

# The Times-Herald.

Harney county's resources are attracting the attention of the entire West. Irrigation, stock raising, mines, oil and gas prospects and agriculture—all awaiting development.

VOL. XXXIV

BURNS, HARNEY COUNTY, OREGON NOVEMBER 20 1920

NO. 3

## STATE BOARD IS ASKED TO DELAY ACTION ON LAKE

### Otley Claims Owners of the Riparian Rights Were Not Consulted

That the owners of lands along the banks of Malheur Lake were not consulted during the recent controversy leading to the defeat of the Malheur bird reserve bill is the contention of Fred Otley of Lawen, Harney county, who is in Portland today. Otley declares, as a matter of fact, that the owners of these lands contiguous to the lake are riparian owners and therefore the state has no title whatever to the lake bed and cannot contract it away either to the government or to private owners.

Otley has written a letter to the state land board, advising that any action toward bestowing lands below the meander line be withheld until a suit brought to quiet title to lands in the lake bed is settled, holding that any such grants would merely complicate the issue.

**Would Give Facts**  
"The election being over, I think the people of Oregon are entitled to know all facts concerning Malheur lake, which has been a lake proper from the beginning of time and a federal bird reserve since 1903," said Otley. "These facts are not in unison with the ideas of W. L. Finley, Percy W. Cupper, William Hanley, Harry L. Corbett, the Burns Commercial club, Jimmy Donegan and many other writers and workers for or against the Roosevelt bird refuge bill that a majority of the people of Oregon have just voted down. As a matter of wellknown fact, Malheur lake was originally owned by the federal government, and in due course of time was surveyed and meandered as a lake, and the lands surrounding same were thrown open for settlement and filling by citizens of the United States (which was done.) Many of these settlers were dissatisfied with the original survey and meander line of Malheur lake, and in 1893 applied for a resurvey, and as to title to these lands surrounding and within the lake still rested in the federal government, the application was finally agreed to under certain conditions and reservations and the survey took place and was approved by the federal government in 1895. After that time settlers who had filed on lands bordering on Malheur lake proved up on said lands and obtained a patent from the United States government for same in accord with riparian law and various decisions of the United States supreme court owned the unadvised land below the meander line of the lake to the water's edge, and became riparian owners of Malheur lake.

**Case Is Cited**  
"In support of this contention we cite the state supreme court's decree in the case of Canfield vs. Smith, 12, viz.: First, the Malheur lake is a lake proper and not a tule marsh; second, that the resurvey of Malheur lake in 1895 was a correct survey; third, that the meander line owners of Malheur lake own to the water thereof.

"On account of withholding from numerous fractions of land bordering on the meander line of Malheur lake, the federal government is still a riparian owner with a rest of meander line owners, and never turned the lake over to the state of Oregon as swamp, and never did, unless the state can prove that Malheur lake was a swamp in 1860, which up to this time the state officials have been unable to do. State legislatures and officials have no jurisdiction over lakes proper or federal reserves, and Malheur lake is both, consequently W. L. Finley's bill that was just voted down was a farce and the legislative bill of 1913, authorizing the state land board to contract for the draining of Malheur lake was unconstitutional and consequently a farce. But these bills are the fact that the lake has been drained during the years 1919 and 1920 through lack of snowfall in the adjacent Blue mountains, have brought out a state of affairs that compels riparian owners of same to bring

"Too much mud," is the way F. A. Fessler described the road between Prineville and Burns when he arrived last night. Fessler came over with B. F. Johnson, whose business will keep him in Harney county for four or five days. Fessler gets his Thursday paper out on Wednesday, so his stay in town will be short.

suit against all other claimants of the uncovered lands below the meander line of Malheur lake. This suit to quiet title is 'pending' and we ask the state officials to take no action in disposing of the water or lands within said meander line of Malheur lake until title to same has been decreed by the supreme court (the said suit) to either the state, the squatter or the riparian owner, as is might cause complications." Oregon Journal.

### CO-OPERATIVE MARKETING SUGGESTED

The present unsatisfactory stock market has caused considerable comment from the stock men of this county as to a remedy. It appears the consumer is paying just as much or more for his meat as in the past and yet the price of the live animal from the grower is not sufficient to make it profitable.

The big hay crop this season also enters into the discussion and is a factor. One big operator, who has not been very active in recent years but who has merely disposed of his hay crops or had it fed on his ranches is offering to purchase yearling and two-year-old steers at a price in excess of what has been offered on the proposition that he feed them through the winter on hay priced at \$12 and when they are sold in the spring to divide the profits if there be any over the hay fed. This seems a fair proposition, but the writer is not well enough versed in the stock feeding business to venture a positive opinion as to whether it is entirely fair to all concerned.

In respect to a possible solution of the present unsatisfactory market conditions it has been suggested that the stockmen organize a feeding club and pool their interests. The stock put together and fed on a basis of a stipulated price for the hay and hold the entire herd for a price that is adequate for a reasonable profit.

This is along the right lines, it would appear to the writer. There should be more teamwork in all we do in this isolated section of the country. We are not situated to take advantage of market conditions in that by the time our stuff could be shipped conditions could be changed materially.

The local stock organization should give this matter consideration and work out a plan. There is certainly too great a difference between the price to the grower and the price paid by the consumer. If it could be divided up in some way—the grower receive a better price and the consumer pay a little less we'd all be better satisfied.

The election is over—thanks. It will be four years before we have another one—many thanks.

## SELECTING HIS TIMBER



### P. L. S. COMPANY MOVE OFFICES TO RANCH

The office equipment of the Pacific Live Stock Co. was removed from the rooms occupied in the Tonawama building to the Island Ranch on last Saturday. When the offices were established in Burns again it was the intention for the company to conduct the sale of the large acreage they propose to dispose of in the immediate future, but Mr. Olsen and his office force have sufficient to do without taking an active part in this work, therefore we understand the land sales will be conducted through other agencies.

Mr. Olsen devotes much of his time to the irrigation district work at this time and is really very busy. The office work again being conducted at the ranch will permit him devoting his time to the particular work in hand—if at the ranch to the company work—if at the Harney Valley Irrigation District offices in Burns, then to that line.

### SELLS LAMBS FOR SHIPMENT

R. J. Williams was in town the other day on his way home from delivering a big shipment of lambs at Crane. They were sold by weight and even though they were spring lambs they brought him better than \$6.50 per head which is some better than had been realized before for some time. The sheep men are not making any fortunes these days but hope with other stockmen, that a higher price will be offered later.

### CONSIDERS CHANGES OF SALARY OF COUNTY OFFICERS

At the noon luncheon of the business men yesterday the matter of changes in the amount of salary paid the county officers was brought up. Senator Bell, upon his recent visit to this city, asked that the matter be given consideration as he was a member of a committee to make such investigation and make recommendations at the coming session of the legislature.

This subject had been given some little consideration by a few but there was no disposition shown by some suggestions from those who did express themselves a committee was appointed to take the matter up with the citizens of the county and ascertain their views.

Senator Ellis was present and stated it was his desire that the people express themselves on this subject as he wanted to act in accordance with their wishes when the advancement or reduction of salaries came up before the legislature.

### THREATEN TO DISCONTINUE LAWEN POST OFFICE

I. Weinstein of the Weinstein Mercantile Co. at Lawen, and Fred Otley were up yesterday and were responsible for the report that an attempt is being made to discontinue the post office at Lawen.

It seems Mr. Weinstein has received word from Congressman Sinnott that an inspector has made the re-

commendation to the postal department that the office be discontinued but we do not know on what grounds. The Lawen post office was established something like 25 years ago and it serves at this time more than 125 patrons. It is right on the road between Burns and Crane and the post master is not on a salary, therefore we are at a loss to understand why an inspector would recommend its discontinuance. On the face of it the move looks like a selfish one on the part of certain parties for their own benefit.

The Times-Herald will protest such a move most vigorously and the citizens of Burns will also use their influence to see that our neighbors continue to hold their post office as it is a convenience they are entitled to. The office is kept at the store, a natural gathering place for the people of the community, and should it be discontinued they would be some 15 miles from the nearest post office where they could get stamps or receive parcel post, registered mail or secure a money order. It is simply out of the question that an inspector could make a recommendation to discontinue it and be on the square.

### REVISION OF PRICES DOWNWARD IS KEYNOTE IN MERCHANDISE SALES

Revision of prices downward seems to be the keynote in two of the county's largest dealers this week. The Burns Cash store is using a double page spread in this issue to tell their customers of reductions that they are making, and Weinstein of Lawen, is taking a page.

The greater part of the loss that the country will sustain in bringing prices back to "normalcy" must be borne by the retail merchant, and a very large part by the merchant, in the small towns and communities. While pre-war prices are still a dream as far as the consumer is concerned, substantial reductions are made in practically all lines in the sales advertised.

If customers take into consideration that these reductions are purely voluntary, and that the dealer is in many cases taking an actual loss, their appreciation of the values offered will be increased.

### LITTLE DAUGHTER OF RUSSELL K. SMITH SCALED TO DEATH

Fatally scalded by falling in boiling water, little Ruth Smith, two year old daughter of Mr. and Mrs. Russell E. Smith, died Wednesday morning at six o'clock at St. Joseph's hospital in this city.

Mrs. Smith had just lifted the vessel of boiling water from the stove at her home Tuesday forenoon, when little Ruth, running backward, fell into the scalding liquid. She was rushed at once to the hospital, but her injuries were so severe that nothing could be done to assist her.

Funeral services were held at the G. W. Clevenger residence on Thursday. Judge William Farre spoke a few words of consolation to the bereaved parents and friends, and a quartet of girls from the high school sang. Reverend Father O'Conner read the service at the cemetery, and the high school quartette again rendered selections.

The sympathies of the entire community go out to the grief-stricken parents and relatives in their bereavement.

J. T. Garrett and family took their departure the first of this week for San Diego, California, where they will spend the winter. The son, John, is troubled with rheumatism in this part of the country during the winter months and they feel it will benefit his health by spending the cold weather in a warmer climate.

## CALL FOR MORE MEMBERS LASTS UNTIL THANKSGIVING DAY

### Annual Dues Paying Time in Red Cross Lacks Large Donations

Five days more remain of the Fourth Red Cross Roll Call, the annual call of the "Greatest Mother in the World," for her members to renew their pledges. At present indications, Harney county will make a good showing this year, but too few contributing and sustaining memberships are being received.

Fifty per cent of the money received for annual dues, stays in the home chapter for local work, such as fighting the recurrence of the influenza epidemic last year. Eighty per cent of the money for contributing memberships at \$5.00 and sustaining memberships at \$10.00, stays at home. One contributing membership is worth eight annual memberships to the local chapter, and one sustaining is worth 16 annuals.

Harney county may not need these additional memberships, and optimistic spirit hopes that it will not, but misfortunes can never be foreseen, and should they be needed to fight another epidemic or to relieve actual physical distress or suffering this winter, the local Red Cross chapter should be prepared.

Aside from the local needs, and Harney County chapter's finances are somewhat low, the broad humanitarian principles of the American Red Cross should prompt a generous response. When the last shot was fired by the contending armies on the Western front just a little more than two years ago, the Red Cross began its greatest work. The war time work was necessary and valuable—the work after the war is just as necessary and valuable, but less spectacular. Thousands of wounded soldiers are still under the care of the Red Cross, and thousands of soldiers' families are being relieved from want.

In civilian relief, the Red Cross aided 135 towns in 27 states in the year ending June 30 last. When the Wall street bomb outrage in New York September 17 injured scores of persons, 20 Red Cross nurses and 35 field directors were on the ground within 20 minutes after the explosion and Red Cross supplies were rushed to nearby hospitals.

Harney county need fear no great danger from an explosion, but other dangers, from fire, storm or epidemics are possible. Should the time come when we need the "Greatest Mother in the World" let us be ready with funds in our own chapter to relieve ourselves while waiting for the outside relief that never fails a stricken community.

### DRAMATIC READER AT LIBERTY PROVES TO BE REAL ARTIST

Edward Abner Thompson, in a platform rendition of "Disraeli," given at the Liberty theatre last Thursday night admirably portrayed the powerful drama, recreating for his auditors in most realistic fashion the passionate heart of the great British prime minister, Disraeli. The house responded in the spirit of the reader, the atmosphere of the drama being sustained during the entire performance.

Mr. Thompson has a rich, powerful speaking voice, with a vast range of expressive imitation, enabling him to bring to the minds of his hearers the many characters of the play without effort. In his performance last Thursday night he proved himself master of his art.

Mr. Thompson honored Burns with a visit some nine years ago. His recital at that time is yet remembered by many of our people. The immediate occasion of Mr. Thompson's visit to Burns is a visit to his sister, Mrs. J. M. Deslites, of this city.

The recital Thursday night was under the auspices of the High School. A second recital will be given at the Liberty theatre tonight and many of our people are looking forward to enjoying a varied program at that time.

## WITH THE PRESIDENT-ELECT IN THE SOUTH



This is an exclusive picture which has just arrived from the south, where Mr. Creager and Mr. Scobey are acting as hosts to the Harding party. The view below is the Creager home, on the golf, where the party are staying. From left to right they are: Mr. R. B. Creager, Mrs. Harding, Mr. Harding and Mr. F. E. Scobey.