THE ITEMS

COUNTY OFFICIAL PAPER

SATURDAY FEBRUARY 8, 1902.

Not "political ring of Harney County," the "push in Burns." More anon.

General Chaffee says it will take five years to establish absolute peace in the Philippines.

After amending it by making the title the Department of Commerce and Labor, the Senate passed the bill providing for a new executive department of the Government.

Friends, though absent, are still present; though in poverty they are rich; though weak yet in the enjoyment of health; and what is still more difficult to assert, though dead they are alive.—Exchange.

For St. Valentine's day the decorations of the table should be pink. Cut the sandwiches and have your small cakes baked in heart shape—the latter with pink icing. A dish of "kissed" stimulates conversation.—Ladies' Home Journal.

A Washington correspondent says the delegation from the West which recently called on President Roosevelt to protest against the appointment of inexperienced theorists—"college dudes" they called them—as forest rangers, won out, as President Roosevelt has written to Secretary Hitchcock, directing that only men of practical experience be hereafter appointed to those positions.

The man who sits with pious face and in his hands a book of prayer whose contenance so stamped with grace is but an artificial layer, he goes to church to make a show to help along his worldly scheming, may gain his points while here below, but when the signal lights are gleaming to guide the good to their reward, the sons redeemed and chosen daughters, he'll find the craft he is aboard too frail to ride the rolling waters, and down he'll drift into the pits prepared for pious hypocrites.—Denver Post.

KICK A DOG

Kick a dog and he bites you. He bites you and you kick him. The more you kick the more he bites and the more he bites the more you kick. Each makes the other worse.

A thin body makes thin blood. Thin blood makes a thin body. Each makes the other worse. If there is going to be a change the help must come from outside.

Scott's Emulsion is the right help. It breaks up such a combination. First it sets the stomach right. Then it enriches the blood. That strengthens the body and it begins to grow new flesh.

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50c. and $1. all druggists.

The catalogue business is something enormous. Five houses in Chicago pay the express companies $3,000,000.00 per annum for carrying these catalogues out to the people. The people in return place orders by express amounting approximately to twenty times what was realized for carrying the catalogues. Here is where country people make two great mistakes. In the first place it does not pay to order from firms at a distance and pay transportation. Of course one may select a few articles upon which they can figure a small saving over the price asked by the home merchant, but if the home merchant were to retaliate by raising the price on things that could not be gotten from abroad, the consumer would find the affair unprofitable. The second error is made in patronizing the express companies. The earnings of the express companies are taken out of the country, if not in fact, substantially it is the same. The dividend is taken out of the people and must be brought back if it ever returns. Whereas if people would patronize the U. S. mails, every dollar put into this transportation, is put into the general government of which we are all partakers, we are thus enriching ourselves.—Exchange.

President Roosevelt is not altogether pleased with the prospect of indefinite delay in legislation providing for the construction of an Isthmian Canal, says our Washington correspondent. He thinks the people of this country are almost unanimous in their demands for this legislation and that if Congress fails to act at this session the republican party, because of its majority in both branches, will be held responsible; that the choice of any route would be better than inaction. The position of President Roosevelt, as vigorously stated by himself to republican Senators and Representatives, can be covered by three words—pass a bill. No action will be taken by the Senate committee on Interoceanic Canals until the close of the hearings which are to begin this week, and no time has been set for their close. Senator Spooner has introduced a new bill, authorizing the President to buy out the Panama Company if he consideres the title to the property good, otherwise to proceed with the construction of a canal over the Nicaragua route.

Edward Everett Hale, in an address to Yale students, said that the present era of unparalleled prosperity for America is apt to bring the country to a period of national vain-glory. He is willing that Amgricans shall have a proper pride for their achievements, but says they must be careful not to offend other countries by laying too much stress on the superiority, of the United States. The "American invasion" of Europe is most resented when there is bravado in the invader

Only two of the great countries of the world have been exempt from the periods of depression that followed the great commercial boom of a few years ago. These are the United States and France, the latter, because she did not participate in the industrial struggle that has brought disaster to England and Germany. The United States has more than held her own on account of the prosperous and peaceful conditions within her borders.

The Senate adopted the resolution offered by Senator Lodge authorizing the committee on the Philippines, of which Mr. Lodge is chairman, to make a thorough investigation of the Philippines and everything relating to them since American occupation.

By a vote of 8 to 7 the House committee on Interstate and Foreign Commerce reported the Corliss bill for the construction of a Pacific cable by the government. The division was not on party lines, as chairman Hepburn was one of the minority.

VALIDITY OF NEW ROAD LAW

Continued from First page.

which it was shown that the owner maintained a gate across the road, and persons using the road opened and shut the gate when they passed over the road. Thus there was not uninterrupted uses under claim of right. The fact that the land owner maintained gates was sufficient to show that he had not made a full dedication of the road to the public.

The statute of 1901 provides that when the public has used a road for 11 consecutive years "without interference or protest," the road shall be a public highway. No reference has been made to any "claim of right" on the part of the public, and therefore if the statute stands the test of the constitutional provision, it must be upon the theory that by permitting the use of the road without interference or protest the owner intends to dedicate it to the public.

It will be noticed that the statute says roads "not heretofore legally established." These words must be given some significance, and since the statute would cover all roads used for 11 years, without the employment of the words "not heretofore legally established," it is fair to presume that the Legislature meant this act to apply only to roads which have been established but which are not legal highways, owing to some defect in the proceedings.

It is well known that many roads have been laid out and are now in use, in pursuance of proceedings which are fatally defective. In all cases of this kind which have been taken into the courts, it has been held that after 11 years' use, such roads are in fact legal highways, however defective the proceedings may have been. The Legislature by using the words "not heretofore legally established," indicated an intention to apply the act to roads which had been the subject of proceedings, but which still required remedial legislation to make them legal. The Oregon Supreme Court has held that courts well be slow to declare a road a public highway merely upon adverse uses, so it is probable that this statute would be given a construction as favorable as possible to the property owner.

In prairie countries, where fences are uncommon, it is the custom of farmers to drive by the shortest route, thus making roads across uninclosed land. It is hardly probable that the Legislature intended to declare all such roads to be public highways after 11 years' use, when the public had merely taken advantage of the permission of the land owners to cross their property. As applied to roads established and used after defective proceedings, of which the land owner had notice, the statute in question would be fair and equitable, but if applied generally to all roads used for 11 yeaes, it would be extremely unfair, and detrimental to the public, for if so stringent a law is to be in effect, property owners must discontinue such favors to the public. Lawyers generally take the view that the statute applies only to roads that have been established, but by defective proceedings.

Good Winter For Wool.

It is said that the sheepmen have enjoyed this winter very much for the reason that the weather has been such as to cause a very fine growth of wool, as to quality and quantity. The evenness of the weather has induced a growth in the fibre without the breaks that are produced when the cold snaps occur. Cold snaps cause the wool to stop growing for the time, and that is what causes the weak spots in the fibre. Early in the winter the sheepmen were worrying about the conditions, for the reason that it was so dry, but the later fall of moisture and the warm weather have combined to bring almost ideal conditions to those who own the sheep bands of this part of the coast.—Prineville Journal.

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NOTICE FOR PUBLICATION.

Land Office, Burns, Oregon, February 5, 1902.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Register and Receiver at Burns, Oregon, March 15 1902, viz:

Prestley Smyth.

Hd Entry No. 663, for the W½SE¼, E½SW¼, Sec. 30, Tp 20, S. R., 33 E W M.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz:

A. E. Brown, of Burns, Oregon; R. H. Brown, William Phelps and A. T. Clark, of Diamond, Oregon.

Geo. W. Hayes
Register

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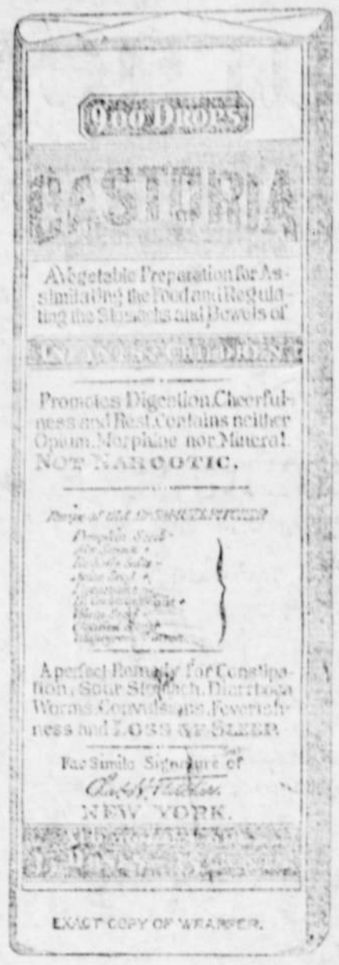

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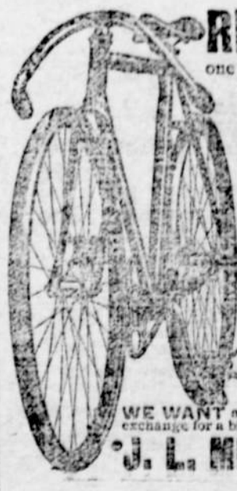

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