

Lake County Examiner

VOL. XXIV.

LAKEVIEW, LAKE COUNTY, OREGON, THURSDAY, MAR. 26, 1903.

NO. 12.

DECISION REVERSED

Secretary of Interior Reversed Decision of Commissioner Hermann in Warner Cases.

WASHINGTON, March 17.—In the case of J. L. Morrow and others against the State of Oregon and the Warner Valley Stock Company, involving some thousands of acres of swamp land located near Lakeview, Or., the Secretary of the Interior has reversed the decision of the Commissioner of the General Land Office and directed the submission for approval of a new swamp-land list embracing such of the lands in controversy as properly passed to the state. This decision rejects all claims adverse to the state, excepting that of the heirs of Amos Boyd and any other existing pre-emption claim which has been perfected before the decision is carried into effect.

The following history of the case was published in the Oregonian.

"The brief dispatch from Washington announces Secretary Hitchcock's decision in favor of the contestants or defendants in the case of J. L. Morrow et al. vs. the State of Oregon and the Warner Valley Company settles a controversy of long standing, and one that has excited much interest in Eastern Oregon. Nearly 8000 acres of land, practically all swamp, are involved in the matter. The land was returned by the Deputy Surveyor in 1875 as Lake Warner. In 1884 these lands were purchased from the state by Henry Owen as swamp, and as such sold to R. F. McConaughy, who sold them to the Warner Valley Stock Company.

Between 1886 and 1890 a large number of people settled upon these lands and commenced contests, alleging that on March 12, 1860, the date of the swamp land grant, these lands were dry, arable lands, and would, without reclamation, produce an agricultural crop. During the years 1889 and 1890 these contests, 68 in number, were tried before the land office at Lakeview and decision in every case rendered in favor of the state, which, on appeal, was affirmed by the Commissioner of the General Land Office. In four cases an appeal was taken to the Secretary of the Interior, and the decision of the lower officers was again affirmed and the lands approved to the state.

The contestants then abandoned the dry land theory and asked the Secretary of the Interior to set aside his approval of the lands and determine from the evidence whether or not these lands were not the bed of a permanent lake on March 12, 1860.

In December, 1893, the Secretary of the Interior rendered a decision holding that at the date of the swamp land grant these lands were the bed of an apparently permanent lake, and ordered that the claim of the state be cancelled, and, upon motion for rehearing, affirming his former decision.

In 1898 the Warner Valley Stock Company petitioned the Secretary of the Interior to reopen the case, for reasons, first that no issue was ever raised as to whether the land was or was not a lake in the local land office, and the petitioners had no opportunity to present their evidence, and, second, if the land was a permanent lake it belonged to the State of Oregon by virtue of her sovereignty, and consequently, to the petition-

er by virtue of a deed from the State of Oregon.

The Secretary granted the petition and a trial was had before the local officers at Lakeview. Register Brattain and Receiver Bailey decided that the land was the bed of a permanent lake. The Warner Valley Stock Company appealed from this decision to the Commissioner of the General Land Office. Commissioner Hermann had a personal argument of the case before him, which lasted nearly two days, and after a thorough consideration of the case, decided that the land was swamp land, and directed that the claims of the settlers be canceled, but it is said that, finding his decision criticised by the local papers, he recalled it, and decided the case the other way. At any rate, the decision was so made, and an appeal was then taken by the Warner Valley Stock Company to the Secretary of the Interior, which resulted in a reversal of the decision of the Commissioner. The Secretary decided that the land was, on March 12, 1860, swamp, and that to hold that it was the bed of a permanent lake would be no benefit to the settlers, as the land in that event would belong to the State of Oregon.

In these contests the Warner Valley Stock Company was represented by C. A. Cogswell and F. D. McKinney, and the settlers by Captain John Mullen."

The dispatch from Washington is a reversal of the decision so vague that it is not quite understood by the people. That the decision is against the settlers, there is no doubt, but why new lists are to be made, what is to be included and how long a time will be required, is not apparent. How many claims that have been or will be perfected before this decision goes into effect is not known.

The Examiner has always taken the settlers view of the case, and we believe that nine-tenths of the people who are in any way familiar with the case are sorry to see the decision made against them. Most of these people have lived on the land in question many years, built up homes and raised their families, and now, after a long struggle of endless trouble and expense, it surely does not seem right that they should be kicked out and lose all their labor and property.

Local attorneys who have been interested in the case are L. F. Conn, for the state and Chas Umbach for the settlers.

The Portland Telegram says editorially:

After many years of vexation and expensive litigation the Warner valley squatters have lost their lands, the Secretary of the Interior reversing the late Commissioner Hermann's second decision, and holding that the lands were "swamp" when taken some twenty years ago by the late "Hen" Owens. Whatever may have been the case as to these lands, it is well known that a great proportion of alleged "swamp lands" were no more "swamp" than Mount Hood is a hole in the ground.

A. Devine last week sold to W. Bayley his house and lot just east of Mrs. Knox's photograph gallery. Loren Bailey and family will soon move there. Mrs. Devine's health has been quite poor the past few years, and will seek a lower climate. She will probably go to Oakland or San Francisco.



MRS. JOSEPH CHOATE, WIFE OF OUR AMBASSADOR TO GREAT BRITAIN.

It is said that Mrs. Choate, wife of the United States ambassador to the court of St. James, is thoroughly enjoying the social side of diplomatic life. The Choates apparently invest in London and seem to be highly popular with the aristocracy.

WANTED A GRIZZLY

Three Tenderfoot Hunters Come to Lake After Big Game but Run at Sight of the Bear

(PAUL DE LANEY IN PORTLAND JOURNAL.)

The crusades of "Old Club Foot," the famous Southern Oregon grizzly bear, as well as the frequent raids of the grizzlies from the range of mountains that divide Lake and Klamath Counties in the valleys below in early days made the country famous as a bear country. Hunters from many points came to the mountains on hunting expeditions, and along with the many successful hunts some humorous episodes took place. It is well known that many people do not hunt bear and that many who do find bear at the last moment do not enjoy the sport as much as was expected.

A party of well-armed and equipped hunters arrived from across the California line and stayed over night with an old rancher, who was a Missourian, at the foot of the mountains, requesting an early morning hunt. There were three in the party and they talked until late with the rancher and his son about the bear and were anxious that they should not fail to find them. The old man informed them that his son would take the dogs along, which had been thought there would be no trouble in finding the big game.

Two of the hunters were well-to-do merchants and had sent East and bought guns especially for the hunt, and the other member of the party had borrowed a gun from a noted hunter, and both the gun and the hunter had a wide reputation. He felt safe with a gun that had been proved, though the guns of his companions had cost larger sums of money.

PLANNED THE HUNT.

They discussed the matter until late in the night, as amateur hunters do. They settled the question of who should have the first shot, who should shoot next, how they should divide the game, and one of the party especially desired to take home with him a large grizzly hide. They also settled on the point that if they should only find one bear all should share in the honor of killing it.

LINED UP FOR BUSINESS.

Notwithstanding the fact that they kept the rancher and his family awake until a late hour the hosts were up and had breakfast ready by break of day and the party composed of the young Missourian, his two dogs and the three Californians started out on the hunt. He escorted the three into a deep gulch, along by the side of the stream in the bed of which there was a dim trail. He told the hunters to line up by the side of this trail at convenient distances apart and that he had hopes of running a bear out by them. Thus stationing them he crossed over the hills with his dogs and took a circuitous course in search for the game.

DREW STRAWS FOR POSITION.

In spite of the agreement of the previous night the hunters were inclined to dispute over the points at which they should stand. Each wanted to take the station farthest up the gulch, as that was regarded as the place where the first opportunity to shoot would come. It was argued that the "front" man would

(continued on 4th page.)

President Roosevelt has decided to visit Oregon and will leave Washington on April 1st. The president will arrive at Ashland on May 21st and will also stop at Salem and Portland. The tour is given as follows:

Leave Washington.....	April 1
In Chicago.....	April 2
In Yellowstone Park.....	April 8 to 24
In Nebraska, Iowa and Illinois.....	April 25 to 29
In St. Louis.....	April 30
In Kansas City.....	May 1
In Denver.....	May 4
In San Francisco.....	May 12 to 14
Arrive at Ashland, Or.....	May 21
In Salem.....	May 21
Arrive in Portland (after noon).....	May 21
Leave Portland (morn).....	May 22
In Tacoma.....	May 22
Arrive Seattle.....	May 23
Leave Seattle.....	May 24
In Walla Walla.....	May 25
In Spokane.....	May 26
In Salt Lake.....	May 29
In Cheyenne.....	May 31
Leave Cheyenne on return.....	June 1
Arrive in Washington.....	June 4

Fourth of July Meeting.

There will be meeting of the citizens of Lakeview next Friday night, March 27th, at 8 o'clock p. m., at the court house, for the purpose of making arrangements for a 4th of July celebration in Lakeview. Every public spirited person should attend. Ladies invited.

H. C. WHITWORTH, Mayor.

Most of the merchants are quite busy these days taking invoice.

A crew of sheepshearers with Jack Green as foreman, left Lakeview last Sunday for Merrill to shear three bands of sheep for Dave Edler. Among the crowd were Ed Bishop, Lester Vernon, Steve Down, George Jones, F. Wyman, — Cardinas, and Frank Griffith and son. This will be the first shearing of the season.

Pursuant to a call of the chairman of the Republican county Central Committee published last week, a meeting of said committee was held last Monday afternoon in the court house. Chairman W. A. Massingill called the meeting to order, and appointed L. F. Conn secretary pro tem. The chairman was authorized to make temporary appointments to fill vacancies of non-attending members. The meeting was represented as follows:

Silver Lake, T. J. Labrie, by C. D. Sessions, appointed.
 Summer Lake, G. H. Ahldrich by C. C. Cannon, appointed.
 Paisley, Wm. McCormack, by E. M. Brattain, proxy.
 Crooked Creek, E. E. Rhinehart.
 North Warner, W. K. Barry.
 South Warner, W. F. Lemberger, by E. Follett, appointed.
 South Lakeview, W. A. Massingill.
 North Lakeview, J. E. McGarrey deceased, by L. F. Conn, appointed.
 Drews Valley, G. H. Newell.
 Goose Lake, Geo. W. Noble.
 Cogswell Creek, C. C. Cannon.
 Thomas Creek, S. J. Prose.

The time set for holding the primaries was Monday, Mch. 30th, to be held at the polling places of the several precincts. The convention will be held in Lakeview on Friday, April 3d, at the Court house at 2 o'clock p. m., and will consist of 61 delegates which were appointed among the several precincts as published in the call in another column, which was ordered published in The Examiner.

W. D. Woodcock & Son have been making some improvements in their blacksmith shop lately by building on an addition to be used exclusively for shoeing horses. Corwin Vinyard has accepted a position and will soon begin work in this department. A paint shop has also been added. A heavy cart has just been made for the Z X ranch, which will be used exclusively for breaking horses.