

IN THE COUNTY COURT OF THE STATE OF OREGON FOR MALHEUR COUNTY

James M. Prather, M. Newton Prather, James Hill, Eugene Simpson, Edward Prather, Mary Baldwin, Nora Cryden, Addie Harmon, Florence Gohat, Fressie Conger, Clyde Hall and Martin V. Prather, Contestants.

vs. Effie Ferguson (nee Effie Adams), Jennie Cowne (sometimes designated as Jane Cowne), George Cowne, Nora Willis, Rebecca Bush (sometimes designated as Beckey Bush), Fred Humbert, William Hart, Moses W. Hart Junior, Frank Reynolds, George R. Hart, Lavern Humbert, J. D. Fairman as trustee for Lavern Humbert and J. D. Fairman as administrator of the estate of Mary Elizabeth Hart, deceased, proponents and contestees.

In the name of the State of Oregon: To Effie Ferguson (nee Effie Adams) Jennie Cowne (sometimes designated as Jane Cowne), George Cowne, Nora Willis, Rebecca Bush (sometimes designated as Beckey Bush), Fred Humbert, William Hart, Moses W. Hart Junior, Frank Reynolds, George R. Hart, Lavern Humbert, J. D. Fairman as trustee for Lavern Humbert and J. D. Fairman as administrator of the estate of Mary Elizabeth Hart, deceased, proponents and contestees, and to each of you:

Whereas, on the 25th day of March, 1912, the above named contestants filed in the above entitled court and caused a duly verified petition praying that a certain purported will of the above named Mary Elizabeth Hart, deceased, of date July 1910, and filed and admitted to probate in said court and the last will and testament of said Mary Elizabeth Hart, deceased, be revoked, canceled, and set aside and that the probate of said will be revoked, and

Whereas, the Hon. B. C. Richardson, judge of said court, did on the 26th day of March, 1912, make and sign an order that a citation should issue in said court and cause directed to you and each of you citing you and each of you to appear and show cause on or before the 31st day of May, 1912, at 11 o'clock a. m. of said day, if any, you have any said petition should be granted.

In witness whereof I have hereunto set my hand and affixed the seal of said court on this 26th day of March, 1912.

FRANK L. MORFITT, County Clerk of Malheur County, Oregon, and ex-officio Clerk of the County Court of said county and state.

JOHN L. RAND, Attorney for Contestants

Apr 27-May 25

NOTICE FOR PUBLICATION

Vale 01332 Burns 04760

Department of the Interior, U. S. Land Office at Vale, Oregon, April 23, 1912.

Notice is hereby given that David Hawkins, of Crowley, Oregon, who on May 27, 1910, made homestead entry, No. 01332, for 8 1/4 NW 1/4, 8 1/4 NE 1/4, and NE 1/4, section 23, Township 27 S., Range 38 E., Will. Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office, at Vale, Oregon, on the 28th day of May, 1912.

Claimant names as witnesses: James A. Embody, Benjamin T. Slack, Charles Coutz, James McCune, all of Crowley, Oregon.

BRUCE R. KESTER, Register.

April 27-May 25

FORFEITURE NOTICE

Portland, Ore., March 12, 1912.

To J. J. Kenny, W. A. Teutch, Thomas Canham, Jr., and C. C. Wilson.

To you and each of you, your heirs or assigns: You are hereby notified that we have expended during the calendar year, 1911, \$100, in labor and improvement upon Petroleum claim known as the Nyssa Petroleum & Gas Group of NE 1/4 of Section 20, in T. 19 S. of Range 46 east of Willamette Meridian in Malheur County, State of Oregon, the location notice of which is recorded in Book 8 Page—of the "Records of Oil," in the office of said county clerk of Malheur County, Oregon, in order to hold said claims under the provisions of section 2324, Revised Statutes of the United States, and the amendment thereof approved January 22, 1880, concerning the annual labor of mining claims, being the amount required to hold said mining claims for the period ending December 31, 1911.

And if within 90 days from the personal service of this notice or within 108 days after the publication thereof, you fail or refuse to contribute your portion of such expenditure as co-owner, which amounts to \$12.50, your interest in the said claim will become the property of the undersigned, your co-owner, who has made the required expenditure by the terms of said section of Revised Statutes.

Michael Barber, W. F. Greer, John H. Greminzer, Joe Truttmann.

F. pub. March 16; L. pub. May 25

Notice for Publication

01752

Department of the Interior, U. S. Land Office at Vale, Oregon, April 23, 1912.

Notice is hereby given that George Fitzsimmons, of Vale, Oregon, who on March 23, 1911, made homestead entry No. 01752, for the N 1/2 NW 1/4, section 14, township 18 S., range 44 E., Will. Meridian, has filed notice of intention to make final commutation proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office at Vale, Oregon, on the 5th day of June, 1912.

Claimant names as witnesses: C. M. Lacey, B. C. Wood, T. C. McElroy and E. C. Palmer, all of Vale, Oregon.

BRUCE R. KESTER, Register.

A 27-M25

Swamp Land Notice

Acting under instructions from Governor West, all the swamp land belonging to the State of Oregon will be selected as soon as possible.

Any one having information regarding the location or condition of such land will kindly confer with me. Such information will be of much value to the land department.

T. A. Rinschert, State Land Agent.

While visiting in Vale stop at the Arlington Hotel.

Notice For Publication

Vale 041 Burns 0183 H. E. 3135

Department of the Interior, U. S. Land Office at Vale Oregon, April 27, 1912.

Notice is hereby given that Charles Pritchard, of Brogan, Oregon, who, on June 4, 1907, made homestead entry No. 3135, for S 1/2 NW 1/4, NE 1/4 SW 1/4 and NW 1/4 SW 1/4, section 11, Township 16 S., Range 42 E., Will. Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office, at Vale Oregon on the 10th day of June, 1912.

Claimant names as witnesses: Melville D. Kelley, of Jamieson, Charles E. Boswell, of Brogan, Oregon, Hans Mary Gruar " " " " C. G. McCambridge, of Jamieson Oregon.

BRUCE R. KESTER, Register.

1st pub May 4 last pub June 1.

FORFEITURE NOTICE

Portland Oregon, April 2, 1912.

To D. A. Thompson, Nettie Thompson, Edith Downs, T. F. Andrews, Wallace, Frank Cundiff and F. M. Thompson.

To you, and each of you, your assigns: You are hereby notified that I have expended during the calendar year, 1911, \$100, in labor and improvement upon Petroleum Placer claim for the Rose City Oil and Gas Association covering the NE 1/4 Section 26, Township 16 South of Range 44 E. W. M., in Malheur County, State of Oregon, the location notice of which is recorded in Book 8, Page 445 of the "Records of Oil," in the office of said county clerk of Malheur County, Oregon, in order to hold said claims under the provisions of section 2324, Revised Statutes of the United States, and the amendment thereto approved January 22, 1880, concerning the annual labor of mining claims, being the amount required to hold said mining claims for the period ending December 31, 1911.

And if within 90 days from the personal service of this notice or within 108 days after the publication thereof, you fail or refuse to contribute your portion of such expenditure as co-owner, which amounts to \$12.50, your interest in the said claim will become the property of the undersigned, your co-owner, who has made the required expenditure by the terms of said sections of Revised Statutes.

John Kimm

F. pub April 6 L. pub June 15

NOTICE OF CONTEST

01709 C. D. 102

Department of the Interior, United States Land Office, Vale, Oregon, April 23, 1912.

To Marcia Takahara of Vale, Oregon, Contestee:

You are hereby notified that Percy M. Johnson who gives Vale, Oregon, as his post office address, did on April 15, 1912, file in this office his duly executed application to contest and secure the cancellation of your desert land entry, Serial No. 01709, made February 23, 1911, for W 1/2 W 1/2 section 10, township 18 S., range 44 E., Will. Meridian, and as grounds for his contest he alleges that you have made no expenditures on said entry and have made no attempt to reclaim said land, and that you have wholly abandoned same.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be canceled thereunder without your further right to be heard therein, either before this office or on appeal, if you fail to file in this office within twenty days after the fourth publication of this notice, as shown below, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office due proof that you have served a copy of your answer on the said contestant either in person or by registered mail. If this service is made by the delivery of a copy of your answer to the contestant in person, proof of such service must consist of the affidavit of the person by whom the copy was mailed stating when and the post office to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the post office to which you desire future notices to be sent to you.

BRUCE R. KESTER, Register.

Date of first publication May 11, 1912.

" second " " 18, " "

" third " " 25, " "

" fourth " " June 1, " "

Notice for Publication

01820

Department of the Interior, U. S. Land Office at Vale, Oregon, April 25, 1912.

Notice is hereby given that James W. Robinson, of Vale, Oregon, who, on April 28, 1911, made homestead entry No. 01820, for E 1/2 NE 1/4, SW 1/4 NE 1/4, and NE 1/4 SE 1/4, section 20, township 18 S., range 44 E., Will. Meridian, has filed notice of his intention to make final commutation proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office at Vale, Oregon, on the 7th day of June, 1912.

Claimant names as witnesses: Herbert Cole, D. C. Wells, H. B. Pickle and Lawrence R. Johnson, all of Vale, Oregon.

BRUCE R. KESTER, Register.

Apr. 27-May 25

Pacific Coast Excursions

At various times fares during the Summer via the Oregon Short Line, Reduced fares to Portland, Seattle, San Francisco, Los Angeles and other coast points. Consult any Oregon Short Line Agent or write D. E. Burley, General Passenger Agent, Salt Lake City, Utah.

Notice For Publication

Vale 0623 Burns 02233 H. E. 3060

Department of the Interior, U. S. Land Office at Vale, Oregon, May 17, 1912.

Notice is hereby given that Fred E. Lacey, of Ironside, Oregon, who, on April 27, 1907, made Homestead Entry No. 0623, for S 1/2 NW 1/4, Sec. 19 and W 1/2 NW 1/4, Section 30, Township 14 S., Range 40 E., Will. Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office, at Vale, Oregon, on the 26th day of June, 1912.

Claimant names as witnesses: J. W. Weaver, Clarence Howard, D. A. Derrick and Ray Duncan, all of Ironside, Oregon.

BRUCE R. KESTER, Register.

1st pub May 30 1st pub June 22

Go to T. T. Nelson's for furniture.

GOV. WEST APPOINTS LOCAL MAN DELEGATE

Governor West has appointed Ivan E. Oakes of this city as one of the Oregon delegates to the Northwest Development Congress to be held in Seattle, June 5 to 8.

The Governor appointed 86 other Oregonians to attend the Seattle convention, Banker J. R. Blackaby, of Ontario, being included in the list.

W. R. Higinbothom, of the City Bottling Works of Payette was a business visitor here on Tuesday.

Notice for Publication

0761

Department of the Interior, U. S. Land Office at Vale, Oregon, April 29, 1912.

Notice is hereby given that Emily Gould, of Skull Springs, Oregon, who, on April 1, 1907, made homestead entry, No. 0761, for NE 1/4 NW 1/4, W 1/2 NE 1/4 and SE 1/4 NE 1/4, section 9 and SW 1/4 NW 1/4, section 10, township 24 S., range 40 E., Will. Meridian, has filed notice of intention to make final proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office at Vale, Oregon, on the 4th day of June, 1912.

Claimant names as witnesses: Joe O'Rell, George Frasier, J. C. Gordon and Frank Spencer, all of Skull Springs, Oregon.

BRUCE R. KESTER, Register.

May 4-June 1

Notice For Publication

Vale 0499 Burns 01891 H. E. 2487

Department of the Interior, U. S. Land Office at Vale, Oregon, May 2, 1912.

Notice is hereby given that Earl R. Smith, one of the heirs of Charles R. Smith, deceased, of Westfall, Oregon, who, on July 5, 1905, made Homestead Entry, No. 0499, for E 1/2 NW 1/4, SW 1/4 NE 1/4 and Lot Section 18, Township 16 S., Range 39 E., Will. Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office, at Vale Oregon, on the 12th day of June, 1912.

Claimant names as witnesses: A. Don McCann, Oscar Presley, Charley Crosby and Charley Merrett, all of Westfall, Oregon.

BRUCE R. KESTER, Register.

1st pub May 11 last pub June 8.

Notice For Publication

Vale 01518

Department of the Interior, U. S. Land Office at Vale, Oregon, May 11, 1912.

Notice is here given that Emil Gunderson, of Crowley, Oregon, who, on August 3, 1910, made Homestead Entry, No. 01518, for S 1/2 NE 1/4 and N 1/2 SE 1/4, Section 11, Township 27 S., Range 39 E., Will. Meridian, has filed notice of intention to make Final Commutation Proof, to establish claim to the land above described, before the Register and Receiver of the U. S. Land Office, at Vale, Oregon, on the 17th day of June, 1912.

Claimant names as witnesses: John Maxam, Frank Hartley, J. W. Staples and Charles E. Hartley, all of Crowley, Oregon.

BRUCE R. KESTER, Register.

f. pub May 18 1st pub June 15

NOTICE FOR PUBLICATION

Vale 01690

Department of the Interior, United States Land Office, Vale, Oregon, May 7, 1912.

Notice is hereby given that Byron Wood, of Vale, Oregon, who, on February 3, 1911, made homestead entry No. 01690, for SW 1/4 SE 1/4, section 29, N 1/2 NE 1/4, section 32 and NW 1/4 NW 1/4, section 33, township 17 S., range 44 E., Will. Meridian, has filed notice of intention to make final commutation proof, to establish claim to the land above described, before the Register and Receiver of the U. S. Land Office at Vale, Oregon, on the 13th day of June, 1912.

Claimant names as witnesses: A. Simonet, J. Edwin Johnson, C. M. Lacey and A. H. Thomas, all of Vale, Oregon.

BRUCE R. KESTER, Register.

May 11-June 8

Forfeiture Notice

Salem, Oregon, May 7, 1912.

Wm. Davidson and Fred C. Fish. You, and each of you, your heirs and assigns, are notified that we have expended during the calendar year 1911, \$100 in labor and improvements upon the Petroleum Placer claim of the Swastika Oil and Gas Association, covering the NW 1/4 of Section 24 township 20, south of range 44, east of the Willamette Meridian, Malheur county, State of Oregon, the location notice of which is recorded in Book 8, Page 129, of the "Records of Oil" in the office of the county clerk of Malheur county, Oregon, in order to hold said claim under the provisions of section 2324, Revised Statutes of the United States, and the amendment thereto approved January 22, 1880, concerning the annual labor on mining claims, being the amount required to hold said mining claims for the period ending December 31, 1911-1912.

And if within 90 days from the personal service of this notice or within 108 days after the publication thereof, you fail or refuse to contribute your portion of such expenditure as co-owner, which amounts to \$12.50, your interest in the said claim will become the property of the undersigned, your co-owner, who has made the required expenditure by the terms of said section of the Revised Statutes.

Geo. O. Savage, Lafe Hill, Carroll L. Moores, Ross E. Moores.

First publication May, 18 last publication July 13.

Notice For Publication

Vale 01373 Burns 04865

Department of the Interior, U. S. Land Office at Vale Oregon, May 10, 1912.

Notice is hereby given that Frank Sargent, of Melvin, of Westfall, Oregon, who, on June 18, 1910, made Homestead Entry, No. 01373, for SW 1/4 Section 34, Township 19 S., Range 41 E. Will. Meridian, has filed notice of intention to make Final Commutation Proof, to establish claim to the land above described, before the Register and Receiver of the United States Land Office at Vale, Oregon, on the 30th day of June, 1912.

Claimant names as witnesses: William Cramer, Hanes Hart, Benjamin Corbett and James Ewing, all of Westfall, Oregon.

BRUCE R. KESTER, Register.

May 18-June 15

'Insurance' Safety Stoves !!!

The "Insurance" is the only stove in which provision is made to prevent the escape of gasoline, should the burner be accidentally blown out or left open.

"IT" Is Safe, Simple, Durable, Economical. If it is a Lawn Mower You Want

Inspect Our Line Before You Buy! The Zenith Self- Sharpening, Ball-Bearing

Get a Fountain Sprinkler

MALHEUR FORWARDING COMPANY, VALE, ORE

PIONEER OF THIS SECTION CORRECTS HISTORY GIVEN IN OREGONIAN EDITORIAL

Says Portland Paper Gives Wrong Statements in Referring to the Humbert Murder Recalled by Asa Carey's Cold Blooded Killing of Jasper Westfall

The Portland Oregonian on May 14 commenting upon the cold blooded murder that had taken place at Westfall on May 10th, printed the following editorial about former Westfall murders which is answered by a "Pioneer" of this section in a letter to the Enterprise with a view of correcting the history of that community as reported by the Portland paper. The Oregonian editorial reads as follows:-

The County Court of Malheur would do a good deed by closing the saloon at Westfall, where another murder occurred a few days ago. The trouble is occasioned by the fighting quality of the "booze," and while it is dispensed there will be shedding of blood. It is not many years since the Bailey boys figured in a murder at Bully Creek, which was the old name of that settlement. The occasion was the Republican primary. Bill Bailey, and his brother were ordinary harmless cowmen and enthusiastic Democrats. Filled with Phil Cammann's whiskey, they essayed to go over to the polls "and kill a Republican," using a descriptive adjective of bar sinister degree. They killed an inoffensive man and made a helpless widow with small children. They were given long terms in the penitentiary, but a Democratic governor in the course of time—not much time, either—turned them loose. The mitigating circumstances was the sole fact that they were full of Cammann whiskey. Cammann is dead, but the quality of the liquor seems unchanged, and just so long as there is a "booze joint" on Bully Creek there will be murder.

Vale, Ore, May 17, 1912.— (To the Editor.)

"The Oregonian" of the 14th inst. says, "The County Court of Malheur County would do a good deed by closing the saloon at Westfall," which statement is probably true, as might also be said of saloons almost anywhere, owing to the point of view of the one considering the question, but in their attempt to write the history of that community, they are so far wrong, that I beg the space to correct some of their statements. Referring to the Humbert murder, by the Bailey Bros. they say "filled with Phil Cammann's whiskey etc." permit me to say that P. A. Cammann never sold any whiskey nor did he run a saloon, but did conduct a general merchandise establishment, and was the first post master at Bully, (now Westfall) and held the position until his death June 14, 1896, giving perfect satisfaction to all patrons of the office, and no man living in the community ever held more of the esteem, and regard of his neighbors or was more sincerely mourned than Phillip A. Cammann. Again it was on the day of the Democratic primary, that the above mentioned murder was committed, and William Humbert, (the victim), was a Democrat, and not a Republican, as their letter implies. "The mitigating circumstance was the sole fact that they were full of Cammann whiskey" they say in their write up of the matter, now the fact is, that at the time no saloon had been established in that precinct, and it was currently reported at that time that the whiskey was sent into that precinct that day by a prominent candidate of the Democratic party for the purpose of controlling the primary in his own interest, but that as it may, it was very easy at that time to send out to other towns in the county, and have from 1 to 5 gallons of whiskey sent in by stage, and it is within the bounds of possibilities that the Bailey Bros., and others jointly ordered in the whiskey, as it was a common occurrence for this to be done, especially upon any extra occasion, and a few moments conversation with any one who was living there at that time, would probably lead one to the conclusion that the sole, "mitigating circumstance" was that by a great many people it was believed that there were others who were equally guilty with the Bailey Bros., but who escaped punishment, it seeming to many a miscarriage of justice. The writer hereof has been a resident of that precinct since May 1889, and knows where he speaks and while there is a great deal more that might be said on this matter it seems that this article is already too long, and the only excuse for writing this, was a desire to correct a wrong, and misleading statement against a man who the writer knew as an exemplary husband, and father, and an upright, enterprising, and valuable citizen, kind and just to his neighbors. He was my friend. "A Pioneer."

Poor appetite is a sure sign of impaired digestion. A few doses of Chamberlain's Stomach and Liver Tablets will strengthen your digestion and improve your appetite. Thousands have been benefited by taking these Tablets. Sold by Vale Drug Store.

If you want your friends in the east to know what is going on in this section send them the Enterprise.

CHILDREN ARE URGED TO WORK FOR SCHOOL FAIRS

State Superintendent Alderman Writes to Boys and Girls of Oregon, Tells Them to Get Busy

State Superintendent L. R. Alderman has addressed a letter to the boys and girls of Oregon who have decided to grow some garden produce, raise some chickens, or pigs, or sew, cook or carpenter for their local fairs or the state fair, in connection with the great state wide series of agricultural and industrial contests this year. The young people are reminded that their schools are closing, hot and tempting summer is approaching, and that the rewards both in prizes and in good habit cultivation will continue as big as they are now although the number of contestants to claim them may grow smaller. In his letter the state superintendent says:

"Your schools are now closing and many of you will hear the call of the swimming pool and the shady woods. I hope you respond to these calls of nature with a right good will, but do not forget your gardens and your

pigs, and poultry. If you forget your garden, the calves, the chickens, or your little brothers and sisters are likely to disturb them. If you neglect your pigs they will squeal on you. Stand by the work you have started. The number of contestants may grow smaller but the value of the prizes will grow greater, for those little lambs, goats, and pigs to be given for the best vegetables are fattening, those Shetland ponies are getting more glossy, and that thousand dollars in cash is looming up like the mountains of Midas. At least \$20,000 in cash and merchandise will be given in prizes to the boys and girls of Oregon this year.

"Perhaps you would like to hear what the schools in the other counties are doing. You may easily guess this from the fact that there are to be over 85 children's fairs. By county the number already reported to my office is as follows:

- Baker 1, Benton 1, Clackamas 10, Clatsop 1, Columbia 2, Coos and Curry 1, Crook 2, Douglas 6, Gilliam, 1, Grant 1, Harney 1, Hood River 1, Jackson 1, Josephine 1, Klamath 1, Lane 7, Lincoln 1, Linn 3, Malheur 1, Marion 2, Morrow 1, Multnomah 2, Polk 1, Sherman 1, Tillamook 2, Umatilla 3, Wheeler 3, Yamhill 1.

"We think there will be several others but the first reports show the above as certain. From the middle of August to the middle of October the work of boys and girls will be the center of attraction at these fairs. Isn't this a fine race? Now that you are fairly into the game show your grit and stick to it to the end."

It would surprise you to know of the great good that is being done by Chamberlain's Tablets, Darius Downey, of Newberg Junction, N. B., writes, "My wife has been using Chamberlain's Tablets and finds them very effective and doing her lots of good." If you have any trouble with your stomach or bowels give them a trial. For sale by Vale Drug Store.

Don't Nurse It. The best way to avoid misunderstandings is to come out square with your kick to the man in charge and have it over with. Don't knock behind his back. The First National Bank, Vale, Oregon. Five Per Cent On Time Deposits Capital Stock \$50,000

Oregon-Idaho Lumber Co. F. MULKEY, Mgr. All Kinds of Building Material. Exclusive Agents for Overland Plaster. Also "King" Coal. Material practically all under sheds.

EXCURSIONS EAST Via OREGON SHORT LINE UNION PACIFIC RAILROADS. May 18, 25, 31; June 1, 5, 8, 12, 15, 20, 22, 29; July 3, 12, 20; August 1, 2, 10, 23, 31; September 4, 5. Limit, October 31st, 1912. Very Low Rates to— DENVER, OMAHA, KANSAS CITY, ST. LOUIS, CHICAGO, ST. PAUL, MINNEAPOLIS. See any Oregon Short Line Agent for rates and further particulars, or write:— D. E. BURLEY, General Passenger Agent, SALT LAKE CITY, UTAH