

Additional Local

Job had five hundred yoke of oxen for ploughing.

Egypt furnishes 20,000,000 bushels of grain to Rome annually.

The various countries of the world use 13,400 different kinds of postage stamps.

Kentucky Favorite Whisky—mildest and best. Physicians recommend it. Post & King. 41.

It takes the constant labor of 60,000 people to make matches for the world.

Madrid has a law by which habitual drunkards have their hands cuffed every four weeks.

"Jesse Moore" Whisky has been the Kentucky standard with which all others have been compared since 1851. It is the best. Ask Jammertal.

Our beans and pumpkins are natives of America, and were cultivated by the Indians.

The seed of the first rice grown in America, came from Madagascar. It was a "chance" importation.

Wise men drink "Jesse Moore" Whisky; fools drink anything the bartender foists upon them. Be wise—select your own beverage. Call on Jammertal.

Ancient paintings four thousand years old show ploughs, harrows and land rollers in use in Egypt.

The greyhound, which can cover a mile in one minute twenty-eight seconds, is the fastest of quadrupeds.

California farm for sale at a big bargain. 160 acres fenced and cross fenced. Cost present owner \$10,500 but will be sold for \$5000; 1/2 down and balance on easy payments. Inquire at this office. 47-tt.

\$250,000,000 is the value of animals and animal products exported from this country during the past year.

All European Russia has only 780 newspapers and periodicals—about one-third the number in the State of New York.

Whorton & Smith's Palace continues to be the popular clubroom. If you are looking for a man you will likely find him at the Palace. George and Fent always treat their patrons well. Latest periodicals. Private club room. 42-tt.

Before the introduction of tea and coffee our ancestors used various kinds of beer, and their only substitute for sugar was honey.

The coffee importation of the United States for the year 1901 is the largest in our import trade, exceeding for the first time 1,000,000,000 pounds.

Cyrus Noble Whisky—the old champion and still champion of them all. Used in all first-class places. Ask for Cyrus Noble case goods when you want a good drop at home. 37-tt.

The most valuable book in the world is supposed to be a Hebrew Bible, now in the Vatican. As long ago as 1512, Pope Julius refused for this its weight in gold, which would amount to \$163,000.

Post & King are now receiving big invoices for their winter trade. All the finest brands of liquors and cigars are kept there. Post & King furnish the home with the best brands for medicinal purposes. 42-tt.

Mr. Mackey has the finest dinner-service in the world. He furnished \$75,000 worth of silver for it from his mines, and for its manufacture by Tiffany gave his check for \$195,000.

It is reported that there will be a heavy loss in Malheur county of cattle, sheep and horses, caused by the severe winter and lack of feed. A few stockmen who have exhausted their hay supply, are shipping in corn from Nebraska and other points, but the almost impassable condition of the roads makes this kind of feed very expensive for those living remote from the railroad.

Several copies of the Northwestern Stock Directory, compiled by Sloss & Lightly, printers of Alturas, have been left at this office for distribution. It is a valuable book for stockmen and worth the price. 41.

(continued from 2d page.)

of indemnity land, is precluded to claim the particular land assigned as base for such indemnity selections and cannot claim the indemnity and also the lands in place (Rogers Locomotive Machine Works v. American Emigrant Co. 164 U. S., 559, 574.) no estoppel arose against a claim by the State for any other land in the township as swamp lands, and no part of the selections so assigned as base for indemnity school lands selections is included in the swamp land list. But a sufficient answer to this claim of estoppel lies in the fact, shown by the records of your office, that the State asserted claim under the swamp land grant to substantially all the land embraced in this meander line promptly after its survey in 1887, and has heretofore obtained under that grant patents for such lands of an acreage of more than twice that here in controversy, and that the tracts so patented and those here sought by the State are interspersed or distributed throughout the so-called lake.

The evidence established that the lands in controversy at the date of the grant were not the bed of a lake or apparently permanent body of water, but were swamp lands, subject at times to be entirely overflowed, and at all seasons were thereby rendered unfit for cultivation. While these lands would for considerable periods of any year of ordinary rain or snow fall present the appearance of a shallow lake, a careful examination would then, or at any time, have disclosed from its vegetation and soil that it was a swamp upon which the waters coming in time of floods were retained by the spongy soil, dense and fallen vegetation, and lack of drainage channels, and that it was not a lake or permanent body of water retained by containing banks or shores.

The act of March 12, 1860, supra, extending to Oregon the grant of September 28, 1850, supra, provided that:

The grant hereby made shall not include any lands which the government of the United States may have reserved, sold or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of the title to be made under the provisions of said act.

It is thereunder contended that lands to which a right by settlement of filing under the pre-emption law of September 4, 1841 had attached before issuance of patent under the swamp land grant, are excepted from that grant. Neither settlement nor filing under the pre-emption law, nor both such settlement and filing constitute a sale or disposal of the lands by the United States such as excludes it from this grant. Yosemite Valley Case (15 Wall., 77); Ham v. Missouri (15 How., 129); Copper v. Roberts (Id., 173) State of Utah (29 L. D. 418.)

The pre-emption claim of the heirs of Amos Boyd is for a portion of these lands. Boyd's pre-emption filing was cancelled July 25, 1892, in the contest of the State against the same, but that decision was set aside December 19, 1893, (17 L. D., 571) and July 16, 1895, upon the submission of proof and payment of the purchase price, Boyd's heirs were allowed to make pre-emption cash entry and patent certificate was issued to them. This perfection of the entry constitutes a sale and disposal of the lands embraced therein. (Carroll v. Safford, 3, How., 441, 461; Stark v. Starrs, 6, Wall., 402, 418; Aspen Consolidated Mining Co. v. Williams, 27 L. D., 1, 16), and being made under a law, (acts September 4, 1841, 5 Stat., 453, and July 17, 1854, 10 Stat., 305.) enacted prior to March 12, 1860, and also made prior to the confirmation of title in the State under the swamp land act (State of Minnesota, 27 L. D., 418, 419, the lands embraced in such entries are excluded from that grant and the entry should be passed to patent if it be otherwise regular. If any other pre-emption entries shall be regularly perfected prior to the issuance of patent to the State, the land covered by such entries will likewise be excluded from the grant to the State. The homestead, desert land and timber culture laws, under which some individual claims are asserted, were all enacted after March 12, 1860 and therefore, constitute no basis for the exclusion of lands from the swamp land grant.

For the reasons herein given, your office decision of March 2, 1901, rejecting the claim of the State is reversed, and all of the claims adverse to the State, except that of the heirs of Amos Boyd, and any other existing pre-emption claim which has been or may be perfected before this decision is carried into effect, are hereby rejected.

Your office will prepare and submit for approval a new swamp land list, embracing such of the lands in controversy as properly pass to the State under this decision.

Herewith are the papers.

Very respectfully,

E. A. BRIDGECOCK,
Secretary.

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