

STOCKMEN MUST PAY THE FEES

SUPREME COURT UPHOLDS GRAZING LAW

Secretary of Agriculture Need Not Wait for Grand Jury to Prosecute Trespassers

WASHINGTON, D. C., Dec. 31.—The authority of the secretary of agriculture to prevent the grazing of livestock on the national forests without a permit has been sustained in New Mexico by action of the federal courts in three cases in which the defendants had caused or permitted stock to trespass upon the Alamo forest in defiance of the regulations.

Because of the belief which has been current among stockmen of some localities during the last year that the regulations of the secretary of agriculture with regard to grazing on the national forests are unenforceable, the New Mexico cases are regarded by officials of the department of agriculture as particularly timely and valuable. The recent disposition to question the validity of the regulations has evidently been due to the entirely natural desire of the stockmen to assert that they supposed, though mistakenly, to be their rights under the law as interpreted by the courts. Secretary Wilson considers that the effect of the action taken in the New Mexico cases will be to clarify the situation materially, and to promote a better understanding of the legal rights of the department.

Must Pay Grazing Fee

The misconception which has led stockmen to suppose that they might graze their stock on the national forests without taking out a permit and paying the grazing fee was due to the decision rendered by the supreme court of the United States last March, affirming a decision of the United States district court for the Southern district of California, by Judge Wellborn, that violation of the grazing regulations is not punishable as a crime. This decision of the supreme court, however, was by an even division of the justices, and therefore did not decide the general question one way or the other, but merely affirmed the decision of the lower court in the particular case. The supreme court has granted a rehearing of the case, in order that the question may be passed upon by a full bench and authoritatively settled, and this rehearing will soon take place. But the authority of the secretary to prevent grazing except in accordance with his regulations does not, it is pointed out, depend upon affirmation of the power of the government to punish violation of the regulations as a crime. This is made clear by the action in two of the New Mexico cases; while the third case illustrates the fact that the affirmation of Judge Wellborn's decision by the supreme court has no binding force in cases other than the particular one then before the court.

In the cases of Sam Cope and S. O. Cope, defendants, and of G. W. Jennings, defendant, injunctions were granted by the federal district court to prevent the continued grazing of stock owned by the defendants upon the national forests. The ground upon which these injunctions were granted was not the power of the government to punish violators of the regulations through criminal procedure, but was the right of the government to bring civil action against the owners of stock which trespass upon the property of the government. In the Cope case punitive damages were imposed by the court for willful trespass, in addition to an award of \$75 for actual damages sustained. The amount of the actual damage was determined by the finding of the court that the value of the grazing privilege in the Alamo national forest was \$1.50 per year for each head of cattle or horses.

Secretary Can Enforce Regulations
This case is the more decisive as to the authority of the secretary to enforce the grazing regulations from the fact that an attempt to proceed against the defendants criminally had failed because of the refusal of the grand jury to bring an indictment against them. In the third of the New Mexico cases, however, such an indictment was found by the grand jury against J. W. Van Winkle for having grazed 1,000 head of goats upon the Alamo national forest without a permit. As a result of this indictment Van Winkle was arrested at Alamogordo by a deputy United States marshal and bound over for appearance at the April term of the federal court.

RED CROSS GETTING READY TO RESPOND

Forecast Is Not a Very Pleasing One—This Year's Record Was Not Very Pleasant

WASHINGTON, D. C., Dec. 31.—Six big disasters will occur in the United States in 1911. This is not the prediction of an astrologer, but the American Red Cross society.

Experience proves not only that an average of five or six disasters, severe enough to call aid from the Red Cross, may be expected every year in the United States, but the demands from foreign countries are predicted to be much more numerous.

Some idea of the character and variety of the disasters with which the Red Cross deals is given in the review of those which demanded attention during the last twelve months. They include in the United States: One hurricane, one mine fire, two mine explosions and forest fires in Idaho, Montana, Oregon, Washington and Minnesota. Foreign calamities demanding aid from the Red Cross included: Floods in Mexico, France, Serbia and Japan; the Armenian massacres; the earthquake in Costa Rica and the relief of the starving soldiers in Nicaragua.

In the disasters which occurred in the United States 596 lives were lost, while approximately 7,500 persons were given immediate attention. About 6,000 persons lost their homes by fire or hurricane. The Red Cross expended \$196,000 for relief operations in the United States and foreign countries \$66,500 was spent, making a total of \$262,500. Other relief funds expended in this country in conjunction with those of the Red Cross amounted to \$218,000, making the grand total of relief expenditures for the year under Red Cross leadership \$480,500.

CROSS TO EXPECT AN AVERAGE OF FIVE OR SIX BIG DISASTERS IN THIS COUNTRY EACH YEAR. IT DOES NOT UNDERTAKE TO SAY WHEN OR WHERE THEY WILL OCCUR, OR WHETHER THEY WILL BE CAUSED BY STORM, FIRE, FLOOD, EARTHQUAKE OR EXPLOSION, BUT IT IS SURE THEY WILL COME.

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STRAP BREAKS AND HE FALLS ONE HUNDRED FEET

John B. Moissant Lives But a Few Minutes After Striking the Ground

NEW ORLEANS, Dec. 31.—John B. Moissant, the California aviator, made famous by his Paris-London flight, was killed this morning when his machine turned over and fell 100 feet at Harahan, ten miles from here. An ambulance was summoned and rushed to the scene.

Moissant was living when he was reached, but was terribly crushed and bruised, and died while en route to the hospital.

Moissant was an adventurous character, and figured in the affairs of the Central American republics. He was a strong friend of the deposed president, Zelaya, of Nicaragua. Last spring he left here, going to Chicago, where he became interested in aviation. There he experimented with a number of machines, and then went to Europe. He started with a passenger from Paris to London, after having manipulated the machine only half a dozen times. He had a number of accidents, and was forced to stay at Seven Oaks several days while repairs were being made. Moissant completed the flight September 6th, and then came to America. He had started to compete for the Michelin cup this morning, and was booked to appear at the San Francisco meet early in January.

Machine Became Unmanageable
Moissant's machine became unmanageable when 100 feet above the earth and fell. He died two minutes afterward. Special grounds had been prepared at Harahan to enable Moissant to attempt the flight. Carrying a big gasoline tank, he flew the fifty-horsepower Bleriot machine to Harahan, where he alighted. After putting the finishing touches to the machine, he reascended, intending to remain aloft until evening. He had circled the field twice at an altitude of 200 feet when the machine bucked and pitched downward. When 100 feet aloft the strap holding the aviator to the seat broke, and Moissant pitched to the earth and struck the ground before the machine did. He was started for New Orleans, but died en route.

FOUR THIEVES BREAK INTO TWO KANSAS BANKS

Secure Six Thousand Dollars and Make Their Escape in an Automobile

MARYSVILLE, Kans., Dec. 31.—Four yeggmen last night robbed the Citizens' State bank and the Waterville State bank at Waterville, Kans., getting \$6,000 in cash. They escaped in an automobile.

NEW YEAR'S EVE PARTY

Master Louis and Miss Fernie Hoagland entertained about a dozen of their little friends at a New Year's eve party at their home on Klamath avenue last Saturday evening.

Olle Howard, Ed Bloomingcamp and John Capus came in from Bly Thursday to attend the masquerade ball.

MANY UNIQUE COSTUMES WERE WORN

FIFTEENTH ANNUAL MASK BALL WAS GREAT SUCCESS

The Stage, Gallery and the Available Floor Space Was Crowded With Spectators

Houston's fifteenth annual masked ball has come and gone, and to say that it was a success is putting it mildly. Everyone had a splendid time, and from the moment the first masker stepped through the door until the last one left the room there was not a dull minute.

All sorts of characters were represented from the "golden rule" and Baker's chocolate" to "Mutt and Jeff." Clowns, coons, cowgirls and tramps, all formed part of a kaleidoscope of maskers that held the attention of the large audience until the judges had decided on whom to bestow the various prizes.

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The judges were George R. Hurn, Mrs. E. B. Henry and W. O. Smith, and they awarded the three prizes of \$10 each to the following persons: J. W. Daly as Mrs. Brown with the hobble skirt and T. J. Grant as Mr. Brown, the "cullud" preacher, were picked as winners of the prize for the best sustained character from the first. They were clever and deserved the award.

Miss Ruth Niles and Miss Juanita Landis received the honors for the most comical characters, they impersonating the "Rubbernecks."

The prize for the most original character was awarded to Mrs. Clyde Hoffman, who represented Baker's chocolate.

The costumes were all excellent, and it was a difficult matter for the judges to select the prize winners. Mr. Houston is to be congratulated on the success of his fifteenth annual ball, and he has made it even better than those he gave in previous years.

ELECTRICIAN HAS NARROW ESCAPE FROM DEATH

Receives Charge of 11,000 Volts and Still Lives—Few Survive Such An Experience

LIVERMORE, Calif., Dec. 30.—While attempting to throw a switch at the local station of the Standard Power company last week, J. W. Dresser, an electrician, received a charge of 11,000 volts of electricity, frightfully burning his arm. After two fainting spells he had recovered sufficiently to be removed to the German hospital in San Francisco, where he is slowly gaining strength, although still in a serious condition.

Experts say Dresser is one of the few men to have received such a high voltage and to have survived.

Return From a Visit

Mrs. M. F. Loosley and children, and Mrs. H. C. Barker and children of Fort Klamath returned Friday from a visit with friends in Jackson county.

LITTLE DONE WITH COAL LANDS

OUTPUT NEARLY FOUR MILLION LESS THAN LAST YEAR

Prospects for Heavy Copper Production During the Coming Year—Placer Mining Decreasing

WASHINGTON, D. C., Dec. 31.—The annual report on the mineral resources and production of Alaska for 1910 is now in preparation under the direction of Alfred H. Brooks of the United States geological survey. The more important features of this report relating to the mining development during the year are abstracted in the following statement. Complete and accurate statistics of the mineral production of Alaska cannot be collected within less than four or five months after the close of the year, but meanwhile it seems desirable to give prompt publication to preliminary estimates of the mineral production, which, although not based on accurate statistics, are believed to be not over 5 per cent in error.

Value of Mineral Output

The value of the mineral output of Alaska in 1910 is estimated at \$17,400,000; the value in 1909 was \$21,146,423. Of this, the estimated value of the gold output in 1910 was \$16,260,000; that of 1909, \$20,371,078. The copper production in 1910 is estimated to have been 5,600,000 pounds, valued at about \$740,000; that of 1909 was 4,124,705 pounds, valued at \$536,211. The value of the other mineral products, including silver, lead, gypsum, marble and coal, is estimated at \$300,000—an increase over 1909.

The total value of Alaska mineral

production since 1880, when mining was begun, is in round numbers, \$186,000,000, of which \$179,000,000 is represented by the value of the gold output.

Coal and Oil

Practically nothing was done in the coal fields except a few patent surveys. Most of the small mines which have in the past furnished lignite coal for local use were in 1910 closed until the matter of granting patents should be finally decided. On the other hand, some new drilling was done in the Katala oil field. Current reports indicate that some oil properties were leased and preparations made to render the district productive.

Lode Mining

The marked advancement in lode mining in many Alaska points during 1910 is the most encouraging feature of the industry. This is in part reflected by an increase from 1909 in the production from gold lodes estimated at a value of about \$300,000 and an increase in the copper output of nearly a million and a half pounds. More important to the future of lode-mining industry, however, is the amount of dead work and prospecting accomplished in the various regions.

Gold Lodes

There were thirteen productive gold lode mines in operation in Alaska in 1910, one more than in 1909. In addition to this, work was done on more than 50 gold prospects, a few of which produced some gold as an incident to the development work. Of the producing mines, six were in the Juneau district.

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The only gold lode mines operated in 1910 in Southeastern Alaska outside of the Juneau district were two on Chigof island, in the Sitka district, which had a prosperous season, and a small one on Prince of Wales island, which was worked for part of the year.

Copper Lodes

There were seven productive copper mines in Alaska in 1910, this being the same number as in 1909. The copper production is about equally divided between Prince William Sound and the Ketchikan district. There was a small increase in copper output of the Ketchikan district, and a large increase in that of Prince William Sound in 1910 as compared with 1909.

The work accomplished in several copper bearing districts has now gone far enough to insure that Alaska will become an important copper producer. There is now every reason to believe that the copper output will show a much larger percentage of increase in 1911 than it has in 1910.

Placer Mining

The value of the output of the gold placers in 1910 is estimated at \$12,000,000; the value of the output in 1909, was \$16,200,000. The decline is chargeable to the decreased production in the Fairbanks and Seward Peninsula districts. Though much of the richest placer ground in the older districts has been worked out, there still remains enormous bodies of auriferous gravels the values of which are too low to permit their exploitation under present conditions of mining. The best prospect of permanency in the placer gold output lies in providing means for economically mining the gravels of lesser value.

The year 1910 saw considerable activity in enterprises looking toward this end, more especially in planning for or installing dredging equipment. Aside from these large enterprises the most important events in the placer mining industry were the advancements made in the Iditarod region and the discovery of the Squirrel River placers in the lower Kobuk Basin. There was also a marked advancement in prospecting in the Beaver Creek region, where encouraging results are reported.

Placer mining is a relatively unimportant industry along the Pacific seaboard of Alaska. As a rule neither very extensive nor very rich bodies of gold bearing gravels have been found in this part of the territory. There are some exceptions, however. Beach mining by individual operators continues at Yakutat and at several places in Southwestern Alaska. These operations are small in scale, and the returns probably seldom exceed a few hundred dollars to the individual operator.

NOTICE OF APPLICATION OF DISCHARGE

In the County Court of the State of Oregon, in and for Klamath County.

In the Matter of the Estate of William Blehn, Deceased.

Notice is hereby given that George Blehn, administrator of the estate of William Blehn, deceased, has presented and filed in this court his final account in said estate, and his petition for discharge, and the court has set the 28th day of January, A. D. 1911, at 10 o'clock a. m. of said day, in the county court room in the courthouse in the city of Klamath Falls, county of Klamath, State of Oregon, as the time and place in which said final account and petition will be heard, and the time and place when and where

any person or persons interested in said estate may appear and file objections thereto.

Dated at Klamath Falls, Oregon, this 28th day of December, 1910.

J. B. GRIFFITH, Judge of the County Court State of Oregon, in and for Klamath County.

Attest: C. R. DE LAP, Clerk of said Court. 12-24-1-26

ORDER TO SHOW CAUSE ON APPLICATION OF GUARDIAN FOR ORDER OF SALE OF REAL ESTATE

In the County Court of the State of Oregon, for the County of Klamath.

In the Matter of the Estate and Guardianship of Mary A. Kilgore, an Insane Person.

It appearing to this court from the petition this day presented and filed by Silas W. Kilgore, the guardian of the estate and person of Mary A. Kilgore, an insane person, praying for an order of sale of the inchoate right of dower of the said Mary A. Kilgore, in and to the NW 1/4, NW 1/4 of the SW 1/4, and lots 1, 2, 3, 4 and 5, section 29, township 39 S. range 10 E, Willamette Meridian, Klamath county, State of Oregon, that it is for the best interests of said estate, and necessary, that such interest should be sold at private sale.

It is hereby ordered that the next of kin of said Mary A. Kilgore, an insane person, and all persons interested in said estate, appear before this court on the 25th day of January, 1911, at the hour of 10 o'clock a. m., at the court room of this court at Klamath Falls, County of Klamath, State of Oregon, then and there to show cause why an order should not be granted for the sale of said interest in said real property.

And it is hereby further ordered that a copy of this order be published at least once a week for three successive weeks before the said day of hearing in the "Klamath Republican," a weekly newspaper of general circulation, printed and published at Klamath Falls, Klamath County, State of Oregon.

Dated this 27th day of December, 1910.

(ss) J. B. GRIFFITH, Judge.

NOTICE FOR PUBLICATION.

Department of the Interior, United States Land Office at Lakeview, Oregon, November 18, 1910.

NOTICE is hereby given that Vestal W. Wakefield, whose postoffice address is Klamath Falls, Klamath Co., Oregon, did, on the 14th day of July, 1909, file in this office Sworn Statement and Application, No. 92322, to purchase the S 1/4 SW 1/4, Section 2, Township 37S, Range 10E, Willamette Meridian, and the timber thereon, under the provisions of the act of June 3, 1878, and acts amendatory, known as the "Timber and Stone Law," at such value as might be fixed by appraisal, and that, pursuant to such application, the land and timber thereon have been appraised, at a total of \$770.00, the timber estimated at 1,000,000 board feet at \$0.75 per M, and the land \$20.00; that said applicant will offer final proof in support of his application and sworn statement on the 26th day of January, 1911, before Commissioner R. M. Richardson, at Klamath Falls, Oregon.

Any person is at liberty to protest this purchase before entry, or initiate a contest at any time before patent issues, by filing a corroborated affidavit in this office, alleging facts which would defeat the entry.

ARTHUR W. ORTON, Register.

11-24-1-22

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I have some fine young registered Holstein bulls for sale; A-1 stock and acclimated. M. F. LOOSELEY, Ft Klamath, Oregon.

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