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GOVERNOR IGNORED.

Commissioner Richards Grants Patent to Warner Lands Without Notifying Governor.

[Special to Telegram.]

SALEM, Or., Nov. 5.—An action will soon be instituted in the United States Circuit Court by the settlers of Warner Valley, Lake County, for the purpose of setting aside a patent issued by the General Land Office at Washington, D. C., conveying title to the state for between 4000 and 5000 acres of land in that county, through which patent the land becomes the property of the Warner Valley Stock Company, and about 30 homestead settlers are ousted from their homes.

This dispute has been up before the State Land Board and pending decision of the General Land Office for several months and the people are mostly familiar with the details of the controversy. The land in question is claimed by the Warner Valley Stock Company through a deed of conveyance from the State under the swamp land act of 1898, it then being classed as swamp land, and the settlers claim the right to the ownership of the property through settlement several years ago, under the homestead act. When the dispute arose, it was found, when the records were consulted, that the state had never acquired title to the land through a patent from the Government, and therefore had no right to deed the land to the Warner Valley Stock Company as swamp land, which fact nullified the claim of that company to the ownership of the land and made it possible for the settlers to prove up on their holdings and acquire title to it from the Government. This the latter set about doing, but the Warner Valley Company brought the matter before the State Land Board and asked that body to apply to the General Land Office for a patent to the land.

The Governor refused to take any action in the matter until he had made an investigation of the true conditions of the land, whether it be swamp or otherwise, and determine whether the state had any right to claim it under that classification. It seems, at least it was reported, that the Warner Valley Company was not satisfied with this arrangement, and set about to secure a patent for the state upon its own responsibility. Governor Chamberlain was informed that some party or parties were representing themselves as agents of the state before the department to bring about this end, and he at once set about to offset it. He addressed a communication to Commissioner Richards, informing him of the condition of things, and requested him not to issue a patent to the land until he could investigate the matter and ascertain whether the state or the settlers were entitled to the land.

Governor Chamberlain quoted a section from the United States statutes in which it was specifically set forth that the Government officials should issue no patent to the state, except upon request of the Governor, and he made his request to have the patent withheld upon this authority. Notwithstanding the Governor's request, Commissioner Richards issued the patent to the state, while the Governor was on his way East, and placed the patent in the hands of the attorneys of the Warner Val-

ley Stock Company.

Governor Chamberlain, when asked about the case yesterday, and whether he had brought the question up before the department officials during his visit to Washington, said:

"Yes, I did speak to Commissioner Richards upon this subject, and was informed that the question had been decided, but the other matters being up for discussion and we were getting along so amicably in the adjustment of them, that I deemed it useless to enter into an argument over the Warner Valley dispute, especially since nothing could be gained thereby.

"When I returned home I found a communication awaiting me here from Commissioner Richards, in which he stated he had overruled my request and had granted a patent to the state for the lands in controversy. I was not advised of the issuance of the patent until I arrived home, and then I was informed that the patent had been placed in the hands of the attorneys of the Warner Valley Stock Company, a proceeding that is without precedent in the annals of the State of Oregon, for it is customary for the department to issue patents through this office, and therefore the state has no record of a patent having been issued. The advice came to my office during my absence, and was dated October 7, 1903.

"I feel that the action of the General Land Office, in issuing the patent over my protest and placing it in the hands of the attorneys of the Warner Valley Stock Company instead of sending it through my office, is extremely discourteous to me, and not only to me, but to the people of the State of Oregon, whom I represent. The law of 1899 provides very plainly that no patent shall be issued except upon the request of the Governor, and why Commissioner Richards should override my request to hold up the patent and issue it as he did, is more than I can understand."

United States District Attorney John Hall, of Portland, who has been engaged by the settlers to fight their case for them, was in the city yesterday, looking up the records of the case, and J. L. Morrow, of Lake County, who represents the settlers is at work preparing an abstract of the title of the land, preparatory to commencing the suit. It will be a case of the settlers against the Government, and for the purpose of having the patent, which they hold as illegally issued, set aside and their title to the land, under the homestead act established. At one time, a few years ago, the land in question was classed as swamp land, but now it is high and dry, and is said to be very valuable as agricultural property.

Has Gone Daft.

A stranger stepped off the southern stage last Monday night and approaching an Examiner representative, with tears in his eyes and a tremor in his voice, wanted to know what they wanted to kill him for. Said he had done nothing. Said his name was Leon Valentine, and had been herding sheep for J. M. Thompson in Modoc county. In Alturas he said they told him he would be killed in Lakeview. He was taken to the Lakeview for the night, but made his escape early in the evening and has not been heard of since. He had two dogs with him and was looking for a job of herding sheep, so he said.

RESERVES TO BE OPENED.

Senator Fulton Shows President the Injustice of Withdrawals —Early Action Expected.

The Oregonian News Bureau at Washington under date of Nov. 6, sends out the following:

At the solicitation of Senator Fulton, President Roosevelt has interested himself in the public land situation in Oregon, and promises to see to it that there shall be an adjustment of the administration of the forestry bureau and of the Interior Department which will be satisfactory to the people of Oregon.

During a prolonged conference at the White House today, Senator Fulton fully explained the public land situation in his state, emphasizing the fact that the development of many counties has been materially and needlessly retarded by the reckless withdrawal of lands for forest reserve purposes. He also explained the embarrassment in which hundreds of entrymen have been placed by the overzealous and unjustifiable methods that have been adopted by the department in requiring proof on timber and even homestead entries made in recent months. The Senator made it quite plain that the public land situation in Oregon is fast approaching a crisis and decisive remedial action is necessary to restore confidence and good feeling among the people.

He said that while Oregon, as a whole indorses the forest reserve policy, its people do not want all the valuable lands included within reserves, nor do they like to have settlers and those seeking to become settlers humiliated by the aspersion that they are attempting to make fraudulent entries, when in fact they are acting in good faith.

After his conference Senator Fulton said he felt confident the prevalent abuses would be remedied, as the President intends to take the matter up with the proper officers and insist upon a return to conservatism, not only in forestry matters, but in regard to all forms of public land entries.

This probably means that before long a large amount of the area now withdrawn will be restored to entry and there will be a let-up in the ridiculous catechism through which entrymen are now put whenever they attempt to prove up on their claims.

The following is a list of lands withdrawn in proposed reserves. The Warner Mountain reserve in Lake county is the largest.

	Miles.	Acres.
Wallowa.....	29	668,160
Joseph.....	14	322,560
La Grande.....	17	391,680
Blue Mountain.....	134	3,133,440
Morrow.....	15	345,500
Mawry's Mountain...	3	69,120
Warner Mountain.....	166	3,824,640
Addition to Cascade..	26	599,040
Rogue River.....	58	1,333,320
Total	463	10,690,560

Commission Appointed To Draft Land Laws.

Two weeks ago The Examiner called attention to the fact that the last session of the Legislature had authorized the State Land Board to appoint a committee to draft suitable laws to regulate irrigation dis-

tricts of Oregon, and up to that time no such appointment had been made. Since, however, the appointments have been made, and the Oregonian comments editorially as follows:

A committee composed of men who understand the business from the standpoint of the engineer, the irrigation expert and the lawyer has been appointed by the State Land Board to draft a set of land laws which will meet the requirements of all classes of land purchase or acquisitions in the state. In the essentials that govern water rights, the acquirement of arid lands, etc., our present laws are said to be unsatisfactory, and their revision is required to insure the proper protection of the rights of settlers. It is well known that hostility between neighbors that does not stop short of murder is frequently engendered by faulty land titles, the encroachment upon water rights, boundaries, etc. As far as laws can make clear matters of this kind it is desirable and even necessary that this should be done. And since men who understand the matter, both in its practical and legal aspect, are to take it in charge, we may reasonably hope that the work will be well done. The maxim "Every man to his trade" applies to other than mechanical matters, as blunders in financial legislation have too often proved.

Elections Last Week.

On the same day as the exciting city election was held in Lakeview last week, many states and cities held elections, and the results were very pronounced.

Eugene Schmitz, Union Labor, was elected Mayor of San Francisco by an overwhelming majority, over Cracker, Rep., and Lane Dem.

In Sacramento Hassett, Democrat, was elected Mayor.

Geo. B. McClellan, son of the famous General, was elected Mayor of New York by about 65,000. This is regarded as a triumph for Tammany.

Ohio goes Republican by an immense majority. The Legislature is Republican which insures the return of Mark Hanna to the Senate.

Nebraska went Republican by seven to ten thousand.

Governor Beckham, Democrat, carried Kentucky by 26,000.

Pennsylvania gave a Republican majority of 225,000.

Republicans elect Campbell Chief Justice of Colorado by 8,000.

Democrats elect Governor and Legislature of Maryland by 8,000.

The election in Rhode Island resulted in the election of a Democrat Governor. The Legislature and balance of State ticket is Republican.

Republicans carried Massachusetts, the only noticeable feature being a falling off of the Socialists vote of more than 3,000.

Moore's Comedians closed their week's engagement in Lakeview last Saturday night to a well filled house, in that ancient and well known play "Rip Van Winkle." As old as this play is, many people here had never seen it before. "Old Rip" wakes after a twenty year's nap with nothing but a few rags hanging to him, and when he picks up his gun it falls to pieces. His beard has grown to enormous length, and altogether the part was well taken by Mr. Moore, whose well known ability is greatly appreciated in this nick o' the woods. The Moore's went to Klamath Falls, probably for the winter.

TIMBER POOL IS FORMED.

Owners of Claims in North End of Lake and Klamath Will Hold For \$3000 for Each Claim

Every owner of a timber claim in the northern part of Lake or Klamath counties, who is desirous of getting a reasonable price for his pine, should sign the agreement which is being circulated in town for the purpose of pooling the claims and holding for a price satisfactory to each individual claimant, says the Prineville Journal. The move which has been instituted in this city, in conjunction with the timber land owners in Albany, is one of the best on record and a successful termination of it means much in a financial way to those whose names are on the list.

The agreement which every one owning a claim in either of the above-named counties will be asked to sign is simply a pledge on the part of the owner to hold his or her claim with others for one year from January 1, 1904. During that time the signers of the agreement agree to sell for \$3000, and for a price no lower unless it is so agreed by a two-thirds vote of all the members in the pool. There are no bonuses, no grafts in the scheme, and it has been inaugurated for the sole purpose of benefiting the individuals who own timber in that belt and who are desirous of obtaining a decent and respectable price for their property.

In Albany, 104 persons have joined the pool. These members held a meeting a short time ago and unanimously elected Judge H. H. Hewitt, Dr. N. E. Winnard and John Foshay as a committee to secure the co-operation of other timber holders residing in Prineville and its vicinity, and interest timber companies who are willing to pay for what they are getting. Dr. Winnard was in Prineville last Saturday and Sunday and secured 31 signatures to the agreement. There are 134 more who own timber in Klamath and Lake counties and practically all of these will be seen this week or word sent them by J. F. Spinning, who is looking after the matter in Prineville.

Dr. Winnard has spent considerable time in working up the agreement among the timber owners and there seems to be no doubt but that 250 or more claimants in that district inside of the next week will be parties to the agreement to hold their claims for the price named. Timber companies have been notified that the pool was formed and Judge Hewitt who is known all over the Willamette Valley has given out that the price asked for will not be excessive provided they can get together enough claims.

Turned Back too Soon.

J. C. Porter, a Silver Lake stockman, turned back 300 head of cattle from Modoc Point this week, having brought them down for the inspection of a cattle buyer or two who didn't show up. Mr. Porter didn't waste any time in waiting for them, either, and promptly headed his cattle northward.—Klamath Express. The Examiner learns that the cattle buyer arrived a few days after Mr. Porter left, and was just in time to catch some other cattle men who were driving to market, and purchased their beef.