

# Lake County Examiner

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## J. N. WATSON C. U. SNIDER

### Oregon Delegation Recommends Their Appointment to the Lakeview Land Office.

The Washington correspondent of the Oregonian under date of September 22, says: The Oregon delegation having awakened to a realization of the fact that President Roosevelt means what he says, and fearing delay might prove detrimental to their prestige, have recommended that John N. Watson, of Paisley, be appointed Register, and C. U. Snider, of Lakeview, be appointed Receiver, of the Lakeview Land Office to succeed Brattain and Bailey, soon to be removed. There is little doubt that the men recommended will be appointed within a short time.

These recommendations were forecasted in The Oregonian at the time it was first announced that Brattain and Bailey were to go. It was also predicted that Congressman Hermann would not consent to Brattain's removal, but would advocate and recommend his retention. This prediction has also been fulfilled, for in the letter received by the President, while Mitchell, Fulton, Williamson and Hermann all endorsed Snider, only three members endorsed Watson, Hermann writing a separate letter in which he recommends that Brattain be allowed to continue in office.

Unless Secretary Hitchcock has some reason why Watson and Snider should not be appointed, the President will within the next few days sign commissions for these men and direct that no time be lost in installing them in office. His desire for an immediate change is well known, and it is reasonable to suppose he will not himself take any steps that will result in unsatisfactory delay.

### Makes Valuable Purchase.

F. O. Bunting returned Tuesday evening from Salem where he has been attending the state fair. Mr. Bunting says the crowd at the fair was enormous.

The North Pacific Rural Spirit has the following in regard to Mr. Bunting's purchase: "Mr. F. O. Bunting, of Lakeview, Ore., and proprietor of Bunting Stock Farm, of Herefords, with his usual foresight and good judgement, bought the prize winner, Pendletonian 154842, from C. B. Wade, of Pendleton. He is leased by Tip Top 111646, by Rupert 74103, out of Golden Pippin 103693.

Pendletonian is as fine a specimen of the breed as will be found in a long time, and he promises to make a fine animal and sire. Mr. Bunting will use him on his other Herefords, and believes that the best way to build up is to get the best blood possible and use it freely. He now has something over 200 head of registered Herefords, and while a long ways from railroad connection, he does a large business. He now has some very choice young stock for sale, from such noted strains as Lord Wilton, Anxiety and Grove 3d, who are well known to all breeders."

Wm. H. Shirk returned the latter part of last week from Berkeley, Cal., where he accompanied his family a couple of weeks ago. Mrs. Shirk will remain there this winter where their son Roy expects to attend the University. Mr. Shirk will again join them about the first of January to remain until the winter season is over.

## SETTLERS WILL LOSE

### Secretary Hitchcock Decides in Favor of Corporation--Ignores Chamberlains Appeal.

The Acting Secretary of the Interior today brought to a close one of the most famous and most protracted land contests ever initiated in Oregon, and in doing so added the name of Governor Chamberlain to the list of Oregonian officials who have been turned down by the mighty Interior Department, says the Oregonian of the 26th.

Secretary Ryan in rendering final decision in the case of J. L. Morrow and others against the State of Oregon and the Warner Livestock Company directed that patent at once be issued to the state on behalf of the livestock company, transferring to the state the large tract of land in Southeastern Oregon which was 20 years ago selected under the swamp act and which has ever since been in continuous litigation. This is the very action that Governor Chamberlain undertook to prevent when he telegraphed the Secretary on July 19 demanding that "no patent issue to the state until request therefore is made by me." In that telegram he added:

CHAMBERLAIN TRIED TO STOP IT.

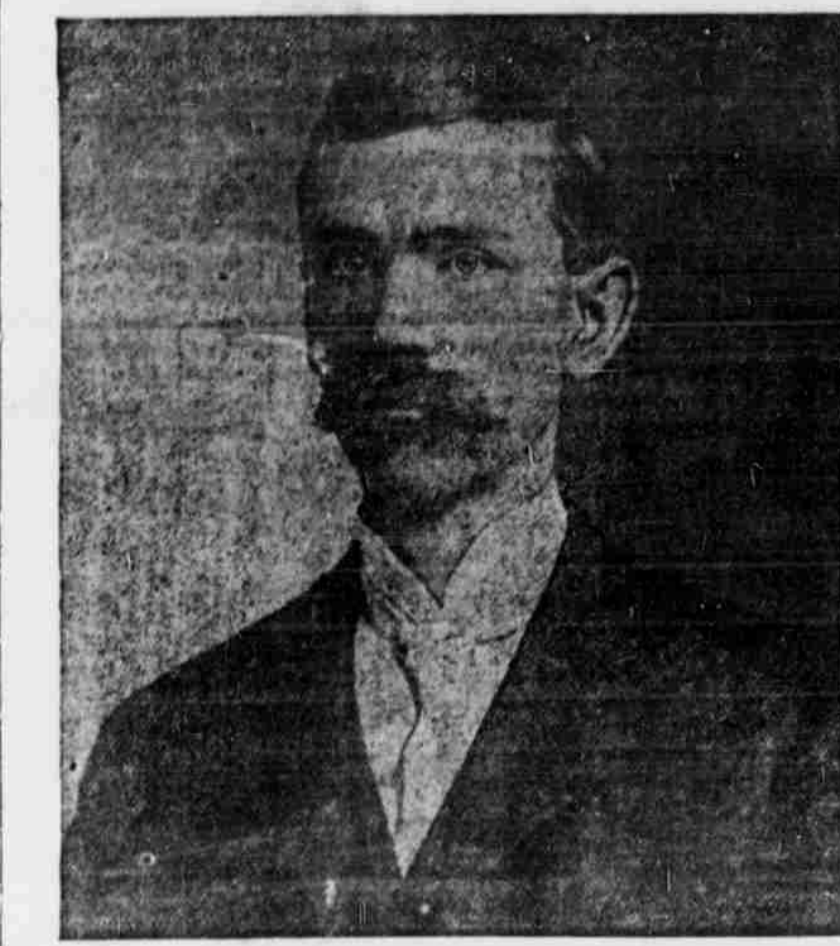
"No one has authority from me to represent the State of Oregon in requesting issuance of patent for the lands, though I am informed that some one pretends to represent the Governor of Oregon for that purpose. The matter is being investigated by me and until satisfied as to the bona fides of the claim of the state to these lands I will make no request for issuance of patent."

In his decision Judge Ryan says that on March 16 last the department held that the lands in controversy at the date of the grant, March 12, 1860, were swamp lands and therefore the Land Office was directed to prepare a new swamp list. List 79 was prepared and approved July 2, and a copy sent to the Governor. This brought out his telegram of protest.

Judge Ryan shows that the Warner Livestock Company is the party that filed request for the issuance of a patent of these lands to the state. The state sold the lands in 1883 or 1884 and received compensation for the same, which it has ever since retained. Title passed to the stock company from the original grantees of the state and under the ruling to Judge Ryan since the state sold the lands and accepted pay therefore it was bound morally, at least, to uphold its transactions in good faith. Moreover, he found that Governor Lord and his successor both sought to obtain from the Government patent for these lands and that patent was delayed in issuing because of the adverse claims of Morrow and others.

PREDECESSORS TAKE PRECEDENCE.

Taking a broad view of the case, the Secretary says that the present Governor cannot revoke and vacate the request of his predecessors, even though the law provides that "patent shall issue at the request of the Governor." Construing the law liberally he says that when the state disposed of these lands the state was bound in equity to protect the rights of its grantee and moreover that they had perfect right



MR. REED SMOOT OF UTAH.

Mr. Reed Smoot, whose ambition to sit in the United States senate as member from Utah evoked a protest from the administration, is one of the twelve apostles at the head of affairs in the Mormon church. He is not a polygamist, however. Mr. Smoot is a prominent banker of Salt Lake City.

to ask on their own behalf that the patent should issue to the state in order that the transfer might be completed under the terms of the original grant.

The fact that Chamberlain is now Governor does not give him the right to ignore or nullify action made by his predecessor in office nor does it give him the right to pass upon the equities of such contracts when the state has signed away its title and has received and retained compensation for such surrender.

LORD INSTITUTED PROCEEDINGS.

"In the view of the department, the request of the Governor that no patent be issued is not essential where the record shows that the state has accepted the grant and has disposed of all its interest in the particular lands involved," is the way the decision reads. "If a request be necessary, it is held that by its grant of the land the state but authorizes its grantee to make such request in its behalf. Here, however, there is a formal request by the Governor (Governor Lord), which initiated the proceedings that resulted in the decision of March 6, 1903, and issuance of a patent is the natural and necessary sequence of that decision."

"I think that the decision of the Acting Secretary of the Interior Department will not end the litigation," said Governor Chamberlain last evening. "I believe that an effort can still be made by the settlers to cancel the patent. It is doubtless ended so far as the Interior Department is concerned, but a court of equity would have jurisdiction to cancel the patent. I have refused to sanction the issuance of the patent and I will do so until the matter is more fully investigated. Hermann decided in favor of the settlers, but the Interior Department has decided in favor of the livestock company."

Reports have repeatedly come from Warner Valley, Lake County, to the effect that fighting was going on between the settlers on the land in litigation and the employees of the Warner Livestock Company. Tales of settlers burning over the ground they had improved have also frequently come from Lake County. These have been denied by the representatives of

the Warner Livestock Company, who say that the company is willing to do everything in justice for the settlers who took up the land under the homestead and preemption claim acts. The company is willing to sell the land or to pay for the improvements which the settlers have made upon it, but the livestock company has stoutly maintained for 20 years that the tract in question was swamp land, and that the settlers had no right to it under other acts."

Farewell Party.

Last Friday evening was the scene of a very pleasant evening's entertainment at the home of Geo. S. Nickerson in the north end of town. The party was given in honor of Miss Lallie Brown who has since departed for her future home in Warner Valley. Invitations were issued on Wednesday to seventeen of our young people and by eight o'clock on the evening of the 25th everyone was present and proceeded at one to enjoy themselves. Dancing, games and various other amusements were indulged in until a late hour when refreshments were served. Those present were:

The Misses Jean and Fannie Tonningensen, Anna and Gertie Schlager, Nellie Simpson, Ella Jones, Lallie Brown, Bertha and Mabel Nickerson, Messrs Fred Reynolds, Clarence Snider, Harvey Colvin, Willie Boyd, Johnny Boyd, George Chandler, Dwight Johnson and James Maxwell.

The ladies of the Cemetery Committee are doing everything in their power to swell the fund for the improvement of the cemetery north of town and more interest should be taken in this most laudable undertaking. There is a movement on foot now to have all those interested in the improvement of the grounds to be on hand on Friday morning to do what they can to put the cemetery in a presentable condition, and at the same time avoid unnecessary expense. The ladies will have prepared an excellent dinner in the banquet room of the Masonic Hall and all those who assist in the work at the cemetery will be invited to be in attendance at the spread.

## TO RECLAIM 12,057 ACRES

### Portland Irrigation Company to Store Water in Chewaucan to Irrigate Land at Paisley.

The State Land Board has entered into a contract with the Portland Irrigation Company, of which Edwin Mays, of Portland, is president, and C. H. Ball secretary, for the reclamation of a tract of 12,057 acres of arid land in Lake County. The estimated cost of reclaiming the land is \$150,000 or a trifle over \$12.45 per acre. The annual cost of maintenance is placed at \$1.50 per acre per year.

The tract of land covered by this contract lies in a rather compact form, bordering on the marsh land northwest of Chewaucan Lake. The irrigation company proposes to secure its water for irrigation purposes by constructing a number of reservoirs which will hold the surplus waters of the Chewaucan Creek in the Spring. The water will be conducted around the land in large canals and distributed in smaller laterals.

This contract has been entered into under the terms of the arid land law passed by the Legislature of 1901, for the purpose of accepting the provisions of the Carey law, an act by which the United States Government gives to the state 1,000,000 acres of arid land whenever the land has been reclaimed. According to the terms of the contract, the Portland Irrigation Company must reclaim the land at its own expense, and secure the return of its money through sales of the land.

The company holds a lien for \$150,000 on the land, and purchasers are required to pay off the lien on the subdivision they may wish to purchase. The company has the privilege of charging settlers \$1.50 per acre per year for furnishing water.

This is the only large arid land contract the State Land Board has executed for about a year. The papers have been filed in the Lakeview Land Office and forwarded to the Department of the Interior for the approval of Secretary Hitchcock.

S. V. Rehart's building opposite Hotel Lakeview, is undergoing improvements this week. When first built, it was thought the building would furnish ample room for all kinds of office work but it has since been found too small and an addition of eight feet is being added to the entire length of the building at the rear. Mr. Rehart will furnish an office for his own use adjoining that of Chas. Umback. The addition will undoubtedly prove highly beneficial to those who occupy the building besides adding to the appearance of the building itself. Jim Handley is doing the work and it is progressing rapidly.

The terrible fire on the lower Chewaucan Marsh broke out afresh on Wednesday last and about 20 men immediately left town to fight the flames. By Friday noon they had things well under control and as a strict watch has since been kept, it is not at all likely that it will again break out. Heryford Bros. lost about 11 stacks and 7000 tons of bunched hay and the ZX Company about the same amount. Brattain Bros. lost about 150 tons. The total loss is estimated at about \$30,000. The marsh will be practically useless for several years to come.