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LUTZ WINS FROM SMALL

Oregon Supreme Court Decides Long Contested Land Case From Silver Lake.

The Supreme Court of Oregon has finally disposed of a case that has been attracting the attention of the courts of this state, at stated periods, for the past ten years. Years ago George Small purchased from the State of Oregon, a tract of land in Silver Lake valley under the swamp land act. We understand this was a part of the land known as List 5, which was afterward cancelled by the Government as the allotment of swamp land which the State claimed. Elmer Lutz, upon the land being turned back to the Government, at once filed on a quarter section of the said land which had been previously enclosed by Small, and Lutz received a patent for the quarter section in due course of time. The land which the Oregon Supreme Court now says belongs to Lutz is in George Small's field in Silver Lake valley. The decision in brief, given out last week, is as follows:

George H. Small, respondent, vs. Elmer D. Lutz, appellant, from Lake County, H. L. Benson, Judge, reversed and complaint dismissed; opinion by Justice Bean.

Plaintiff claimed title to land by purchase from the state under the swamp land act. Defendant held under a patent from the Government under the homestead act. The plaintiff secured his deed from the state after the department of the Interior had issued a swamp land list, showing that the state was entitled to the land, but later the list was cancelled. Held that the listing of certain lands to the state as swamp lands, by the Secretary of the Interior, is not conclusive, but may be revoked any time prior to the issuance of a patent. Until the patent has been issued, the land department may determine for itself under what circumstances and upon what notice it will cancel the list. If the cancellation is made without notice to a grantee of the state, he still has the right to show by evidence other than the approved list that the land was in fact, within the terms of the swamp land grant, and should be patented to the state. But, in our opinion, this showing must be made to the Secretary of the Interior, and before the legal title passes from the Government.

It is therefore held that plaintiff's complaint did not state a cause of suit.

The case may now go to the United States Supreme Court as a last resort. C. A. Coggeswell was attorney for Small, and C. B. Watson and B. B. Beckman for Lutz.

Surveying Timber Lands.

H. C. Perkins and Fred Mensch of Grants Pass have the contract for surveying the military road grant, comprising portions of six townships lying directly on the summit of the Cascades between the headwaters of the Des Chutes and Willamette rivers. The work has already begun. It is to be done for the Government, but directly for the Booth-Kelley Lumber Company, which recently secured an option for the purchase of the big timber tract of the California Company. The Booth-Kelley Company will furnish the money for the survey of the grant, but will be repaid by the Government upon the presentation of proper vouchers in accordance with an act of Congress passed several years ago. When the lumber company has completed the survey on the land grant, and has deeded it to the United States, scrip will be issued in lieu of it, which can be exchanged for any other Government land situated anywhere that is worth and selling for \$5 an acre or more. This exchange may be made either for timber or for grazing or prairie land.

HISTORY OF A BAD LIFE

A. P. McMillan Who Went the Strychnine Route at Golconda Left His Life in Ink.

The Winnemucca Silver State publishes the contents of another letter left by A. P. McMillan, the Klamath music teacher, when he committed suicide near Golconda, Nevada. In this letter he gives a brief history of his life, which he might as well have left untold. During his residence in Susanville, the Advocate says, he conducted himself with perfect propriety and was making many friends by his gentlemanly demeanor, which goes to show that the unfortunate man was doubtless a kleptomaniac, and irresponsible in most instances. Here is his confession in full:

"Golconda, Nev., July 28, 1902.

"To Whom It May Concern: No doubt when this is found and read I will be no more. I am not exactly crazy, but I am determined to put an end to a worthless renegade. Ever since I was six years of age I have done nothing but pile one wrong on top of another. When I was thirteen years old my father put me in the reform school at Plainfield, Ind. I was there until I was eighteen, when I escaped and came to California. Then I got in trouble and went up to the Artic on a whaler to escape punishment. When I got back I went down into Monterey county, Cal., and served six months, and was sent from Hollister to San Quentin in '96. I got out in '97 and four months afterward married in Mariposa county, Cal. After seventeen months I deserted my wife and child and went to Ukiah under the name of Blake. I stole a bicycle and went to Hanford, was arrested there and sentenced to four months for embezzlement. I was taken from there back to Ukiah and sentenced to six months for the bicycle theft. I did thirty days and escaped, and went to Crescent City. I got into trouble there and had to leave there a few months later. Then I wandered down into Placer county, at Ophir, under the name of E. Selma and left there owing \$300 and took a cornet and a violin. Then I went to Klamath Falls, Oregon, and married. I lived with my wife two months when I had to leave to evade officers. I had very little money so appropriated other people's coin and a wheel. I have been chased to this place.

"Now I am sure no one will blame me for taking my own life under these circumstances. I try constantly to reform but to no avail. It is utterly impossible for me to avoid these spells, for I am only a criminal by fits and when I get those fits I am helpless. I have concluded to commit one more and quit for always—that is, kill myself. Hoping the victims of my mania will in a way forgive me, I will now administer final punishment.

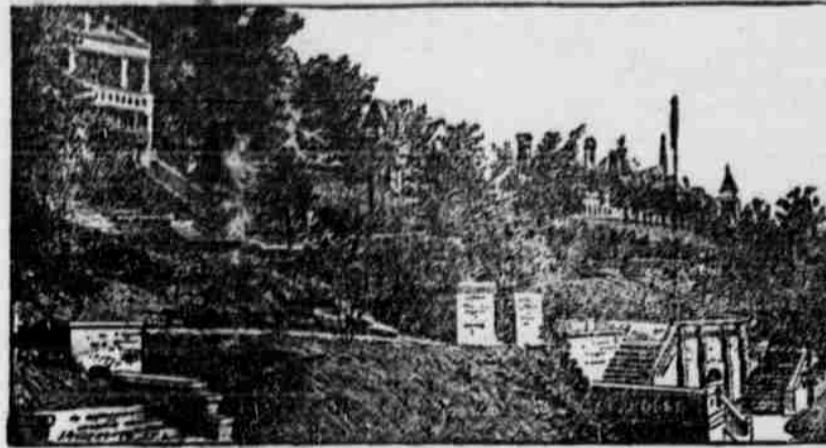
"A. P. McMILLAN.

"P.S. Please notify my wife, Mrs. Edna McMillan, Klamath Falls, Oregon; also my father, A. McMillan, at Lebanon, Boone county, Indiana."

They Are Coming Back.

The members of the Southern Stock Company left Alturas last Monday for a two-week's camping trip at Blue Lake, on the summit of the mountain overlooking New Pine Creek. After their fortnight's rest the company will play Surprise Valley towns, thence back to Lakeview, opening here for a week's engagement on Monday, Sept. 15. After the week's engagement here the Southern Stock Company will return to Alturas to play during Fair week. The repertoire here will be an entire change of plays, which will include such excellent productions as "A Mother's Honor," "Partiality," "In Colorado," "Wilde and Wilder," "Little Barefoot" and "The Ranchman." Our people recognize the ability of these people and will no doubt welcome their coming.

GRAND ENTRANCE ARKANSAS SPRINGS



The average temperature of the waters of the seventy-two Hot Springs of Arkansas is 135 degrees Fahrenheit; they discharge 1,000,000 gallons per day. There are, all told, at Hot Springs, twenty-three bath houses which pay the government for the privilege of using the waters, besides the government free bath house. As to their location about half of them are situated upon the reservation forming what is known as "Bath House Row," while the balance are located at various other points throughout the city. About half of them also are in connection with hotels; or sanitariums, while the others stand by themselves. Some are of brick and some are of wood, and they range in cost from \$15,000 to \$75,000. In architecture they are very tasteful, some pretentious and elegant. They vary considerably in interior furnishing and equipment, and on this is based the difference in charges for baths. All are clean, in perfect sanitary conditions, as required by government rules, and porcelain tubs are universally used. The more expensive of the houses have solid Royal porce-

lain tubs, marble floor and partitions, private dressing rooms, and in addition to the hot baths have rooms for electric and massage treatment. All give vapor baths from the hot water, have sweat rooms, cooling rooms, and parlors; while some provide reading and writing rooms and gymnasiums. The relations of all the bath houses to the government are the same. They each pay a water rental to the Interior Department of \$30 per tub per year. The combined capacity of all the bath houses is about 540 tubs, so that the government derives a revenue from this source alone of over \$16,000 per year.

The government's interests are looked after here by a Superintendent, who is appointed by the president. He has charge of all improvements going on on the reservation and enforces all government rules and regulations concerning the bath houses.

The price of the baths for all the bath houses is fixed by government, and once fixed no departure can be made from the schedule of rates or less price can be charged than the schedule.

LATEST NEWS FROM THE KLAMATH HUB

A Case of Smallpox Reported From the Reservation—Gerber Ships Beef and Mutton to California

A party of tourists headed by Will Steel of Portland, will arrive at Crater Lake National Park this week. Among the party are Governor and Mrs. T. T. Geer, Hon. Thomas H. Tongue, W. W. Seymour of Tacoma, H. J. Pittock of Portland and Prof. F. H. Newell, chief hydrographer of the United States Geological Survey.

A case, of what is expected to be smallpox, has appeared on the Klamath reservation, near Klamath marsh. An Indian is the victim. Where he was exposed is not known, and whether it is a genuine case of smallpox is not determined for sure. Capt. O. C. Applegate, Indian Agent, has placed the patient under quarantine and due precaution will be taken that the disease does not spread.

George S. Nickerson, the civil engineer, who has been sojourning in Lake county for the past few months was called home the fore part of last week by the critical illness of his daughter, Miss Ruth, who I am glad to learn is now on the road to recovery. While here, Mr. Nickerson sold to R. H. Ross, of Seattle, four residence lots for \$250. Mr. Nickerson has returned to Lake county.

Louis Gerber, the cattle buyer, drove 310 beef cattle and 1270 mutton sheep through Merrill last week, consigned to the Sacramento market. Mr. Gerber also made a purchase last week of 1100 tons of alfalfa hay from Bull Bros. of Merrill. The price paid, as I understand, was \$4.50 per ton.

The ranchers of Klamath county have finished putting up their first crops of alfalfa, and are nearly through with their wild-grass crop. Crop of all kinds in this section will be first-class this year, with the exception of a few fields of rye which were badly bitten by frost.

The town council of Klamath Falls has ordered the building of new sidewalks in various parts of town. The improvement was badly needed and if the council should order new walks in localities where there are none, they would confer a lasting benefit on the community at large.

Std.

Two Boys Burned to Death.

On August 6th, at Klamathon, Siskiyou county, Lester and Emery aged 6 and 7 years, sons of Mrs. Moon-Davis, the Klamathon milliner, met a horrible death. The two children were playing in the backyard and securing some parlor matches began experimenting with a can of coal oil, containing a gallon of the liquid. The can exploded and covered the boys with the burning oil. Both started for the river nearby, but one fell to the ground and when assistance reached them, and the burning clothing was stripped off the flesh came off also. Both boys lingered a few hours before death relieved them of suffering. The mother formerly lived near Ashland.

Edward Crowned.

Edward the Seventh, R. I. by the grace of God, of the United Kingdom of Great Britain and Ireland, and the British Dominion beyond the seas, King, Defender of the Faith, Emperor of India, was crowned last Saturday amid brilliant scenes and a spectacular display of royalty, peers, dazzling jewels and wealth. American women outshone the royal sisters of other nations in beauty, brilliant attire and vivacity.

Here's to you, King Edward; long may you live.

Teachers' Examination.

The County School Board of Examiners is in session this week. Three applicants are before the board. Miss Grace Hall, graduate from Monmouth school is striving for State papers; Miss Myrtle Smith, of Cedarville, who taught the Crooked Creek school the last season, and Miss Grace Driver, teacher last term in the Lakeview school, are seeking county certificates.

TROUBLE IN "BAD LANDS"

Cattlemen of Sprague River Possibly Remove Lake County Sheep From the Range.

Some excitement was prevalent in the locality known by local sheepmen as the "Bad Lands", in the Sprague river section, Klamath Co., last week, when an armed body of cattlemen and boys ordered the herder and camp-tender working for Grob & Batchelder to move their sheep from the Sprague river range across the line into Lake county. Young Verling, the herder, was in a mood to stand his ground, but the camp-tender refused to hold out against the body of armed men, and the sheep were removed from the Sprague river range.

Trouble is anticipated later on as it is said that determined sheepmen expect to drive to that range soon and will "stand pat" on the proposition, as they say there is no law in existence to compel them to keep off the Sprague river feeding ground, unless it be a "shot gun" law instituted by the cattlemen of that section. The latest reports from "Bad Lands" is to the effect that certain cattlemen are armed to the teeth to prevent Lake county sheep from going on the ranges of Klamath county. The sheepmen who have been in the habit of ranging there year after year appear to be equally determined, and a battle may ensue at any time.

It is to be hoped that the two factions may settle their differences amicably and that bloodshed may be avoided, but if the tactics, said to have been employed by the supposed will either be a battle royale or some body will have a sudden attack of "cold feet". Young Verling avers that when he protested against the removal of the sheep in his charge, the aforesaid leader—the man who appeared to be the spokesman for the cattlemen—said: "Let's throw a rope on the ——— and hang him".

Verling, considering the odds against him, concluded it was time to drop all resistance and allow the opposing party to hold full sway.

The camp-tender said that the reason he offered no resistance, was because he feared poison would be placed in the camp supplies.

It is more than probable, however, that there was no foundation for such fears, and that no one had ever made such threats.

School Land Fund Apportioned.

Charles S. Moore has apportioned the proceeds of the irreducible school fund, \$214,639.35 among the counties of the state, upon the basis of school population. This is the largest sum ever realized in one year upon the irreducible school fund though the rate of interest is lower now than it was a few years ago. The irreducible school fund is made up of the money received from the sale of school lands. The money is lent on real estate security at 6 per cent interest, and the interest is divided among the counties August 1 of each year. The Southern Oregon counties are apportioned as follows:

County	No. of children	Amount
Jackson	4,907	\$7,745 35
Josephine	2,770	4,293 50
Klamath	1,007	1,661 60
Lake	968	1,500 40

Woodmen Officers Elected.

The following officers of the Woodmen of the World were elected at Cripple Creek, Colorado, at the session of the head camp on August 8th. F. A. Falkenberg, of Denver, Colo., Head Consul. C. V. Cooper, of Portland, Oregon, Head Banker. N. O. Baldwin, of Pomeroy, Washington, Head Watchman. A. D. Stillman, of Pendleton, Or., Head Manager.