

## LOCAL, STATE &amp; REGION

# Remarkable pioneer may have built stone fence in NE Oregon

BY DICK MASON

The Observer

COVE — Northeast Oregon pioneer Anderson C. Smith was a man of short stature whose life story gave rise to tall tales.

It was said Smith once killed a 900-pound grizzly with a single shot near Minam and was such an accurate marksman he could knock an eye out of a grouse with a round from his Henry Rifle.

“He was the man of the mountains and the Kit Carson of the Pacific Coast,” the Mountain Sentinel, an old Union County newspaper reported in its July 6, 1872, edition.

On a less embellished note, Smith reportedly built many stone fences in Northeast Oregon that were used to contain horses and cattle. The total may include one in Cove that still stands, but Smith has been denied credit for building it by historians because of geographic confusion. This is the belief of Jack Johnson of Cove, a retired National Guardsman who studies local history.

The fence is on farmland 2 miles west of Cove and is close to 100 yards long.

“I believe it is possible that this fence was built by A.C. Smith,” Johnson said.

The Cove resident thinks that a number of historical documents mistakenly list this fence as being built in the Imnaha area. This is understandable, Johnson said, because early in Cove’s history it may have been referred to by some as the Imnaha area. He cites an 1864 township map that appears to indicate the Cove area was on the edge of what was then known as the Im-



A rock fence that stands near Cove may have been built by Oregon pioneer Anderson C. Smith, who reportedly built many stone fences in Northeast Oregon that were used to contain horses and cattle in the 1800s.

naha Forest Reserve.

Johnson is searching for verification indicating that the fence in Cove indeed was made by Smith. His case is strengthened by documented ties Smith had to Cove. According to the book “Gateway to the Wallows” by Irene Locke Barklow, Smith and his wife, whose maiden name was Sarah A. Whittington, lived in Cove from 1862-1872 before moving into what is today Wallowa County. This was when Union County included all of the land that in 1887 became Wallowa County.

A.C. Smith, a Civil War veteran, took a big step toward opening Wallowa County to settlers in 1872-1873 when he built a toll bridge over the

Wallowa River near Minam. The bridge opened in February 1873, an event so significant it was reported in The Oregonian. John Harland Horner, who documented much of Wallowa County’s history in what is known as the Horner Papers, wrote this about Smith and the toll bridge according to Barklow: “The way into the Wallows was practically opened by Captain A.C. Smith, the Daniel Boone of Wallowa.”

Smith, who was born in Franklin County, Illinois, in 1831, studied law for many years and in 1888 was admitted to the Oregon bar. He then began practicing law in Enterprise.

“This was remarkable con-

sidering that he never had any formal education,” Johnson said.

Smith came to the West during the gold rush in the 1850s before traveling to Northeast Oregon in 1858 where he lived in Cove and what is today Wallowa County. Smith later traveled east and served in the Union Army as an officer for a short time during the Civil War before he was slightly wounded. He then returned to the Northwest.

Johnson said Smith, who died in Enterprise in 1911, is a fascinating historical character, one he would have enjoyed meeting.

“He was very colorful and influential,” Johnson said.

## TODAY

Today is Friday, Jan. 1, the first day of 2021. There are 364 days left in the year.

On **Jan. 1, 1863**, President Abraham Lincoln issued the Emancipation Proclamation, declaring that slaves in rebel states shall be “forever free.”

In **1660**, Englishman Samuel Pepys began keeping his famous diary.

In **1892**, the Ellis Island Immigrant Station in New York formally opened.

In **1953**, country singer Hank Williams Sr., 29, was discovered dead in the back seat of his car during a stop in Oak Hill, West Virginia, while he was being driven to a concert date in Canton, Ohio.

In **1954**, NBC broadcast the first coast-to-coast color TV program as it presented live coverage of the Tournament of Roses Parade in Pasadena, California.

In **1959**, Fidel Castro and his revolutionaries overthrew Cuban leader Fulgencio Batista, who fled to the Dominican Republic.

In **1975**, a jury in Washington found Nixon administration officials John N. Mitchell, H.R. Haldeman, John D. Ehrlichman and Robert C. Mardian guilty of charges related to the Watergate cover-up.

In **1979**, the United States and China held celebrations in Washington and Beijing to mark the establishment of diplomatic relations between the two countries.

In **1984**, the breakup of AT&T took place as the telecommunications giant was divested of its 22 Bell System companies under terms of an antitrust agreement.

In **1993**, Czechoslovakia peacefully split into two new countries, the Czech Republic and Slovakia.

In **2005**, desperate, homeless villagers on the tsunami-ravaged island of Sumatra mobbed American helicopters carrying aid as the U.S. military launched its largest operation in the region since the Vietnam War. Shirley Chisholm, the first Black woman elected to

the U.S. Congress, died near Daytona Beach, Florida, at age 80.

In **2014**, the nation’s first legal recreational pot shops opened in Colorado at 8 a.m. Mountain time.

**Ten years ago:** A suicide bomber killed 21 people outside a church in Alexandria, Egypt, in one of the country’s worst attacks targeting Coptic Christians.

**Five years ago:** Hillary Clinton’s presidential campaign said it had raised \$37 million in the previous three months and more than \$112 million in all of 2015 to support her bid for the Democratic nomination. Death claimed former Arkansas governor and U.S. Senator Dale Bumpers at age 90; former U.S. Rep. Mike Oxley at age 71; and cinematographer Vilmos Zsigmond at age 85.

**One year ago:** Militiamen backed by Iran withdrew from the U.S. Embassy compound in Baghdad after two days of clashes with American security forces. David Stern, who spent 30 years as the NBA’s commissioner as it grew into a global power, died at the age of 77, three weeks after suffering a brain hemorrhage. A fire at the Krefeld Zoo in western Germany killed more than 30 primates, including five orangutans and two gorillas.

**Today’s Birthdays:** Documentary maker Frederick Wiseman is 91. Actor Frank Langella is 83. Rock singer-musician Country Joe McDonald is 79. Writer-comedian Don Novello is 78. Actor Rick Hurst is 75. Sen. Robert Menendez, D-N.J., is 67. The former head of the International Monetary Fund, Christine Lagarde, is 65. Rapper Grandmaster Flash is 63. Actor Renn Woods is 63. Rhythm and blues singer Tank is 45. Model Elin Nordegren is 41. Actor Jonas Armstrong is 40. Actor Eden Riegel is 40. Olympic gold medal ice dancer Meryl Davis is 34. Rock musician Noah Sierota (Echosmith) is 25.

—Associated Press

# Admission delay at state psychiatric hospital violates order, court says

BY ZANE SPARLING

Pamplin Media

The Oregon Court of Appeals has upheld a 2019 ruling that found the state psychiatric hospital in contempt for failing to quickly admit incarcerated persons found unfit to stand trial.

Since 2002, a federal order has required the Oregon State Hospital to admit patients within seven days in cases where a trial court has issued a commitment order, but the hospital “routinely violated” that rule hundreds of times, according to an investigation by The Oregonian last year.

The appeals decision, published Wednesday, has some in the legal establishment hoping it will spur lawmakers to act.

“If the Legislature keeps ignoring these violations, and doesn’t fully fund the state hospital, they are now opening themselves and state agencies up to a whole bunch of liabilities,” said defense attorney Amanda Thibeault. “My real hope is that the Legislature cares enough about mentally

ill people to properly fund the state hospital.”

Thibeault represented Carlos Zamora-Skaar, who faced a felony burglary charge relating to a Beaverton apartment break-in in December 2018. Washington County Judge Charles D. Bailey ordered an evaluation of Zamora-Skaar’s mental fitness the following January, but by April that still hadn’t happened, Oregon Public Broadcasting reported at the time.

Judge Bailey ordered the Oregon Health Authority, which runs the hospital, to pay a \$100 fine for each day a defendant remained behind bars past the seven-day deadline. Public health authorities then appealed the ruling — to no avail.

“OSH defended against the contempt allegation based on an affirmative defense of inability to comply with the seven-day timeline, given its view that admitting more patients ... would compromise patient treatment and put patients and OSH staff at risk,” according to the appeals court decision.

Hospital administrators say they have ample reason not to fill every bed at the imposing institution in Salem, such as maintaining capacity for emergencies. The hospital halted all admissions in December, citing an outbreak of COVID-19 that has infected at least 24 patients and 71 workers.

The capacity of the Oregon State Hospital is 671 beds spread across two campuses and offering three levels of care, said Hospital Relations Director Rebeka Gipson-King. “This does not include beds held for managed capacity — keeping one bed open on each unit for safety and treatment purposes, the two closed units on the Junction City Campus that we do not have funding to operate and beds we need for COVID-19 protocols,” she said in a statement.

Zamora-Skaar’s case has been settled — he eventually was transported to the state hospital, where he recuperated; he was then found fit for trial, and later pleaded guilty. Attorney Laura Graser argued the

appellate case.

Thibeault says she’s pleasantly surprised to see Judge Bailey’s finding of contempt to be upheld and understands the reality of the hospital’s struggle with COVID. And yet: “There’s always going to be another justification that state agencies can come up with for violating our clients’ statutory and constitutional rights,” she said. “It takes a lot for one government branch to say that another governmental agency could be held accountable.”

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541-788-5858  
338 SW 6th Street  
Downtown Redmond, OR  
ladiesofleadusa@gmail.com  
Sharon Preston

www.ladiesoflead.com