

HARDSHIPS OF HOMESTEADERS

Senator Heyburn Addresses Senate on Secy. Hitchcock's No Patent Order.

IT IS HARSH AND UNJUST.

A Whole Generation Deprived of Right To Avail Itself of Benefits of the Public Land Laws.

Washington, Jan. 30.—Senator Heyburn of Idaho today addressed the senate on Senator Carter's resolution nullifying the order of the secretary of the interior providing that no patent to public lands should be issued without an order first being made on the ground by special agent of the interior department.

Mr. Heyburn took the position that the order was legally an order of the president. He said the president in a recent message had said practically that he (the president) had ordered the secretary of the interior not to execute the public land laws.

Mr. Heyburn declared that the order had absolutely destroyed the right of one generation to avail itself of any benefits to be derived from the public land laws, and he announced his intention to criticize the order in unstinted words.

He then took up the president's message referred to, analyzing and criticizing its statements.

"The president says," continued Mr. Heyburn, "for much of this fraud the present laws are responsible."

Mr. Heyburn asserted that the frauds came in under the rules and regulations of the department.

"We are getting to be a government of rules and regulations," said Mr. Heyburn, who added that it was going to bring forward a resolution asking every department for all of its rules and regulations.

Mr. Spooner asked if the order in question prevented the issuance of final title to a homestead where a family lived on the homestead the required five years and otherwise complied with the law, where no fraud is charged.

"It says so in terms," answered Mr. Heyburn.

"It not only says so, but it is being administered," interjected Mr. Fulton. "My mail is burdened daily," Mr. Fulton continued, "with complaints of just such procedure."

Mr. Clark of Wyoming said there were thousands of such "held up" cases on the records of the department.

"What is the ground taken by the department for this broad falling of the axe on the heads of these enterprising men?" asked Mr. Fulton.

"There is no ground that would satisfy the senator," answered Mr. Heyburn, who added there was no way of knowing what the secretary had said to the president. "But," he said, "we know that the president said it was because of the prevalence of fraud."

Mr. Heyburn concluded by explaining the hardship the executive order was working. A homesteader, he said, was put entirely at the mercy of the "special agent," was not allowed to know that the report was made against him and given no opportunity to answer it. It made no difference whether the settler had rendered his sworn affidavit and taken the oath of his neighbors, in compliance with the law, the report of the special agent was placed above the evidence. As it was to the advantage of the special agent to find trouble, the reports so made were likely to be bad.

GERMAN INS. CO'S.
Not Freed From Liability by the Earthquake Clause.

Washington, Jan. 30.—To satisfy many inquiries from California relative to the exact scope of the decision rendered by the German court at Hamburg relative to the liability of the German Fire Insurance company of Hamburg for losses in the fire following the San Francisco earthquake, the state department has secured a report from Hugh Pittman, the American consul-general at Hamburg, which shows that the German court, in the policies of the company, which reads "the company shall not be liable for loss caused by fire, explosion, or from any cause, or the bursting of a boiler or earthquake, or hurricane, or lightning," that it was not to be held liable for damage caused by fire incident to an earthquake. The court decided that the company must pay the amount sued for; had it been the intention to free itself from liability, the circumstances under the text of the earthquake clause should have been worded differently.

The San Francisco policies of the North German Fire Insurance company also contain the clause that claims become extinct unless filed in court 12 months after the date the loss was sustained, which means on April 15, 1907.

TERRIBLE SUFFERING FROM FAMINE IN CHINA.

Washington, Jan. 30.—The appalling conditions in China as the result of the famine, as told in Chinese newspapers and other mail advices reaching the state department, coupled with the warning given by Consul General Rodgers of the possible effects of the outbreaks which daily occur in the famine districts, have attracted the attention of the government authorities and developments will be closely watched.

One of the greatest dangers the roller workers confront is an epidemic. In the great concentration camps which have been formed by refugees who have fled from the stricken districts by the tens of thousands, the people live, some of them only partially clothed, others

A Cold
Easy to take
Hard to break
unless you use
Chamberlain's Cough Remedy
25c and 50c at All Druggists



Arthur Conan Doyle.

Dr. A. Conan Doyle, the literary creator of Sherlock Holmes, was born in Edinburgh, Scotland, in 1874, and came of a line of artists. He started his schooling at Stonyhurst, in Lancashire, England, and later studied in Germany. He completed his education by graduating in medicine from the University of Edinburgh. He wrote his first published story in 1887, when he was just 13 years old.

entirely naked, in mud huts, held together by matting. Medical supplies and skill are badly needed.

The native officials and authorities are doing their utmost to control the situation, but the task is now far beyond them and outside aid is badly needed. Relief committees have been formed in various centers. Everything possible is being done. The government has opened public relief works, where men can secure employment. The Grand canal is being deepened at Hat Chow, the work upon the improvement being started merely to give employment to some of the starving. The estimates have been made of the cost of feeding each starving person, and the total amount will reach close to \$30,000 daily.

This estimate is based upon calculation that four million people are actually starving.

Some of the incidents of the famine related in the Chinese press are most revolting. A story is told of one family—a mother, father and two children. The mother left her home on a search for food. While away, the father, despairing of aid, threw both children into the river. The mother returned and, learning what had happened, threw herself into the river and drowned. The father followed, and thus the whole family perished.

The government is selling grain and seed where it can. In some instances the public selling places had to be closed because of the great rush of natives to buy. The price of vegetables has doubled, and coal and coke costs more than ever before.

BROWNSVILLE INVESTIGATION.
Washington, Jan. 30.—Senator Warren, chairman of the senate committee on military affairs, Senator Foraker and Senator Taft today conferred in regard to the investigation of the Brownsville affair, which begins next Monday. The purpose was an agreement so that the demand for certain witnesses would not conflict with a similar demand for them at a court-martial of officers of the battalion, which court will be in session at the same time. It was finally arranged that the witnesses for the court-martial should first testify at Brownsville and then come to Washington. The inquiry here will begin with the testimony of enlisted men of the discharged negro battalion.

COLORADO OVERFLOW.
Senate Passes Bill Appropriating \$2,000,000 to Prevent It.

Washington, Jan. 30.—The senate today passed a bill appropriating \$2,000,000 to prevent the overflow of the Colorado river. The bill is in conformity with the recent message of the president on the subject. The money is to be returned to the treasury within 10 years.

FIRING WILLOW MINE.
John Rodriguez, an Italian, Arrested and Charged With the Crime.

Pueblo, Colo., Jan. 30.—A special to the Chief from Trinidad, Colo., says: John Rodriguez, an Italian, was taken to Raton, N. M., today on charges of having fired Willow mine No. 5, at Van Hook, N. M., last Monday morning. The alleged crime is said to have been committed to avenge a fancied wrong, but no substantiated statement has been given out.

The three miners entombed are believed to be dead by this time. Peter Lumley, pit boss, one of the victims, is a relative of R. J. Lumley, who lost his life at Priemore recently.

MR. CLEVELAND TO SPEAK.
Chicago, Jan. 30.—Ex-President Grover Cleveland has accepted the invitation of the Union League club of this city to deliver the address at the annual celebration of Washington's birthday, conducted under the auspices of the club.

AN INVESTIGATION BEFORE RESIGNATION.
Albany, N. Y., Jan. 30.—Gov. Hughes created a mild sensation tonight by requiring Adj. Gen. John H. Henry to revoke the military orders issued last night, which would have permitted Capt. Lewis W. Wendell of the First battery to leave the military service of the state by the acceptance of his resignation without further investigation of the much-discussed charges against him of irregularities in the management of the armory under his charge.

The order directs the court of inquiry appointed to convene and continue its proceedings.

The resignation of Capt. Wendell, dated Jan. 22, came up through national guard headquarters to which the artillery organizations are attached, and is said to have been indorsed with the approval of Maj. Gen. Charles E. Roe, commanding the national guard.

Later came through the same channel a waiver dated Jan. 25, by which the accused officer agreed to waive any right to honorable discharge and accept any form of discharge which might be accorded him.

PHILADELPHIA FILTER PLANT.
Judge Bettler Renders Decision Declaring Five Contracts Null and Void.

Philadelphia, Jan. 30.—Judge Bettler tonight handed down a decision in the suits of the city against the firm of J. M. McNichol & Co. to recover \$5,000,000, which it was alleged had been fraudulently received by the firm on contracts for the construction of the city's filtration plant. The members of the firm at the time the original contracts were awarded were Mrs. McNichol, wife of State Senator James P. McNichol, Israel M. Durham, the Republican leader;

old. His first book was called "A Study in Scarlet," and he sold it outright for \$25. His greatest work was the Sherlock Holmes series. Some of his success stories have been "The Hound of the Baskervilles" in 1902.

John M. Mack, and D. J. McNichol. Sixteen contracts, amounting to about \$10,000,000, were involved in the suits. Judge Bettler declares null and void five contracts aggregating \$2,745,462, which were awarded at the time Senator McNichol was a member of the senate, which he was not when the contracts were made. He decides that they were obtained illegally, sustaining the contention of the city that Mrs. McNichol and D. J. McNichol were never more than agents of the firm. The court decided the five contracts were wrongfully obtained and instructed the contractors to make an accounting to the city of the actual costs of material and work done on these contracts, and to refund to the city any profit.

Five other contracts, for a total of \$1,250,000, were sustained, and six were not ruled on, having been already nullified by the city.

MEXICANS AMBUSHED.
El Paso, Tex., Jan. 30.—A party of Mexicans was ambushed by Yaqui Indians at Suagui, Sonora, Mexico, Sunday. Two Mexicans were killed and several wounded. Small bands of Yaquis are roaming over lower Sonora, attacking Mexican camps and haciendas, since the battle with the Mexican troops Wednesday of last week, and 20 Mexican soldiers were killed and the Yaqui Indians dispersed.

SUICIDE OF DR. H. H. REED.
Los Angeles, Jan. 30.—Dr. H. Harvey Reed of Rock Springs, Wyo., committed suicide this afternoon by shooting himself in the temple. Reed was dead before he was reached by the hotel employees, who were attracted by the sound of the shot. The suicide is attributed to ill-health and despondency. Reed had been living at the hotel for several weeks, and during most of the time has been confined to his room in charge of a nurse who accompanied him from Wyoming. Reed said that while the nurse left the patient for a few moments today, Reed procured a revolver in the room and ended his life.

CUTICURA CURED BABY.
Of terrible raw humor after doctors failed.—Mrs. G. J. Steese, Akron, Ohio.

Ours is the Largest Fur House in the West
And is backed by the confidence of the general public. Mehely the Furrier, Knutsford.

New Cure For Rupture

Perfect Fit—Adjustable to Any Size Person—Easy, Comfortable, Never Slips—No Pains—No Unpleasant Springs—Or Pads—Costs Less Than Many Common Trusses—Made for Men, Women or Children.

I Send It on Approval—You Wear It—If You Are Not Satisfied, I Refund Your Money.

I have invented a rupture appliance that I can safely say, by 30 years' experience in the rupture business, is the only one that will absolutely hold the rupture and never slip and yet is cool, comfortable, conforms to every motion of the body without chafing or hurting and costs less than many ordinary trusses. I have put the price

of my invention at \$1.00. I have put the price of my invention at \$1.00. I have put the price of my invention at \$1.00.

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THAT PANAMA CANAL CONTRACT

Statement Issued From White House That it Has Not Been Awarded to Anyone.

CONTRACTORS SIMPLY AGENTS

Government Will So Use Them Whenever It Chooses—All Bids May Be Rejected.

Washington, Jan. 30.—The following statement was made public at the White House tonight by Secy. Loeb:

"Reports in the papers seem to indicate a belief that the canal contract has been conditionally awarded to Mr. Oliver. This is not so. No decision has been made even that the contract will be awarded to any of the bidders. Mr. Oliver's bid was so hopelessly defective that it could not be even considered, and time was given him to complete it in shape that will enable it to receive consideration. If it is put into such shape it will be considered together with the bids made by the Gillespie-McArthur company, which may itself be altered, and then whichever bid, after the most careful examination, seems most advantageous may be taken, or both bids rejected and the canal be constructed under the direct supervision of the government, in such case the government would, whenever it chose, use contractors simply as agents. The real object in contracting the work is to have assembled a large number of the best specialists in each class of work, and the prime consideration will be the ability and fitness shown in a variety of directions by the men making the bids. The president and the commission would not even consider a bid of merely one or two men. The work is already going well. One-half a million cubic yards were taken out of the Culebra cut in January, and the amount being taken out is steadily increasing."

UNDESIRABLE IMMIGRANTS.
Mexico Asked to Assist United States In Keeping Them Out.

Mexico City, Jan. 30.—The Mexican government has been formally requested by the United States to aid the latter in preventing undesirable immigrants from crossing the border from Mexico into the United States. The American ambassador here has directed a note to the Mexican government calling attention to the influx into the United States of a large number of Americans who are disbarred at Vera Cruz by French and German boats, and who later go to the northern Mexican frontier with the very probable intention of trying to get into the United States.

The especially undesirable immigrants who are said in this way to try to enter the United States when they know it would be impossible to do so through any of the regular ports, are those afflicted with trachoma. The communication from the embassy, it is said, refers to the immigrants afflicted with infectious disease.

The communication is being considered by the board of health and the commission of federal affairs.

It is stated that a large number of the Syrians are ultimately bound for Unintown, Pa., and that the big Syrian colony in that city has agents in Mexico who help the immigrants across the border.

THE VALUE OF YOUR EYES
Should be the sole consideration in having them tested for glasses. We examine your eyes free, fit glasses scientifically and charge you what they are actually worth.

J. H. KNICKERBOCKER.
New location, 143 Main street.

DO YOU WANT
A GOOD WATCH? SEE MILLER.

With every 25c purchase from our jewelry stock we will give you a beautiful Calendar.

Watch and clock repairing, diamond setting and all kinds of jewelry repaired and manufactured.

Just off from Main St. No high rent; no high prices.

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19 W. 1st. South.

THE SAME
Yesterday, today, and always. Our prices DO NOT ADVANCE on account of the Holidays.

25 per cent SAVED by purchasing Xmas jewelry of us.

CARTER JEWELRY CO.,
234 Main Street.

It Would Be
A good resolution for you to start the new year by getting your eyesight perfected. Let us assist you in keeping this resolution.

RUSHMER
Manufacturer and Fitter of Perfect Eye Glasses.

73 West First South, Both 'Phones 1762.

"DRUNKENNESS"
Cigarette and Tobacco Habits Cured by

TRIB
Mrs. T. J. Foster, Salem, Or., writes: "About nine months ago I purchased a treatment of your 'TRIB' at Stone's Drug Store for a friend. He has been a hard drinker for ten years. I must say he has never touched a drop of liquor since the first week he commenced using 'TRIB'. I am very glad he has been cured and you may use this letter any way you like so long as you do not change the wording."

Remember, we give you an absolute guarantee with every treatment. 'TRIB' will cure the liquor and tobacco habits. Price \$12.50 a full four weeks' treatment and a cure.

F. C. SCHRAMM.
Cor. First St. and Main St., "Where the Cars Stop." Sole Agents.

Pinesolve
Acts like a Poultonic. Best Family Salve. Sold by Z.C.M.I. Drug Dept. 112-4 Main

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Permanently Cured by DR. KLINE'S GREAT NERVE RESTORE

CONSULTATION, given by mail, free and without obligation. For full particulars, send for free booklet, "The Great Nerve Restorer," to Dr. J. C. Kline, 1091 Arch St., Philadelphia.

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commissioner of health, had urged the adoption of these two sections. He said of the latter section that housewives should help to make it effectual.

TO TAKE CARE OF PUPILS' TEETH
New York, Jan. 31.—It was announced at a meeting yesterday of the committee on physical welfare of school children, of this city that a staff of 20 dentists has been organized to care for the teeth of pupils. All of the dentists volunteered their services. This is said to be the first attempt in America to provide dental treatment for school children.

COUNTY ASSESSOR WAYLAD.
J. W. Coulter, of Leslie, S. D., Assessor of Stanley County, relates the following: "It was waylaid by a complication of throat and lung troubles, bronchitis, asthma and a terrible cough, which had affected me for years, when I was persuaded to try Dr. King's New Discovery. Relief came almost immediately, and in a short time a permanent cure resulted." No other medicine compares with it as a sure and quick cure for coughs and colds. It cures after all other remedies have failed. Every bottle guaranteed at Z. C. M. I. Drug Dept., 112-114 South Main street. Price 50c and \$1.00. Trial bottle free.

The grocery man who offers "something just as good" as MOUNT'S Pickles, does so for his own benefit rather than yours.

KENNEDY MAY BE A BISHOP.
London, Jan. 31.—A dispatch from Rome says it is reported in Vatican circles that Monsignor Kennedy, rector of the American college, will probably soon vacate his post in Rome for a bishopric in the United States.

MAY LIVE 100 YEARS.
The chances of living a full century are excellent in the case of Mrs. Jennie Duncan, of Haynesville, Me., now 70 years old. She writes: "Electric Bitters cured me of Chronic Dyspepsia of 20 years standing and made me feel as well and strong as a young girl." Electric Bitters cure Stomach, Liver, Biliousness, Blood Disorders, General Debility and bodily weakness. Sold on guarantee at Z. C. M. I. Drug Dept., 112-114 South Main street. Price only 50c.

It pays to meet us face to face. Mechanic Dental Co., 65 Main St.

A Positive CATARRH CURE
Ely's Cream Balm

It quickly cures. Gives Relief at Once. It cleanses, soothes, heals and protects the diseased membrane. It cures Catarrh and drives away a Cold in the Head quickly. Restores the Senses of Taste and Smell. Full size 50c., at Drug Stores and by mail; Trial Size 10c. by mail. Ely Brothers, 55 Warren Street, New York.

THE VALUE OF YOUR EYES
Should be the sole consideration in having them tested for glasses. We examine your eyes free, fit glasses scientifically and charge you what they are actually worth.

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New location, 143 Main street.

DO YOU WANT
A GOOD WATCH? SEE MILLER.

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Watch and clock repairing, diamond setting and all kinds of jewelry repaired and manufactured.

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It Would Be
A good resolution for you to start the new year by getting your eyesight perfected. Let us assist you in keeping this resolution.

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Cigarette and Tobacco Habits Cured by

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Cor. First St. and Main St., "Where the Cars Stop." Sole Agents.

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Acts like a Poultonic. Best Family Salve. Sold by Z.C.M.I. Drug Dept. 112-4 Main

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WARNING!
The Deseret News is in receipt of many complaints concerning parties who claim to represent this paper in various parts of the state. Notice is again given the public that all duly authorized representatives of the "News" hold credentials signed by the house office. Every person who claims to represent this paper should be asked to show his credentials. Beware of frauds.

DESERET NEWS.

Fresh Roasted & Delicious
Hewlett's Coffee

Buy a Can from your Grocer. DO IT TODAY.

CLAYTON MUSIC COMP'NY
Utah's Leading Music House

GODBE PITTS.
FRESH CURED DRUGGISTS, 101 MAIN ST.

Notice if our name is on the door. If not it's the wrong place. Phone 65 for the correct time.

KNABE.
We are sole agents and invite your inspection of our handsome display.

Beesley Music Co.,
46 S. MAIN.

TELEGRAPH SCHOOL.
Rooms 9 and 10 Eagle Block. DAY AND EVENING SESSIONS.

Under personal management of an experienced train dispatcher. Positions guaranteed. Terms \$10 per month.

FRUIT TREES!
A large assortment of the finest quality of Fruit, Shade and Ornamental trees at very low prices. We make a specialty of dealing direct with the farmers. Write for catalogue. FREE. We have the finest Schroeder-Son Nursery Company Lafayette, Colorado.

Special Clothing Sale
Hundreds of Up-to-Date Men's Suits and Overcoats.

Your Choice \$6.00.
Worth \$12.00, \$15.00 to \$18.00. The best bargains in the city.

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EUROPEAN PLAN. Headquarters for Utah People and Mormon Missionaries.