

Lake County Examiner

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NO. 41.

CARR LOSES HIS APPEAL

Federal Appellate Court Affirms Opinion of Lower Court That Fences Must Come Down.

The United States Circuit Court of Appeals, sitting in San Francisco on October 6th, rendered a decision in the case of the Jesse D. Carr Land and Livestock Company against the United States confirming the decree in favor of the Government, which was given by the United States Circuit Court for the District of Oregon. The action, which it is believed will be carried as soon as possible into the United States Supreme Court, was begun by the Government to dispossess the Jesse Carr concern of certain public lands in the State of Oregon, which it was alleged, were unlawfully occupied by the defendant corporation.

The property in dispute is a tract of 84,335 acres, and although surveyed and platted as part of the public domain was fenced in by the Carr people to the exclusion of the Government and all other parties. In substance the appellate tribunal says:

"When the case was brought to trial the complainant refused to offer any evidence in support of the allegations set forth in the complaint, notwithstanding there was nothing in the record which entitled the appellant, (the Jesse D. Carr Land and Livestock Company) to a reversal or modification of the decree appealed from.

This decision is a slap in the face to the cattle barons of the country—an intimation that the government of the United States will not tolerate longer the high-handed proceedings that have been carried on for years—the fencing up of great bodies of land that belong to the public domain.

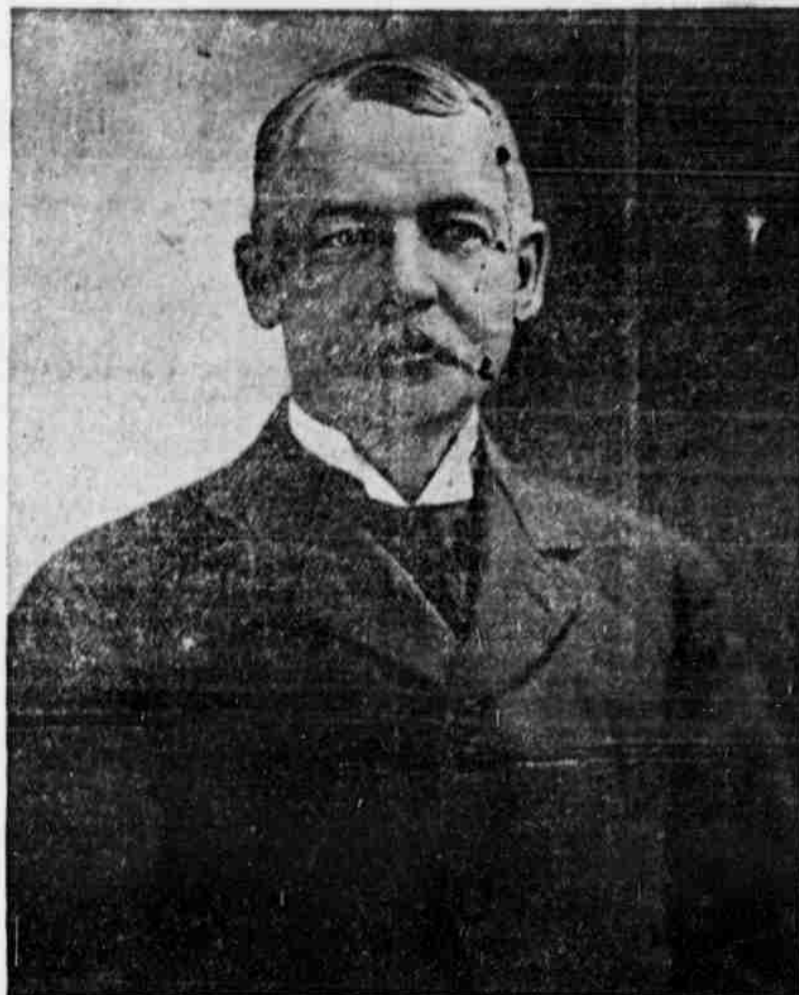
Back in the seventies Carr had purchased long strips of forty acre tracts extending for forty or fifty miles in one direction. Then he would buy strips of forty or eighty acre claims, enclosing an immense square of grazing land, to the center of which he had no title whatever. Around the strips Carr put up his famous fence and kept it there until it was pulled down by the United States Marshal of this State.

The suit against Carr was instituted by the Government under the authority of an act of Congress of February 25, 1885, to prevent the unlawful occupancy of lands. The bill of complaint stated that Carr "has no claim or color of title to the land whatever, or and asserted right thereto, by or under any claim made in good faith with a view to entry thereof." The bill asked for an injunction and the destruction of the fence. Carr made no defense and the prayer was granted. In the appeal, Carr's attorneys attacked the authenticity of the record book used by Register Brattain of the Lakeview Land Office, in the hearing. The judges decided, however, that as the book was made under the direction of the Commissioner of the General Land Office, it was official.

For many years there have been fights near Carr's fence between his followers and outsiders and blood has often been spilled. Settlers were driven off if they dared come near the immense tract that Carr claimed.

Legal actions were first begun against him in the courts of this State, but availed little, as Carr continued in possession of the land. During the second administration of Cleveland a special inspector of the Land department made an investigation of the holdings of Carr and reported that wide areas of the public lands were enclosed. Carr went to Washington in 1888 and all proceedings were dropped. Later District Judge Bellinger of Oregon ordered the fence torn down and it was done. The decision of Bellinger was appealed to the Circuit Court of Oregon and from that Court to the Court of Appeals, which tribunal handed down its decision on the 6th of this month.

REAR ADMIRAL HIGGINSON DIRECTOR NAVAL BATTLE.



The series of naval maneuvers planned by the navy department, which consumed three weeks of August, was under the direction of Rear Admiral Higginson, commander of the north Atlantic squadron. Two or three of the vessels of the station represented an enemy's fleet and endeavored to elude a defensive squadron commanded by Rear Admiral Higginson and accomplish a landing on the New England coast. The vessels participating in these maneuvers include the battleships Kearsarge, Alabama, Massachusetts and Olympia, comprising the north Atlantic squadron, as well as the Montgomery, Scorpion, Marblehead, Hist, and other vessels.

Circuit Court for Lake --Adjourned Term.

Henry L. Benson, Judge.

Oct. 6—Case of F. T. Bauers vs. John Bull, set for trial October 16th, at 10 a. m.

Case of Anna J. Ross vs. Frank P. Ross, divorce—defendant defaulted. In the case of Annie C. Hough, et al plaintiff, vs. S. A. D. Porter, et al defendants. Motion of Plaintiffs for an order appointing a guardian ad litem for Ida M. Corum and Jewel D. Corum, minors, granted. L. F. Conn appointed guardian and counsel for said minors.

Oct. 9—Bank of Lakeview, plaintiff, vs. Stephen Gaylord et al, suit in equity to foreclose mortgage. Default entered against defendants.

William K. Barry, plaintiff vs. Me Kee, Overton and Givan, defendants, suit in equity—cause ordered dismissed and ordered that defendants recover from plaintiff cost of action.

W. H. Sherman vs. W. K. Barry—case dismissed on motion of plaintiff's attorney.

State of Oregon vs. O. E. Charlton, administrator of the estate of Benjamin Warner, deceased. Order made overruling demurrer of I. N. Converse. Said I. N. Converse refuses to further plead.

Oct. 10—Wm. W. Brown vs. W. Z. Moss, action to recover money—motion of defendant to strike out part of complaint, taken under advisement.

Oct. 11—Houg et al vs. Porter et al—motion of defendants to strike out answers of G. H. Small and Lucinda Egil, overruled.

Oct. 14—Brown vs. Moss—trial set for Tuesday, Oct. 22.

The Examiner overlooked the departure of M. W. J. Barry for his old home in Ireland, on Oct. 3d. Mr. Barry has been for some time conducting the Barry livery business in Lakeview, having leased the property from his father Wm. K. He has landed interests in the old country which he goes back to look after. He may not return to this county for some time.

Everybody is going to the dance Saturday night.

Progressive Whist at Home of Mrs. Sharp.

One of the most delightful affairs given in Lakeview for many a day was the progressive whist party held at the residence of Mrs. Walter Sharp, last Saturday evening, in honor of Mr. Sharp's birthday. The parlors were beautifully decorated and all appointments were perfect, showing the tact of a charming hostess.

At the conclusion of the game prizes were awarded the winners. Miss Lillian Burrus received a handsome pearl and silver book knife as first prize, lady, and Judge Brattain, first prize gentleman, a bunch of fragrant Havanas. The booby prizes were taken by Mrs. Will Steele and Mr. Frank Black Evans.

At the proper time—just when everybody was good and hungry—the hostess gave the signal to retire to the dining room where refreshments of the most tempting variety were served.

After a jolly time at table the guests were delightfully entertained with music and recitations. Mrs. Steele charmed her listeners in a recitation admirably rendered. Those present were:

Judge and Mrs. Brattain, Mr. and Mrs. Lee Beall, Mr. and Mrs. A. Bieber, Mr. and Mrs. Walter Sherlock, Mr. and Mrs. Will Steele, Mr. and Mrs. W. A. Massingill, Mr. and Mrs. Frank Light, Miss Lillian Burrus, Mr. Frank B. Evans, and Mr. Max Whittlesey.

Fred Collins, a young man aged about 17 years, was arrested at Bly Monday by Sheriff Summers and brought to this place, charged with stealing a horse from Joe Dervin, a saddle from Mike Galarneau and a pair of spurs from another man unknown. All of the property mentioned was stolen near Merrill. The young man's father lives near Talent and was notified of his son's unfortunate plight. The father said he would come here at once. A preliminary hearing will take place before Justice Graves tomorrow.—Klamath Republican.

SCHOOL NOTES OF INTEREST

Apportionment of School Funds --A Word About the Institute--Schools are Closed.

The total enrollment of pupils in our school during the first week was 144. The enrollment at the end of the third week was 177. If this rate of increase continues the school will soon be filled and the work can go on without much interruption.

We are very sorry that it was found advisable to adjourn the school during the present week, but it is probably better to do so than to take the risk of inoculating the whole school with the germs of scarlet fever, which seem to have gained a foothold in our midst. We hope the vacation of one week will be sufficient to prevent the further spread of this disease.

The school at Crane creek is also suspended from the same cause. They, however, have one week the start of us, as they had no school last week.

There are many new teachers, bright ones, too, in the county, and the coming Institute is to be held at a convenient time for them. The indications are that the Lake County Teachers' Institute for 1902 will be one of the most successful ever held in Southern Oregon. President B. F. Mulkey of the Ashland Normal will conduct the Institute. His lecture on "Alexander Hamilton" on Wednesday evening, the 22d inst. should be a great attraction. On the evening of the 23d Prof. Mulkey will have for a subject "Germs of a National Sovereignty." The public is cordially invited. The entertainment will be excellent. The session will begin on Wednesday, Oct. 22, and will close on Friday night, the 24th.

Apportionment of School Funds For Oct. 1902, Lake Co., Oregon

District No.	Clerk	State Fund	County Fund	Total
1	Walter Butler	\$88 15	\$41 61	\$129 76
2	E C Thruston	52 15	00 00	52 15
3	F M Duke	86 47	72 73	159 20
4	R W Vernon	59 59	48 22	107 81
5	J B Fisher	5 32	00 00	5 32
6	G H Newell	49 51	44 13	93 64
7	Mrs M Snelling	444 31	203 33	647 64
8	J M Hammersly	59 51	56 60 07	
9	R A Hawkins	36 47	27 24	63 71
10	D W Prose	76 39	64 93	141 32
11	J D Farra	147 08	124 40	271 48
12	Cliff Smith	64 63	55 83	120 46
17	Bert Lapham	28 71	1 77	30 48
18	Mrs N Cleland	118 31	78 59	196 90
19	H E Reed	51 19	45 43	96 62
20	W E Barnum	54 55	48 03	102 58
21	P E Taylor	77 66	00 00	77 66

Totals \$1500 00 \$56 80 2356 80

In Districts 14, 15, and 16 the unexpended balances exceeded their apportionment by \$61.70, \$8.20 and \$49.46, respectively, and consequently no warrants could be drawn for them.

J. Q. WILLIAMS, County Sup't.

A Duel to the Death.

A duel occurred on Oct. 4th on the Hilman ranch near Modoc county, Cal., in which one man lost his life and the other is believed to have crawled away to die of his wounds. Bush Taylor and Billy Roseberry had quarreled the day before. They both drank freely and threats were made by each. On Saturday night the body of Taylor was found lying beside a fence in a pasture. There was a rifle bullet in the forehead, and near the body was found a double-barreled shotgun, holding two empty shells.

About fifty paces from where the body of Taylor lay was found a pool of blood and the ground gave evidence of some one having dragged himself along. Roseberry and Taylor had been seen going toward the spot where the tragedy occurred and Roseberry cannot now be found. It is believed they arranged and fought a duel; that Taylor was killed and that Roseberry, wounded, had crawled off into the thick brush, perhaps to die.

Don't fail to attend the social dance at Barry hall next Saturday night. The best of music.

FAIR CLOSES AT ALTURAS

Successful Series of Racing--The Lake County Ball Team Gets the Money--Poor Game.

Last week The Examiner received by wire and published the results of the racing events at Alturas up to Tuesday evening. We take from the New Era the later results.

Wednesday—The first race was a special 1/4 dash, purse \$100. Entries, Farewell, by Joe Dysen, "Tormento" by J. C. Kennedy, "Bill Nye" by C. C. Hemler and "Kirkwood" by Mat Davis. This was declared a "chuck" by the judges who declared "Tormento" was pulled, and therefore the purse and all bets were declared off owing to crooked work.

The second was a mile dash, purse \$125. Entries "Alexander" by Baber, and "Minnie G." by Godfrey. This was a very pretty race and was won by "Minnie G."

Third was a 1/2 dash for \$150 between "Reta Sinfax" and "General Cook" by Godfrey. Reta was the winner.

The fourth and last of the day was a five mile relay race. There were two entries: the horses of Joe Ivory and those of Ed. Clark, both of Canby. This was a very exciting race and a good one for the spectators. The string of horses belonging to Ed. Clark were the winners. Ed. Clark and Frank Partin were the riders.

Thursday—The first thing on the program was the ball game between the State Liners and the Alturas team. This was a very exciting game and was about the poorest game that has been played here for some time. It was a game full of errors by both teams. There was more falling down, missing flies, etc., than we ever saw.

The catcher of the State Line team received a blow from the batter during the game, which knocked him insensible but he soon recovered and resumed his position behind the bat. The score stood 17 to 11 in favor of the State Liners. The Alturas team sold favorite in the pools during the first part of the game, but the State Liners were the favorites before the finish.

The first race on the program in the afternoon was a 1/4 dash and repeat, purse \$75. Entries, "Henry M" by Mann and "Minnie G." by Godfrey. The first heat was won by "Henry M."

The last two heats were won by Minnie G. Henry M. was the favorite in the pools.

The second race was an Indian pony race with five entries. The bay took first money, \$7.50, and the roan took second money, \$2.50.

Third was a half mile dash, purse \$75. Entries, Commuter by Joe Dysen, Rowdy by Godfrey, and Farewell by Joe Dysen. Farewell took the race and money.

The third was the nicest race of the day being a mile dash between The Wooer and YoNoSey. The horses got a fine start and ran neck and neck the full distance. The judges declared it a dead heat and bets were declared off. This ended the day's program.

Miss Mattie Dysen, the lady jockey, by her grace and skillful riding attracted a great deal of attention.

After Fifty Five Years.

J. F. Becraft and daughter May were over from Barnes Valley last Friday. While here Mr. Becraft met his brother W. R. Becraft, who lately arrived in this section. It was the first meeting of the brothers in a period of fifty-five years, and it is unnecessary to say that they were both happy as they grasped hands and thought of boyhood days. Both gentlemen are on the shady side of life, and have much to talk about when each cover the reminiscences of his life during that more than half century of parting. J. F. took W. R. with him to his pleasant home in Barnes Valley, where the great talk no doubt continues. The stranger brother will spend the winter in Oregon.