

THE IDAHO RECORDER

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Supreme Court Decision

The supreme court of Idaho last week handed down a decision which will be of vital interest to the livestock men of the state as well as this county. At nearly every term of the district court there are a number of cases of differences between the sheep and cattle men of this county. Two cases were appealed to the supreme court, one from Owyhee and one from Custer county. Both of these cases grew out of clashes between the sheep and cattle men. This has been a point at issue between these two industries for many years. The cattle men object to having sheep grazed upon the ranges where their herds have been running, thereby making it useless as a cattle range.

The supreme court clearly states that the ranges do not belong to either of these industries, but to the United States. The state has the right to regulate and control the use of such, and that the sheep men and cattle men have only equal rights with every other citizen to the use of the public domain. The court further holds that the legislature has the power to pass such laws as will minimize the opportunities for conflict between the sheep and cattle industries, even to the extent of prohibiting the sheepmen from allowing their flocks to graze in any cattle range. The constitutionality of section 8827 revised codes was the point at issue and is upheld by the supreme court, all the judges concurring in the decision. The section reads as follows:

"Any person owning or having charge of sheep, who herds, grazes or pastures the same, or permits, or suffers the same to be herded, grazed or pastured, on any cattle range previously occupied by cattle, or upon any range usually occupied by any cattle grower, either as a spring, summer or winter range for his cattle, is guilty of a misdemeanor; but the priority of possessory right between cattle and sheep owners to any range, is determined by the priority in the usual and customary use of such range, either as a cattle or sheep range."

Passing on the issues involved the court says in part:

"Individuals engaged in the sheep industry are not entitled to claim that the same legislative restrictions and privileges be applied to that industry as to rival industries, such as the horse or cattle industry. The habits and nature of these animals being different, as well as the results which follow from their use of land for grazing purposes, it is competent for the legislature to take these differences into consideration and to provide for them by regulation and to provide for them by regulations designed to meet existing conditions in each particular industry. When the law under consideration treats all individuals of the class of sheep men alike under similar circumstances and conditions, both as re-

gards the privileges conferred and the liabilities imposed, it is not class or special legislation, and is not obnoxious to the provisions of section 1, article 1 of the constitution. . . .
 "Priority of possession or priority of right, or the first in time is the first in right, are all common, ordinary, every day expressions and have a well defined meaning. The priority of right to the use of the range as between cattle and sheep owners, depends upon the prior use in the usual and customary manner. . . .
 "The character and area of a cattle range are to be determined by its priority of use in the usual and customary manner as such."

Teachers' Institute

The Teachers' Institute which was held in Salmon last week spells another step forward in the progress of the schools of Lemhi county. The assembling of so much educational talent for a whole week together can not help but bring about a betterment of conditions. Anything which tends toward the advancement of our schools should meet with the heartiest encouragement of our citizens.

It is not often that Salmon and vicinity has the opportunity to mingle with such bright minds as Dr. Sisson, and the other instructors who assisted in the institute work. In one way it was unfortunate that the institute was held at the same time as the county fair, for it prevented many who would like to have attended the session from doing so. Of course it gave the teachers an opportunity to see the fair without extra expense, which has much to do with the success of both, perhaps.

That the teachers derived much help and encouragement from this session of the institute there is no question. All expressed themselves as highly pleased and said that it was the best institute ever held in Lemhi county. Mrs. O'Brien, the county superintendent left nothing undone which could be done for the help and pleasure of the teachers and may well be proud of the results.

Congratulations.

Heartily congratulations and words of appreciation are due to the committees and management of the fair from every citizen of the county for their labor in making it such a success. Viewed from every angle it was a greater success than was hoped for by those who had its welfare at heart, and its influence will be felt throughout the coming year.

The purpose of a county fair is to bring together the products that the different sections of the county can produce, and also to bring the people into closer touch with each other that this interest will culminate in a better understanding of what is best in the things produced and exhibited. It should be an educational institution, wherein the experiences of the most successful may benefit the novice or inexperienced.

The county fair just closed brought together some of the best of every line of industry carried on in the county. While there may be some who, on account of some grievance, either fancied or real, may have refrained from doing their share towards its success, yet the results of this year should teach all such that

no matter what the reasons, it is their duty to do their part. . . .
 "It seems to be the consensus of opinion that the time is at hand when a permanent organization should be formed to better carry on this work. It is a work which every public spirited citizen should feel in duty bound to encourage and support, not so much from a pecuniary standpoint as for the good of the county as a whole. Then, too, any undertaking in which a majority of the people are interested cannot fail to benefit all. However, in forming an organization of this nature much depends upon the personnel of the association, lest it fail in its purpose to benefit all the county, and no one person in particular."

THE DIFFERENCE



"In the winter I go out to play poker and my wife stays home for bridge."
 "And in the summer you stay home for poker and your wife goes away for bridge."

NO MORE TO BREAK



Mrs. Wise—The housemaid broke another dish of that set this morning.
 Mr. Wise—Only one? She's getting better and better. How did that happen?
 Mrs. Wise—It was the last one of the set.

HIGHLY IMPOLITE



Irritable Man (at the other end of phone)—Hello! hello! what's the matter with you? Are you 47?
 Angry Spinster (at this end)—No; I'm only thirty-three.
 Irritable Man—Oh! ring off!

He—You've broken my heart by refusing me. I'll never be the same man again.
 She—Well, come around when you are a different man, and I'll see how I like you then.

Quite So.
 I would not care to live always And never go across:
 The life insurance that I'd pay Would be a total loss.

The Right Term.
 "I wrote up those athletic achievements from some magazine foot notes."
 "I should think it would be correct in the case to call them feat notes."

Paradoxical Attitude.
 "There is one thing queer about a man's running for office."
 "What's that?"
 "His running depends on how he stands."

The Actor—The playing the hero who returned a millionaire from the gold fields.
 The Washerlady—Then you'll pay me in advance for your laundry. I lost 50 cents through the Count of Monte Christo; the Silver King owes me a dollar, and Monte Brewster is 67 cents in my debt.

Encouraging Sociability.
 "Your boy Josh knows the scientific designations of all the insects that attack crops."
 "Yes," replied Farmer Cornbloss; "but I don't believe it does much good. I ain't sure that callin' 'em by their right names doesn't make 'em want to hang around an' git more familiar than ever."

Going Too Far.
 "Are the prisoners well treated here?" asked the visitor.
 "Oh, yes," answered the warden. "They have vaudeville shows, moving pictures and baseball games. We had to call a halt, though."
 "What was the trouble?"
 "Some of them wanted to organize an outing club."

A SURE SIGN.



Kitty—She's certainly getting old.
 Peggy—So I'm told.
 Kitty—Yes, she's beginning to complain that the styles of the bonnets and gowns this year are not as pretty as they used to be.

Oh, Nothing.
 A masher is a thing that would be a silly maiden if he could; But as he can't—does all he can To prove that he is not a man.

Light That Failed.
 "What is the trouble between Van Cleve and his wife? I thought, she was the light of his life."
 "So she was, but she went out too much."—Columbia Jester.

Its Nature.
 "The suspects were certainly in a fever over that investigation, weren't they?"
 "Yes, and I guess they were afraid it was the spotted fever."

Quite Altitudinous.
 "I know an astronomer who has the highest ambition of any man I ever heard of."
 "What is it?"
 "He wants to signal to Mars."

His Worry.
 "In driving your car are you sure of yourself now?"
 "Oh, I feel reasonably sure of myself. It's what I'm likely to do to others that worries me."

Naturally.
 "I suppose when the auto turned turtle, your party was considerably perturbed."
 "Well, I must acknowledge we were greatly upset."

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No Direct Evidence.
 Little Johnny was doing sentinel duty, with his new air rifle slung across his shoulder, when the irate lady next door bore down upon him. "Did you break my window?" she demanded wrathfully, pointing to the damaged property.
 The child looked from the window to her and back again before replying. "Did you saw me?"
 "No. But—"
 "Then I didn't do it!" And turning, he marched away.—Judge.

Doubtful.
 "When do you expect to see Green again?"
 "I don't know."
 "But don't you usually see him once a week?"
 "Yes. But yesterday I loaned him five that he was surely to pay back tomorrow and it is doubtful now that I shall see him for a month or two."—Detroit Free Press.

A Pity 'Tis True.
 "Jobson seems to have a romantic temperament. It seems a pity that he is only a shoe clerk."
 "My friend, some of the world's best poetry was inspired by kneeling at the feet of women who cared about as much for the poet as the average lady customer cares about Jobson."

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