

THE OPINION IN WATER SUIT FOR McCALL

Judge Benson Decides Prominent Silver Lake Water Case in Favor of the Plaintiff.

Judge Benson has given his decision in an important Lake county suit.

The complaint in the case entitled McCall vs. Porter, (a suit in equity for an injunction) alleges in substance that plaintiffs are the owners of certain lands in Lake county, Oregon, (Silver Lake valley), and that there is a natural water-course in the vicinity known as Buck Creek; that at a point in section 4, Township 28, S. R. 14 east, the said stream divides, and one branch thereof, designated the "McCall Branch of Buck Creek," flows in an easterly direction to and across the lands of plaintiffs, and that plaintiffs' said lands are riparian thereto; that one-third of the waters of said Buck Creek flow (naturally) through this eastern channel; that in March, 1900, defendants obstructed the flow of the waters in said easterly branch, and diverted, by means of a dam, about nine-tenths of the flow thereof, from the plaintiffs' said land, and the usual allegations of the necessity for irrigation.

To this complaint, defendants set up, in addition to denials of the plaintiffs' natural allegations, first, the plea of the statute of limitation; second, their rights as riparian owners; third, usual allegations as to arid character of their lands, and the necessity of irrigation; fourth, prior appropriations by defendants and their grantors.

Following is the decree of the court in this case:

In the Circuit Court of the State of Oregon, for Lake county.

Cynthia I. McCall and W. H. McCall Plaintiffs.

vs. James C. Porter and Josiah Porter Defendants.

Decree.

STATE OF OREGON, CO. OF LAKE: This cause having been heretofore tried in open Court, and the evidence herein filed, and said cause submitted by the parties:

Now, this cause coming on for decree, and the court being fully advised of the law and the facts herein, and having filed its findings of facts and conclusions of law;

It is ordered, adjudged and decreed, that the defendants, James C. Porter and Josiah Porter, their agents, servants and employes, are hereby perpetually enjoined and restrained from in any manner obstructing the easterly channel of Buck Creek, leaving said creek in the SW 1/4 of the SW 1/4 of Section 4, Tp. 28, S. R. 14 E. W. M., in Lake county, Oregon, so that one-third of the water flowing in Buck creek above the head of said easterly channel will not flow down said easterly channel and upon the lands of plaintiffs, and that the plain tiffs have and recover of and from said defendants, and each of them, their costs and disbursements of this suit.

HENRY L. BENSON Judge.

Done at Chambers this 27th day of February, A. D., 1902.

Bucklen's Arnica Salve.

Has world-wide fame for marvellous cures. It surpassed any other salve, lotion, ointment or balm for Cuts, Corns, Burns, Boils, Sores, Felons, Fleers, Tetter, Salt Rheum, Fever Sores, Chapped Hands, Skin Eruptions; Intallible for Piles. Cure guaranteed. Only 25 cents Lee Beall's.

A Clean Bill of Health.

Dr. Bloudin went to Lakeview last week to investigate the small pox epidemic. He informs us there is but one case, and that is in a very light form. The doctor is confident that the disease will be confined to the one case.—Alt turns Plaudender.

And the "one case" is a thing of the past. There is no such thing as small pox now in Lake county, so far as The Examiner can learn. Give us a clean bill of health now, gentlemen of the press.

Stops the Cough and works off the Cold.

Laxative Bromo-Quinine Tablets cure a cold in one day. No cure no pay. Price 25 cents. 447

PARRISH ON LAND LEASING.

Charles W. Parrish of Burns, in the Oregonian of February 25th, gives the land leasing promoters a hard nut to crack. Among other things Mr. Parrish says:

The French-Glenn Livestock Company, of which Mr. Lusk, president of the American Stockgrowers' Association, is president, has many acres of public land to which it has no title fenced in, and so had "in the year ending Jan-1, 1901," and would also benefit by the Millard bill.

We are led to interrogate these gentlemen, who are so worried about the public range, and favor the leasing of the same at 2 cents an acre, and ask them where does the "little feller," or the new-comer of the West, or the man that we want to induce to come to our wild lands and make a home, "get off"? "Oh, yes," you say, "get off in the expending of that 2 cents for surveys and big canals, and storage reservoirs, and distributing ditches, and paying salaries toward a great irrigation scheme, that is to make the arid plains of the great West 'blossom like the rose.'" Well, after sober deliberation, we submit that the only place for him to "get off" is in that beautiful preamble of the bill, where it says: "A bill to provide for the leasing for grazing purposes of the public domain, and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation." But the place where the cattle king and monopolist "gets in his work" is in the whole of the body of the bill.

Strikes A Rich Find.

"I was troubled for several years with chronic indigestion and nervous debility," writes F. J. Green, of Lancaster, N. H., "No remedy helped me until I began using Electric Bitters, which did me more good than all the medicines I ever used. They have also kept my wife in excellent health for years. She says Electric Bitters are just splendid for female troubles; that they are a grand tonic and invigorator for weak run down women. No other medicine can take its place in our family." Try them. Only 50c. Satisfaction Guaranteed by Lee Beall.

Klamath Republican: The railroad building from Eureka, which it is reported will ultimately connect with one of the northern transcontinental lines, will necessarily use the pass through the Cascades in this county. It is one of the few passes through the mountains and is one of the best. It will bring the line to Klamath Falls. The report that the new road will touch Redding is highly improbable, considering the location of that town.

Working 24 Hours a Day.

There's no rest for those tireless little workers—Dr. King's New Life Pills. Millions are always busy, curing Torpid Liver, Jaundice, Biliousness, Fever and Ague. They banish Sick Headache, drive out Malaria. Never gripe or weaken. Small, taste nice, work wonders. Try them. 25c at Lee Beall's.

Justified.

Adirondack Guide (savagely)—How in tarnation did you come to take me fer a deer? Why, I was sittin' on this here log smokin' my pipe plain as could be!

Cholly (rattled)—W-w-well, I've seen wild a-a-animals smoke a pipe in a circus.—Puck.

It Takes Money.

Mr. O'Toole (entering doctor's office)—Shure, doether. OI think OI bov appendicitis.

Dr. Smith—Nonsense, man! You haven't money enough for that.—Judge.

BOTTLE BABIES

Bottle babies are so likely to get thin. What can be done? More milk, condensed milk, watered milk, household mixtures—try them all. Then try a little Scott's Emulsion in the bottle.

It does for babies what it does for old folks—gives new, firm flesh and strong life. You'll be pleased with the result. It takes only a little in milk to make baby fat.

We'll send you a little to try, if you like. SCOTT & BOWNE, 409 Pearl street, New York.

Harney County Stock.

A dispatch from Burns announces that the stockmen of Harney county are preparing to drive stock to the hills, as the snow has all left the foothills and the grass is reported to be better than it generally is at this time of the year. Stockmen who live in the swamps are having considerable trouble with their stock as there is so much water it is almost impossible to feed them, as they waste so much hay by trampling it into the mud. The sheepmen near Lowen and a few cattlemen have already sent their stock to the hills. Sheep have been brought through this winter better than ever before in the History of Harney county, and with warm weather in March and April the loss of young lambs will be small. The agitation of land leasing has caused several sheepmen to go out of business.

320 Acres Land For Sale.

We have for sale 320 acres of farming land, situated on the West Side of Goose Lake; 1 1/4 miles from timber; open range; 50 acres improved; 200 acres under fence and material on the ground to fence balance; two good wells; watering places for stock in field all summer; good 2-story residence, barn and outhouses; garden spot where all kinds of vegetables and melons can be grown prolifically. Situated 1 mile from living stream and 15 miles from Lakeview. 8-11



HOUSEWORK

Too much housework wrecks women's nerves. And the constant care of children, day and night, is often too trying for even a strong woman. A haggard face tells the story of the overworked housewife and mother. Deranged menses, leucorrhoea and falling of the womb result from overwork. Every housewife needs a remedy to regulate her menses and to keep her sensitive female organs in perfect condition.

WINE OF CARDUI

is doing this for thousands of American women to-day. It cured Mrs. Jones and that is why she writes this frank letter:

Glendene, Ky., Feb. 10, 1901. I am so glad that your Wine of Cardui is helping me. I am feeling better than I have felt for years. I am doing my own work without any help, and I washed last week and was not one bit tired. That shows that the Wine is doing me good. I am getting fasher than I ever was before, and sleep good and eat hearty. Before I began taking Wine of Cardui, I used to have to lay down five or six times every day, but now I do not think of lying down through the day. Mrs. RICHARD JONES.

81.00 AT DRUGGISTS. For advice and literature, address, giving name, to The Ladies' Advice Department, The Chattanooga Medicine Co., Chattanooga, Tenn.

PLANS OF MEDICAL INSTITUTE

College of Research Founded by John D. Rockefeller Adopts a Scheme of Work.

A tentative working plan has been adopted by the officers of the Institute for Medical Research, founded by John D. Rockefeller, by whom it was endowed with \$200,000. It follows: To expend \$20,000 a year, divided so as to provide for 40 scholarships. To make appointments for one year. To have candidates recommended by heads of various laboratories to the board of directors. To choose only persons pursuing, or about to pursue, investigations on some important subject in pathology, bacteriology or hygiene.

At the time the announcement was made that Rockefeller had given \$200,000 to found the institute, it was said that one of the first things the institute would do would be to investigate the milk supply of the city, in cooperation with the board of health. This task was completed some time ago. It is said now that work of a more ambitious nature, involving original research, and an effort to throw new light on problems which are as yet unsolved by our scientists will be taken up in the near future.

CASTORIA

For Infants and Children. The Kind You Have Always Bought

Bears the Signature of J. C. H. Fletcher.

A Good Hearted Man.

or in other words, men with good sound hearts, are not very numerous. The increasing number of sudden deaths from heart disease daily chronicled by the press, is proof of the alarming prevalence of this dangerous complaint, and as no one can foretell just when a fatal collapse will occur, the danger of neglecting treatment is certainly a very risky matter. If you are short of breath, have pain in left side, smothering spells, palpitation, unable to lie on side, especially the left, you should begin taking



J. A. Kreamer.

Dr. Miles' Heart Cure. J. A. Kreamer of Arkansas City, Kans., says: "My heart was so bad it was impossible for me to lie down, and I could neither sleep nor rest. My decline was rapid, and I realized I must get help soon. I was advised to try Dr. Miles' Heart Cure, which I did, and candidly believe it saved my life."

Dr. Miles' Remedies are sold by all druggists on a guarantee. Dr. Miles Medical Co., Elkhart, Ind.

Sold Bar for Field Museum.

Rev. Dr. William Copley Winslow, vice president for the United States of the Egyptian exploration fund, announces that the London committee has voted to present to the Field Columbian museum the curious bar of gold found at the royal tombs of Abydos. An exact facsimile has been received by Dr. Winslow and placed in the Boston museum of fine arts. It has been mounted on black marble, and is about five inches long. The name of Allis is incised on the cartouche, such as it then was, and probably dates about 4750 B. C. Near the top of the bar is a hole, which causes Dr. Winslow to suggest that it was used for ornamental purposes, but Prof. Patrie thinks its purpose was unknown.

Nasal CATARRH

In all its stages.

Ely's Cream Balm

cleanses, soothes and heals the diseased membrane. It cures catarrh and drives away a cold in the head quickly.

Cream Balm is placed into the nostrils, spreads over the membrane and is absorbed. Relief is immediate and a cure follows. It is not drying—does not produce sneezing. Large Size, 50 cents at Druggists or by mail; Trial Size, 10 cents.

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FINAL PROOF

United States Land Office at Lakeview, Oregon February 25, 1902. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the Register and Receiver at Lakeview, Oregon, on April 23, 1902, viz: Michael Murphy, H. E. 2142 for the Lots 1, 2, 3 & 4, Sec. 21, T. 43 N., R. 42 E., W. M. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: Al. Adams, Thomas Scott, Charles Hodges and Al. Lewis, all of McDerhold, Nevada, 19028. E. M. BRATTAIN, Register.

TERRER CULTURE FINAL PROOF

United States Land Office at Lakeview, Oregon, Feb. 12, 1902. Notice is hereby given that Gordon W. Garrett has filed notice of intention to make final proof before the Register and Receiver, in his office at Lakeview, Oregon, on Friday the 22nd day of March, 1902, on United States application No. 1546, for the SW quarter of section No. 12, in Township 28, S. R. 14 E., Range 50, W. 4. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: W. R. Bernard, Ira Mosher, Marshall Fisher, Bascom Fisher, all of Lakeview, Oregon, 19028. E. M. BRATTAIN, Register.

FINAL PROOF

United States Land Office at Lakeview, Oregon, Feb. 11, 1902. Notice is hereby given that the following named settler has filed notice of his intention to make final proof before the Register and Receiver at Lakeview, Oregon, on March 9, 1902, viz: Ida Pherson, widow of William Pherson, deceased, H. E. 2143, for the SW 1/4 NW 1/4 Sec. 6, T. 40 S., R. 10 E., 21 S., and Lot 1, Sec. 1, T. 40 S., R. 10 E., 21 S. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: W. R. Bernard, Ira Mosher, Marshall Fisher, Bascom Fisher, all of Lakeview, Oregon, 19028. E. M. BRATTAIN, Register.

PROFESSIONAL.

SMITH & HYMAN, M. D's. Physicians and Surgeons. Lakeview, Or. OFFICE—Daily Drug Store. Calls answered promptly day or night.

E. H. SMITH, M. D. Physician and Surgeon. Lakeview, Or. OFFICE—Lakeview Drug Co's. Store.

D. C. F. DEMOREST Dentist. Lakeview, Oregon. OFFICE—Daily Building.

E. F. COHN Attorney at Law. Lakeview, Oregon. OFFICE—Daily Building.

C. M. DALRYMPLE Attorney-at-Law. Lakeview, Or. OFFICE—Daily Building.

W. J. MOORE Attorney-at-Law. Lakeview, Or. OFFICE—Daily Building.

J. D. VENATOR Attorney-at-Law. Land Matters Specialty. OFFICE—Cogswell Building.

WOODMEN OF THE WORLD Lakeview Camp No. 128 Meets on the 2d and 4th Wednesday of each month in Masonic Hall, at 8 p. m. LOREN BAILEY, Consul Commander. E. N. JACOBSON, Clerk.

Knights of Pythias...

GOOSE LAKE LODGE No. 35, meets every Tuesday evening, Odd Fellows Hall, Lakeview, Ore. Visiting Knights cordially invited. M. WORTON, Chancellor Commander. C. ROSS ANDERSON, K. of R. and S.

Subscribers to The Examiner who remove from one locality to another, or change their postoffice address should remember to drop this office a card so their paper can be addressed to the right postoffice.

THIS PAPER is kept on file at E. C. DARR'S Advertising Agency 64 and 65 Merchants Exchange, San Francisco, Cal., where contracts for advertising can be made for it.

SHEEP BRANDS.

James Barry Brands with Swallow Fork in right ear for ewes; reverse for wethers. Some ewes Square Crop and Ells in right ear. Tar Brand III, Range, Grand Lake. Postoffice address, Lakeview, Oregon.

Zac Whitworth Brands with Crop-off left ear, Half Undercrop off right for ewes; reverse for wethers. Tar Brand W, Range, Fish Creek. Postoffice address, Lakeview, Oregon.



To take effect Sunday, May 19, 1901.

Table with 2 columns: No. 1 and No. 2, listing train schedules with times and destinations.

SIERRA VALLEY RY

5:00 pm [10:30 am] Lv. Plumas At 4:30 pm 9:30 am 5:45 pm [11:20 am] Lv. Yinton At 8:15 pm 8:45 am 6:30 pm [12:30 am] Lv. Beckwith At 1:30 pm 7:30 am 7:30 pm [12:30 am] Lv. Fairville At 1:40 pm 7:00 am

CONNECTION WITH STAGE AT:

Terms.—for Lakeview, Paisley and Fish, Ore., and Ft. Bidwell Lake, Calif., Cedarville, Adin, Alturas and Bishop, Calif. Hot Springs.—for Standish and Susanville, Calif. Day.—for Milford, Jonesville and Buntinville, Calif. Yinton.—for Layton, Documville and Campbell's Hot Springs, Calif. Beckwith.—for Genesee, Taylorville and Greenville, Calif. Fairville.—Mohawk and Quincy, Calif. Reno, connecting with No. Pac. Co., for all points East & West; V. A. T. R., for all points south.

