

Lake County Examiner

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SHE LOVED AND LOST

The Oregonian Gives the Details of the Sensational Suit Involving a Lake Citizen.

It is the opinion in Lakeview that the suit instituted by Miss Birdie McCarty, of Wayne County, Michigan, erstwhile school teacher in this county, against J. D. Heryford, of Lakeview, for \$70,000 for breach of promise, is one that has been turned up by some rustling attorney in order to get a good fat fee. Birdie might just as well have brought suit for an even \$100,000. She is foolish to throw away that extra \$30,000. Last week The Examiner gave the first news of the sensational suit, by special telegram from Portland. At that time details were not known. The Oregonian of the 10th inst. gives the particulars as follows: "Birdie N. McCarty of Wayne County, Michigan, wants James D. Heryford, of Lakeview, Or., to pay her \$70,000 because he refuses to carry out the promise she says he once made to marry her. To establish her claim and enforce its payment, she has commenced an action in the United States District Court in Portland, the complaint being filed yesterday morning. It is a brief document and does not go into details.

The complaint alleges that on the 25th day of December, A. D. 1900, at Lakeview, Or., in consideration of the promise of the plaintiff, who was then sole and unmarried, to marry the defendant, the defendant promised to marry the plaintiff on the 25th day of December, A. D. 1901, the same being the date mutually agreed upon between plaintiff and defendant.

It is further recited that plaintiff, confiding in said promise, has since remained and continued to be and is sole and unmarried, and has been and is willing to marry the defendant. But the defendant refused to marry the plaintiff on the said 25th day of December, A. D. 1901, or at all through requested so to do by the plaintiff. By reason of this failure the plaintiff alleges that she has been damaged in the sum of \$70,000, wherefore plaintiff prays for judgment for that sum, together with costs and disbursements.

O'Day and Tapley are the legal representatives of the plaintiff in Portland, having been engaged by a firm of Michigan lawyers. Mr. O'Day said yesterday that he did not know much about the circumstances of the case beyond what was stated in the complaint. He said the Michigan men represented the plaintiff to be a school teacher, and it was presumed that she was engaged in teaching school in Lake County at the time the promise to marry is alleged to have been made, on Christmas day, 1900. Mr. O'Day says he took pains to inquire into the genuineness of the case before he would consent to be identified with it, and from what he has learned he is convinced it is bona fide.

James D. Heryford is the youngest of three brothers who are extensively engaged in the livestock business in Lake County, operating as Heryford Bros. The other members of the firm are William and Henry. James D. is a widower, his first wife having died about five years ago, leaving him with four children. All the Heryfords are substantial citizens, and are so successful in the livestock business that their holdings of cattle, horses, and lands are said to be worth something like \$300,000. Years ago they came up from California, where their father was a pioneer of 1852.

Several Portland people who have lived in Lakeview and are acquainted with the Heryfords have never heard of Birdie McCarty nor of any engagement of James D. Heryford to marry anybody. Mrs. C. A. Cogswell is a sister of the Heryford boys, and she says she never heard of Miss McCarty, or that her broth-

er again contemplated matrimony. Even the attorney for the plaintiff does not know whether she ever taught school in Oregon. To the best of the recollection of present court officials this is the first breach-of-promise case ever filed in the United States Court here.

An Examiner representative interviewed Mr. Heryford last Monday, but he had nothing to say regarding the case.

Sheriff Dunlap was appointed Deputy United States Marshal, to serve in the case, and last Monday served Mr. Heryford with a copy of the complaint.

The Oregonian errs in the above regarding the firm of Heryford Bros. The firm is composed of Wm. P. and James D. Heryford, Mrs. C. A. Cogswell of Portland is not a sister of the Heryford Brothers, but is a first cousin.

Miss McCarty, the complainant, is known by a number of people in Lake county. She taught school in Thomas Creek district.

Summary of Assessment for 1902.

Assessor John B. Blair has just completed the 1902 assessment for Lake county, and the County Board of Equalization is now looking over the roll. It is expected that the total will be raised by the Board rather than lowered. The assessed value of all property is \$1,599,033, as against \$1,520,547 in 1901, making a net increase of \$78,486.

	Number	Value
Acres tillable land	40,147	\$115,298
" non-tillable land	344,912	427,418
Improvements on deeded lands,		116,554
Town lots	459	
" " (all)		22,808
Improved town lots		81,555
" " "		
not deeded		14,557
Miles telegraph and telephone line,	115	
Miles telegraph and telephone line		2,040
Manufacturing machinery, etc.		10,100
Mills and stock in trade		61,150
Implement, wagons, etc., etc.,		35,740
Mony		27,873
Notes and accounts		64,434
Shares of stock	682	
Shares of stock		24,387
Household furniture jewelry, etc.		21,864
Horses and mules	5,774	
Horses and mules		59,400
Cattle	22,368	
" "		335,520
Sheep	123,347	
" "		246,094
Swine	424	
" "		850
Gross val. all prop.		1,682,749
Exemption		83,716
Total assessed val		1,599,033
Polis	442	
Summary, last year		1,520,547
Increase		78,486

BIG DEAL CLOSED.

The Booth-Kelley Company has closed the big deal with the California & Oregon Land Company to take all the land of the latter company at the princely price of \$2,000,000. The fact that this great estate has fallen into the hands of the Booth-Kelley Company augurs well for the counties of Eastern Oregon in which these lands are located. The deal was held off until the Booth-Kelley people were convinced that the Coos-Bay-Salt-Lake (Great Eastern) railroad would be built. That road will build through Lake county.

Leo Mulkey and Edna Cloud Wedded.

A happy event occurred at the home of Mr. and Mrs. Ben Cloud, near New Pine Creek, last Sunday, in which their daughter Miss Edna Cloud and Mr. Leo Mulkey of Davis Creek were the central figures. On that day Rev. H. Smith, pronounced the words that made the young couple husband and wife. The young couple are still receiving the congratulations of many friends.

FOREST FIRES CAUSE DEATH

The Northwest Visited by the Greatest Fire in its History --Death and Destruction.

Forest fires continue to rage in every section of Eastern Washington and Clackamas counties. Thousands of acres have been burned over, and hundreds of persons have been rendered homeless, says The Oregonian. People have been compelled to flee for their lives, and many escaped only by galloping through the fires that enveloped the roads. Farmers in the vicinity of Gresham, Rockwood, Powell's Valley, Pleasant Home, Damascus, Springwater, Viola, Highland and Dodge have lost their houses, barns, fences, and much of their livestock.

Here are a few brief points on the Northwest forest fires up to last Saturday night:

Bridges attacked and residences threatened in South Portland.

Damage in Eastern Multnomah amounts to \$42,500, and ever family has been lighting the fire since Monday.

Several families burned out on the Section Line road.

Three dwellings and the county bridges gone in Pleasant Valley.

Flames surround the dwelling of a resident of Rockwood and race west along the Base Line road.

To protect the town of Gresham, men stand guard night and day. Fully 100 men are at work to save property in the dangerous heat.

P. H. Rook had a narrow escape from death at Pleasant Home. A sawmill was destroyed and four others were in danger.

Fire companies were called out to Irvington. The residents of that part of Portland were on duty from 2 o'clock yesterday morning.

Non-arrival of grain and coasting ships due to dense smoke at the mouth of the Columbia.

Telegraphic market reports curtailed owing to trouble with the wires. Damage near Lents amounts to over \$25,000.

Tillamook City has been saved from impending doom by timely change of the wind.

Forests in Douglas and Jackson Counties are on fire, but damage yet is small. Superintendent Ormsby, of Cascade Forest Reserve, says no fire has yet entered the reserve.

Sixty people in the town of Springwater, Clackamas County, forced to flee for their lives and rendered homeless, and a fine timber belt destroyed.

Sawmill of the Bridal Veil Lumbering Company and the whole town of Palmer situated two miles east of Bridal Veil, in this county, destroyed.

Valuable timber destroyed near Coburg, Wilhoit Springs and Wendling and other points. Men at Wendling are swamping the timber in order to save it. Losses will amount to thousands of dollars.

Destruction of village of Viola seems certain.

Woman burned to death near Vancouver, Wash., and a woman and her child are missing.

Mills, lumber and timber to value of \$1,000,000 destroyed in Chehalis County, Wash.

Later reports, up to yesterday, show even a worse condition of affairs. Many deaths have occurred.

"Pete" Follett's Wagon.

It is said that "Pete" Follett and Fayette Cannon, of New Pine Creek, are still figuring with pencil and paper for a solution of the problem of how to get that wagon out of the shed without tearing down the building. Some days ago Mr. Follett concluded to build a cover on his wagon preparatory to taking a trip down to Sacramento with his family. In order to get in the shade to do the work, he ran the wagon in under a shed. With Mr. Cannon's help the work of building a top on the wagon was completed in the course of a few days. After the job was completed Follett remarked with some satisfaction: "There she

is and its a bully job". When they attempted to run the wagon out of the shed they discovered that the top was too big by a foot or two to go through the shed opening. Neither Follett or Cannon ever swear—at least not at the same time—but they thought a few things that should never enter a man's head when he's in church. Of course numerous neighbors have ever since been giving Follett advice. Some told him to burn the shed down, others to cut the wagon in two and take it out piece at a time, and one fellow suggested that he tunnel out, while others told him to leave the wagon where it is and give up his trip. He now gets letters through the mail telling him what to do—it being considered no longer safe to advise him personally.

Testimonial Concert a Success

The testimonial concert last Saturday evening was greatly enjoyed by the people of Lakeview.

The music furnished by the new Lakeview Orchestra was exceedingly good, and received many favorable comments. A vocal solo by Miss Miller in her sweetest voice, followed by a piano solo, "Sleigh Bells," by Mrs. Bertrand Blair, highly pleased the audience.

"The Last Rose of Summer" by Mrs. Walter Dyer, Mrs. Bertrand Blair, Misses Mae Miller and Mae Snider, was beautifully rendered.

Misses Miller and Snider, sang a vocal duet that was heartily applauded and this was followed by a recitation "The Flower Girl," by Mrs. Will Steele, which was the hit of the evening. Mrs. Steele is at home on the stage and shows excellent elocutionary training, as well as grace, and a charming personality. Lakeview audiences shall demand to see Mrs. Steele before the footlights often in the future.

Mrs. Dyer sang "The Whippersnapper Song" in her usually masterful style, and as an encore sang in a rich, mellow voice, "Shadow of the Pines." Her singing is delightful. The chorus of eight voices in "Italia" was grand.

The audience was large and appreciative, and the receipts of the evening, at a low admission fee, amounted to \$42.

"BLY BLINKERS."

Stockmen of this section are through haying and report an unusually large crop.

Beef gathering has begun. Cattle are not as fat as usual, owing to poor range and dry, hot weather.

Mrs. Thos. Garrett returned this week from Lakeview, where she went to receive medical aid.

Miss Marion Antone, daughter of Mrs. L. C. Meyer, left for Bonanza today to attend an eight-months' term of school at that place. She has resided at Bly for the past year with her sister, Mrs. Creed McKendree.

READER.

Incendiarism Near Merrill.

A fire on the evening of September 8th at the ranch of A. D. Hayes, twelve miles southeast of Merrill, destroyed the barn, granary, blacksmith shop and two stacks of hay. The residence was saved by G. L. Schwartz, who was sleeping in the building. All the fires started up at once, so it was unquestionably the work of an incendiary, says an Examiner correspondent. Whoever set the fires displayed a human spirit, at least, for before the barn was fired three horses were turned out to save them from a cruel death. Rags, saturated with kerosene, were found under the eaves of the kitchen when the fire was started at the residence. The loss is \$1500; no insurance.

Race Horsemen, Attention.

The Examiner is advised by A. J. Myers of the Modoc County Agricultural Association, that all horses in Lake and Klamath counties are competent to compete for purses in district races. This omission was made in printing the posters. So here is a chance for Lake and Klamath horsemen to go down to Alturas Sept. 29 to Oct. 4 and get some of that money. The purses are good.

THEY MOURN HER DEATH

Details of the Sad Tragedy That Cast a Gloom Over the Town of Klamath Falls.

Last week The Examiner made brief mention of a shocking tragedy at Klamath Falls, in which Mrs. William Nail, known by a good many people in Lakeview where she formerly resided, was the central figure. The tragedy occurred at 3 p.m. on Monday, the 8th inst., and at 10 p.m. the unfortunate woman died. In a fit of despondency Mrs. Nail shot herself with a 41 calibre pistol. She had been ill since July last, when she became a mother, and the thought that she could never regain her health prompted her to self-destruction. A short time previous to firing the fatal shot she told a neighbor that she intended killing herself. As soon as possible the neighbor, Mrs. Jones, sent for the husband to apprise him of his wife's threat, and at the moment the information was being given him, the report of the pistol was heard. The unfortunate woman was found lying on a bed on the floor which she had carefully prepared for the purpose, and by her side was the smoking pistol. The physician called found a bullet wound just below the heart, and the bullet lodged in the back. The physician notified the relatives that death was certain to follow. Her sister, Mrs. George Batchelder, was summoned at once by wire and left Lakeview soon after receiving the message, but long before reaching Klamath Falls, the form of her loving sister was cold in death.

Before she passed away Mrs. Nail was conscious and talked with those about her, expressing her desire to die and end her earthly troubles.

The Klamath Republican says: The unfortunate woman left two notes—one for her husband and one for her father. She expressed affectionate solicitude, but revealed an unhappy condition of mind. In one of them she said she had intended to take her baby with her, but didn't have the heart to do it. The funeral services were held on Wednesday, under the auspices of the lodges of Odd Fellows and Daughters of Rebekah and were attended by a large concourse of sympathizing friends. An appropriate sermon was given in the opera house by Rev. Mr. Shields of the Presbyterian church, and the burial ceremonies of the fraternal orders were observed at the grave.

Mrs. Nail, the wife of Wm. Nail and daughter of Mr. and Mrs. Paul Breitenstein, was born in San Francisco, March 2, 1877, being aged 25 years, 6 months and 3 days at the time of her death. She was united in marriage with Wm. Nail in April, 1900. Besides her husband and infant child, she leaves her father and mother, two sisters, Mrs. George Batchelder of Lakeview and Mrs. Chas. Woolsey of Petaluma, Calif., and one brother, Richard Breitenstein of this place.

Mrs. Nail was an amiable, high-minded young lady, just entering the bloom of womanhood, esteemed by all who knew her, and her untimely and tragic death caused the keenest regret. Frail, nervous, and sensitive, her soul was crushed by the trying vicissitudes of life, and she resolved to break earthly shackles and seek relief in eternity. This is one of the saddest happenings in the history of the community and elicits the profoundest sympathy for the surviving husband and child, the father, mother, sisters and brother, who, by the decree of an inexplicable and inexorable fate, are plunged into almost unbearable grief.

Frank Musgrave, brother of Mark Musgrave of the Hot Spring resort, arrived last week from Montague and expects to make his home in this section. Mr. Musgrave is a dry goods salesman, and was employed in a big store at Montague before coming here.

Lakeview
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