. Among the parties associated with Erickson were the owners of The Dalles Military Wagon Road Company, whose grant crosses that of the plaintiff. The case was begun in 1884, and was fought vigorously for several years, Williams, Wood & Linthecum, of Portland, representing the plaintiff, and Will R. King, of Baker City, the defendants.

The case was tried before the Land Office Department at Vale in 1898, and was then referred to the General Land Office, and finally to the Secretary of the Interior. The decision affects a large number of claims in Malheur County, and the Willamette Valley & Cascade Mountain Wagon Road Company benefits by it about 18,000 to 20,000 acres.

In behalf of Erickson et al. it was contended that the withdrawal of land for The Dalles Military Wagon Road Company was existing at the time the Willamette Valley Wagon Road Company withdrawal took effect. The decision shows that this is not the fact; that the withdrawal of land by the latter named company was prior to that of the former by eight months.

The decision in part is as follows: "It is urged by the appellants that at the date the withdrawal was received at the local office the lands had been withdrawn for the benefit of The Dalles Military Road Company, which was not revoked until August 15, 1887, and hence the withdrawal for the benefit of the Willamette Valley & Cascade Mountain Wagon Road Company did not operate upon the lands in conflict.

The withdrawal for this company was made upon maps of constructed road after they had been filed in the General Land Office. The withdrawals of June 2, 1871, were made upon the second and third maps of constructed roads, which were filed in the General Land Office November 2, 1870, and January 30, 1871, respectively. The second map showed the constructed road to range 33 east, and the third map to range 40 east, which was the extent of the withdrawal of June 2, 1871. The fourth map of constructed road; from range 40 east to range 47, was filed in the General Land Office July 10, 1871, and it was upon that map that the withdrawal of July 10, 1874, was made. But the right of the company to make selections from all the odd sections embraced within the limits of six miles of the road as constructed, which had not been heretofore reserved to the United States by the act of Congress or other competent authority, did not depend upon such withdrawal, nor was such right affected by the withdrawal of the lands for indemnity purposes under the grant to The Dalles Company, made after the actual construction of its road by the Willamette Valley & Cascade Mountain Wagon Road Company.

"The act of July, 1866, supra, makes no provision for the filing of a map of a definite location, nor for the withdrawal of lands. The

lands are fixed by the actual construction of the road. When the road was constructed the limits within which withdrawals could be made were definitely fixed, and within such limits the company had the unqualified right of selection from any of the sections designated by odd numbers, save such as had been reserved for the United States prior to the passage of the act making the grant. (Willamette, etc., 429 L. D., 344.)

In the case last cited the department said: "Surely, after the limits were fixed by the construction of the road, the lands from which the grants was to be satisfied were not of the class generally known as 'public lands.' They were encumbered by this right of selection, which, when exercised, would complete the identification of the land to which a present title passed at the date of the granting act.

"The withdrawal of the lands by The Dalles Military Road Company was not made until December 14, 1871, and was not received at the local office until January, 1872. The lands in conflict are within the indemnity limits of The Dalles Military Road. At the date of the withdrawal the road of the Willamette Valley Wagon Road Company had been constructed opposite the land in controversy, and the map of that portion of the constructed road was filed in your office July 10, 1871. The right of this company was not affected by that withdrawal as to the lands in controversy. The decision of your office is affirmed.

"E. A. HITCHCOCK,  
 "Secretary."

### Public Highways.

Section one of the act enacted by the last legislature to declare certain thoroughfares to be county roads, reads as follows:

"All roads or thoroughfares not heretofore legally established within the state of Oregon, that may have heretofore been used, or may hereafter be used for a period of ten consecutive years or more by the general public for the purpose of travel without interference or protest, are hereby declared to be county roads."

This law will materially affect many residents of the county who have not heretofore fenced their ranches and across which there has been a road in general use for the past ten years. Such a thoroughfare under this law is made a public highway, and cannot be changed at the pleasure of the owner of the land which it crosses. Where such a road exists the owner of the property that it crosses will have to regularly petition the county court and obtain an order before he can legally change the road elsewhere.

There is more Catarrh in this section of the country than all other diseases put together, and until the last few years was supposed to be incurable. For a great many years doctors pronounced it a local disease, and prescribed local remedies, and by constantly failing to cure with local treatment, pronounced it incurable. Science has proven catarrh to be a constitutional disease, and therefore requires constitutional treatment. Halls Catarrh Cure, manufactured by F. J. Cheney & Co., Toledo, Ohio, is the only constitutional cure on the market. It is taken internally in doses from 10 drops to a teaspoonful. It acts directly on the blood and mucous surfaces of the system. They offer one hundred dollars for any case it fails to cure. Send for circulars and testimonials. Address, F. J. Cheney & Co., prop., Toledo, O. Sold by Druggists, 75c.

Hall's Family Pills are the best.

### WASHINGTON NEWS

#### The Week's Work and Doings of the Oregon Delegation.

Washington, Jan. 17.—Chairman Burton, of the rivers and harbors committee, today stated that the river and harbor bill that is now being framed must not be larger than the bill reported by his committee at the last session. This is taken to mean that the mouth of the Columbia will receive a \$600,000 appropriation.

It was suggested by members of the committee that if this rule is to be followed it will not be possible to secure the adoption of the canal project for the Columbia between The Dalles and Celilo, but Representative Moody insists that the committee can, without any new appropriation, adopt the canal project of Captain Harb's and turn over for immediate use the \$200,000 balance remaining unexpended from the boat railway. It is now certain that nothing beyond this can be had, and this only after a very persistent fight.

Senator Mitchell says that investigation that he has made regarding the Panama Canal convinces him that it is thoroughly impracticable, and that, if the Government should purchase it, it would have endless litigation on its hands and many difficulties to encounter before all of the claims and contentions could be settled. The thorough investigation which the inter-oceanic canal committee is giving to all propositions is such that he believes all lawyers of the Senate will be convinced that a great mistake would be made to accept the offer of the Panama Canal Company, and that even if no money were involved, other complications are sufficient to condemn the acquisition of the canal property by the United States. An effort has been made to make it appear that the President favors the Panama route, but this does not seem likely. The President is urging speedy action, and has told Senators interested in an isthmian canal that he very much desires legislative action at this session. The Panama people have been eagerly waiting for a favorable report from the commission, but even such a report is not likely to influence men who are determined to have a canal, and those who believe with Senator Mitchell will still insist upon the Nicaragua route.

The Pacific Coast members of Congress are not to be deterred from urging a very drastic Chinese exclusion bill by the representations that China consider such legislation an affront, and the Mitchell-Kahn bill will be urged before both Senate and House committees. There is some doubt, however, about the Pacific Coast people being able to have their way in this matter, as Eastern Senators and Representatives are inclined to be very moderate in Chinese legislation, and think that a bill simply excluding Chinese or re-enacting the Geary law will be all that is necessary. At the time the Geary law was passed there were persons urging more drastic legislation than is proposed by the Pacific Coast members, but the Eastern men, then as now, insisted that there should be moderate legislation. Senator Mitchell who has had a great deal to do with forming the Pacific Coast measure, insists that if Chinese are to be excluded the legislation ought to be strong.

Continued on Second page.

### Revised Election Laws.

The revised election laws of Oregon provide, among other things for the registration of all voters before they shall be qualified to vote at the coming county and state elections to be held on June 2, 1902. The principal sections of the law on this point follow:

"Section 5. It shall be the duty of every elector in the state of Oregon between the first Monday in January, 1900, and 5 o'clock p. m. of the fifteenth day of May 1900, and between the same dates and hours biennially thereafter, to register with some notary public or justice of the peace, or with the county clerk of the county in which the elector resides, in accordance with this act."

The law further provided: "If the clerk refuses to enter the name of any qualified elector, such elector may proceed by mandamus to compel him to do so." Also that every elector may be registered without charge by personally appearing in the office of the county clerk and after being sworn properly, stating the facts as to his name, age, occupation, state or county of his birth, and whether naturalized, and if so, the place or court and papers relating thereto, also the exact place of present residence, giving precinct, section, township and range, or by specifying the name of town, with street and location of dwelling or boarding house, also his ability to write his name or mark his ballot. If an elector is unable to register in the office of county clerk, he may register without charge before a notary public or a justice of the peace in the county in which he resides by using one of the blanks designated as blank "A" in section 3, of this act, filling out the blank in such a way as to afford all the information which he ought otherwise to give to the clerk."

It should be remembered that all voters must register if they wish to vote, whether they have registered at previous elections or not. Former registrations are now void by limitation.

In his official report J. H. Parker, stock inspector of Baker county says: "The sheep on an average look very well. There has been 25,000 or 30,000 sheep drove from Idaho to Baker county to feed this winter. The reason of this I am told, is that sheep men cannot feed within one mile of a house in Idaho. If this is the law in that country, I for one they will stay with it, as it will be the means of making a better market for hay in Oregon."

A Prominent Chicago Woman Speaks  
 Prof. Roxa Tyler, of Chicago Vice President Illinois Woman's Alliance in speaking of Chamberlain's Cough Remedy, says: "I suffered with a severe cold this winter which threatened to run into pneumonia. I tried different remedies but I seemed to grow worse and the medicine upset my stomach. A friend advised me to try Chamberlain's Cough Remedy and I found it was pleasant to take and it relieved me at once. I am now entirely recovered, saved a doctor's bill, time and suffering, and I will never be without this splendid medicine again." For sale H. M. Horton, Burns; Fred Haines, Harney City.

NOTICE—Those who hold receipts for the Northwest Wool-Growers and Live Stock Journal of Pendleton Oregon, and are not receiving their paper are requested to address the Journal, or send their names to the Items. Subscriptions will date from the receipt of the first copy of the paper.

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