

Lake County Examiner

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NO. 15

CONGRESS ENACTS NEW LAND LAWS

Allows Additional Home-
stead Rights

EXTENSION ON DESERT PROOFS

Entrymen Who Relinquished to
Corporations or Sold For
Profit Are Barred

An act of Congress of February 8, 1908, allows a person otherwise punished to make a second homestead entry where such person has made and lost, forfeited, or abandoned a former homestead entry prior to the passage of said act, and such former entry was not canceled for fraud or abandoned or relinquished for a consideration.

The person applying to make second homestead entry under this act must file in the local land office an application to enter a specific tract of public land subject to homestead entry, accompanied by his affidavit executed before an officer authorized to administer oaths in homestead cases, stating description of former entry by section, township, and range numbers or number of entry and name of land office where made; date of entry; when he lost, forfeited, or abandoned the same; that it was not canceled for fraud, and whether he received anything for abandoning his claim or relinquishing the entry. This affidavit must be corroborated by the affidavit of one or more persons having knowledge of the facts relative to the abandonment of his claim or the relinquishment of the former entry, which corroborated affidavit may be executed before any officer authorized to administer oaths, and having an official seal.

Section 2 of the act of June 5, 1906, allows a second homestead entry to a person otherwise qualified who, prior to the date of the act, made homestead entry and commuted same, but such second entry is not subject to commutation.

The act of May 22, 1902, allows a second homestead entry to a person otherwise qualified who, prior to May 17, 1900, made and perfected a homestead entry, paying therefor the price provided under the law opening the land for settlement, but to which land, had he not perfected title prior to the date mentioned, he would have been entitled to receive a patent without payment under the "free homes act". Said act does not allow commutation unless proof submitted on land first entered shows five years' residence.

A person applying to make second entry under the provisions of the acts described in paragraphs 3 and 4, of a specific tract of public land subject to homestead entry, must file with such application his affidavit, describing his original entry by section, township, and range numbers, or number of the entry and name of the land office where made, date of the entry and date when final entry was made therefor. As the facts required to be shown in support of such application are matters of record no corroboration will be necessary.

The following rules will govern the action of Registers and Receivers upon homestead commutation proofs hereafter submitted:

Commutation proofs offered under a homestead entry made on or after November 1, 1907, will be rejected unless it be shown thereby that the entryman has, in good faith, actually resided upon and cultivated the land embraced in such entry for the full period of at least fourteen months.

Where such commutation proof is offered under an entry made prior to November 1, 1907, if it be satisfactorily shown thereby that the entryman had, in good faith, established actual residence on the land within six months from the date of his entry.

An act of congress, approved March 28, 1908, provides that the right to make entry of desert lands under the prior acts of congress, shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsur-

veyed lands shall be allowed or made of record. Excepting where an individual has begun the reclamation of a tract of desert land not exceeding 320 acres of unsurveyed lands under the prior act, who will be allowed the preference right to make entry. The same act prohibits the assignment of any such entry to any corporation or association. An extension of time is also given the entryman, who, through some unavoidable delay in the construction of irrigation works, is unable to make proof of reclamation of the land, of not more than three years in which to complete the reclamation and cultivation as required by law.

Congress, on March 26, 1908, passed the following: That any person who prior to the passage of this act has made entry under the desert land laws, but from any cause has lost, forfeited or abandoned the same, shall be entitled to the benefits of the desert land law as though such former entry had not been made, and any person applying for a second desert land entry under this act shall furnish the description and date of his former entry: Provided, that the provisions of this act shall not apply to any person whose former entry was assigned in whole or in part or cancelled for fraud, or who relinquished the former entry for a valuable consideration.

Easter Services

On Easter Sunday (April 19th) the Catholics will have High Mass in the Opera House at 10 a. m.

PROGRAM.

Second Mass in P. Marzo.
Accompanist and director,
Miss Laura Snelling.
CHOIR.

Misses Edna Penland Lora Chandler, Eva Clark, Fay Barnes, Lena McShane, Bertha Lofftus, Marie McShane Myrtle Hahn, Vinnie Henderson, Lena O'Shea, Mary O'Shea, Elma Chandler, Vale Lofftus.

Kyrie—Duet Miss Edna Penland
" Lena McShane
Gloria—1st Solos, Miss Eva Clark
" Marie McShane

2nd Solos Miss Fay Barnes,
" Lena McShane.
Credo—1st Solo Miss Lora Chandler
" Lena McShane.

2d Solos Miss Eva Clark,
" Marie McShane.
3rd Solos Miss Lora Chandler,
" Lena McShane.

Sanctus—Solos Miss Louise Arzner,
" Bertha Lofftus,
" Elma Chandler.

Largo—Handel—Lakeview Orchestra,
Prof. C. E. Rice, Prof. C. C. Price,
Miss L. Snelling, Mr. Geo. H. Ayres,
Mr. Chas. Wallace.

Agnus Dei—Solos Miss Eva Clark,
" Marie McShane,
" Lena McShane,
" Lora Chandler.

Benediction with the Blessed Sacrament.
"Pange lingua" and Tantum ergo" sung by the choir.

Palms—Faure, Lakeview Orchestra.
Rev. I. A. Vasta, S. J. Pastor.

Initiative and Referendum

306—Yes.
307—No.

This is an amendment proposed to the State Constitution providing for change in the time of holding the biennial elections from the first Monday in June to the first Tuesday after the first Monday in November.

The purpose of this amendment is to cause elections for State, Congressional and Presidential elections to occur on the same day. It should pass—vote 306.

308—Yes.
309—No.

The elector is safe in voting 309. It has reference to custody of Prisoners in County Jails and ought to be voted for only by those who know of a sufficient reason for it.

This is a referendum act of the Legislature.

310 Yes.
311 No.

This is a referendum Act providing that railroads shall give free passes to State Officers, County Judges and Sheriffs. Vote 31) by all means. This measure ought not to fail of a negative vote by every elector in Lake County.

It would be as reasonable to compel railroads to do any other service with out pay. They pay for all their privileges. Private property is never condemned for the use of railroads without compensation to the owner. Finally, this amendment makes no distinction as to whether the officer is traveling on public business, or is on a vacation for rest, or on his private business. Vote X 311, and you may be sure you are right.

COUNTY COURT OFFERS BIG REWARD

One Thousand Dollars For Capture
of Murderer of Wallende

Lakeview, Oregon, April 7th 1908. County Court met in convened session, pursuant to an order duly issued by the County Judge, at which were present, B. Daly, Judge, C. W. Dent, and H. R. Heryford, Commissioners, Albert Dent, Sheriff, and E. N. Jaquish, Clerk, at which the following business was transacted, to-wit: Whereas, it appears from the verdict of the Coroners Jury, which was duly impaneled to investigate the cause of the death of Julius Wallende at Silver Lake, Oregon, that the crime of murder was committed, it, therefore, become the duty of every good citizen, of this County, to assist in every way possible, the Officers of the law to apprehend the party or parties guilty of said crime so that the law shall not only be vindicated and the guilty

punished, but that every citizen of Lake County may feel assured of that protection to his life and property, which is guaranteed to him by the laws of Oregon:

Now, therefore, in conformity with law and to the end that justice may be done and the guilty punished; it is hereby ordered that the County Court of Lake County, Oregon, while sitting for the transaction of County business, having been convened in special session, in pursuance to an order duly issued by the County Judge, of said County, does hereby offer a Reward in the sum of One Thousand (\$1,000) Dollars for the arrest and conviction of the party or parties who murdered the said Julius Wallende at Silver Lake, Lake County, Oregon. Court adjourned.

Basket Social a Success

The basket social planned by the High School for last Friday evening was in every way a complete success. As a social affair it was very enjoyable and from a financial standpoint it far exceeded our most hopeful anticipations. By 8 o'clock the baskets had all arrived, and after a short speech by Mr. Olfver the auctioneering began. The bidding was vigorous from the first and at times became even strenuous. Several of the baskets sold for three and four dollars while only a few were for less than one dollar. The basket bringing the most was that of Miss Louise Storkmann. It represented the snare drum in the Lakeview Citizen's Band and the price paid was five dollars. Another basket bringing a handsome price was that of Miss Millie Reynolds. It was the model of a settee and for it the buyer paid \$4.75.

After the baskets were disposed of the crowd seated themselves at the long tables previously arranged and enjoyed the delicious lunches which the baskets contained. Tables had also been arranged on the stage and it was announced that those who did not purchase baskets would be served with ice cream and cake. However we underestimated the interest which outsiders were taking in our work and as the crowds flocked to the tables the supply which had been provided was speedily exhausted and many went away disappointed because the refreshments were short.

While all the baskets were very neat in appearance there were a few that deserve special mention. Among these were the balancing scales, Indian wigwam, violin, model of the school building, "Old Oaken Bucket" and well curb, base drum, snare drum, and miniature settees.

There were 48 baskets sold averaging about \$1.30. The total amount netted from the baskets and ice cream was \$62.35. The boys are truly grateful for the patronage their effort received and when arrayed in new suits and equipped with a new outfit, expect to play ball that will make their patrons proud of them.

The Base Ball Game

One of the best base ball games that has been played for some time in Lakeview was played last Sunday between the Pine Creek team and a team gotten up in Lakeview for the purpose. While the score was wholly one sided, being 8 to 0 in favor of Lakeview, our boys had to play hard for the honors. The score was a great victory, but not easily won. They knew they had been in a game. Both teams played good ball. Such games as this one are interesting and worth going a long way to witness. There was a big crowd in attendance. The Lakeview Band discoursed sweet music at intervals.

The line up was as follows:

Lakeview	Position	Pine Creek
Faulkner	1 Base	Vernon
Stieckel	2 Base	Wade
Powell	3 Base	Reed
Heard	Short Stop	Cook
Gowan	R. field	Larkin
Morine	C. field	Hammersley
Dutton	L. field	Ballard
Reynolds	Pitcher	Gibbins
Wallace	Catcher	Larkin.

Site For Flour Mill

Ground has been selected just south, and adjoining Chas. Rhodes' lot in South Lakeview, 338 by 225 feet, for the new flour mill.

Hamilton Captured Again

Sheriff Dent received a wire from Eugene Tuesday stating that the authorities are holding a man there supposed to be Ole Hamilton. Sheriff Dent is sick in bed.

Failed to Get on Ticket

J. D. Farra, Democratic candidate for sheriff, came down from Paisley this week. Mr. Farra failed to get his name on the ballot through failure to file a blank copy of his petition with the clerk, but he will be a candidate for the nomination, just the same. R. B. Jackson democratic candidate for School Superintendent also failed to get his name on the ballot.

Registration Books Closed.

The registration books closed Tuesday evening. The total registration in the county is 861. The books will not be open again till after the primary election. Following is the registration:

	R.	D.	scat.	total
Silver Lake	106	58	6	170
Summer Lake	18	24		42
Falsley	83	31	1	115
Crooked Creek	16	7		23
North Warner	23	14		43
South Warner	18	15		33
North Lakeview	74	38	2	117
South Lakeview	91	36	5	132
Drews Valley	10			10
Goose Lake	28	13		42
Cogswell Creek	50	58	2	93
Thomas Creek	35	5	1	41
Grand total				861

Important Land Decision

An important land decision was handed down from the general land office on March 27, 1908, sustaining the Register and Receiver of the Lakeview Land Office in the contest case of T. F. Short, vs. Joseph V. Hellig.

May 3, 1902, Joseph Hellig made homestead entry for the SW quarter section 25, township 34 range 14, and gave his post office address as Beswick, Cal.

Feb. 11, 1907, T. F. Short filed a contest against said entry charging abandonment and failure to cultivate the land for the six months last past.

Notice for contest for personal service was issued, and April, 2, 1907 was set for the testimony to be taken by the county clerk of Klamath county, and April 13 for the final hearing at the land office in Lakeview. May 22 plaintiff filed affidavit alleging that personal service could not be given for the reason that defendant could not be found, at Beswick, Cal. nor at Bly, Oregon, nor on the land in question. An order was then made for notice of contest to be published in the Klamath Falls Republican, and the date for hearing before the same official fixed for the July 29, 1907, and final hearing before the land office August 5. Copies of notice were sent to Beswick, Calif., and to Bly, Oregon, and posted on the door of the cabin on the land in controversy.

On the day set for hearing and before the officer named in this notice, plaintiff appeared in person and by

his attorney, C. F. Stone, and F. H. Mills, appeared for defendant, for the purpose of objecting to the sufficiency of service of notice. The case was proceeded by calling plaintiff and two witnesses to the stand. Plaintiff swore that he was familiar with the land; that he was there about two hours on January 7, 1907, and saw a small log cabin about 10 x 12 feet, and thought it had a window and floor; that inside was a small camp stove, bedstead, without bed, and a frying pan. Saw no other furniture, and that the stove and frying pan were rusty from non use.

About a half acre fenced with one pole fence, no sign of a well, and the snow was about five feet deep at the time. He found no other buildings, except a barn about a half mile away, but did not know whether the latter building was on the land; that the land was heavily timbered and no part cleared or cultivated. The witness judged the cabin was worth \$10 or \$15. That defendant had never made the land his permanent home, but as near as could be learned, had stayed there one night in October, 1906. Witness testified that he was there again June 5th, 1907, and July 7th of the same year, and found no one living there or no part of the land cultivated, but about five acres fenced with barb wire fence. No stock there, and the door of the cabin locked. The place had every appearance of being abandoned.

The second witness saw the land in October, 1906; saw a cabin 10 x 12 feet, no window. The door was locked, and he did not see inside, but thought the place was vacated. This witness run out all the lines, and saw no cultivation, no place, near the cabin to get water, and no improve ments, except the cabin, which he thought was worth \$15.

Witness was asked how much time defendant spent on the land, and he stated just a few days.

The third witness, J. L. Short, stated that he had seen the land but once since the contest was initiated, that on June 7, 1907. He testified that the land was in an abandoned condition, having but one small log cabin on it, worth about \$10, built several years ago, and a small fence. No stock of any kind, nor any of claim cultivated. None of the witnesses were cross-examined.

Defendant's attorney moved to dismiss the case, giving as the reason, that there was a total failure of service of notice of contest.

On July 31, 1907, defendant appeared in person and by his attorney, before the county clerk of Klamath county and submitted testimony in his own behalf.

On October 18, the Lakeview land office rendered its decision in the case, that after careful examination of the objections to service of contest, as set forth by the defendant's attorney the office found the same not well taken, therefore, overruled the motion to dismiss; that as said defendant failed to submit testimony at the time and place designated in the notice, he must stand or fall upon his special testimony, as the testimony submitted on a later date without authority will not be considered. The land office found by testimony regularly taken that the allegations of the contest affidavit had been sustained, in view whereof this office recommended that the entry be cancelled.

Notice of this decision was registered to defendant at Beswick, and receipt of same was acknowledged. November 25, 1907, he filed an appeal. On December 7, 1907, the land office transmitted the records in the case to the general land office. The appellant assigns as errors the land office overruling the defendant's motion to dismiss for want of sufficient service, since it appears by the record that personal service could have been made; in refusing to consider the evidence on the part of defendant, and in holding that the allegations of the plaintiff had been proved by the evidence offered.

In considering the case the general land office states: "As shown by the facts above cited, contest notice was properly served, therefore you made no error in overruling the defendant's motion to dismiss, neither did you err in not considering the testimony of the defendant so irregularly taken."

"The testimony submitted by plaintiff and witnesses may be considered to prove the charge of abandonment, as it stands without contradiction."

"Your decision is, accordingly, affirmed and the entry held for cancellation, subject to defendant's right of appeal."

O. M. R. LAND GRANT SOLD

Oregon Valley Land Com-
pany the Purchasers

TO BE CUT UP IN SMALL FARMS

New Company Will Sell Off Vast
Tract In Small Farms and
Give Town Lots

The Oregon Military Road Land Grant has again changed hands. The Oregon Valley Land Co. are the purchasers, with headquarters at Kansas City Mo. The new company has divided the 300,000 acres or more, into tracts as follows: 5,974 ten acre farms 4,080 twenty acre farms, 1,020 forty acre farms, 500 eighty acre farms, 400 one hundred and sixty acre farms, twelve 640 acre farms, six 1,000 acre farms, and 11,992 town lots in Lakeview, Oregon and will sell the same under the following contract:

\$200 for one farm and one town lot, \$10 down and \$10 per month until paid. The agreement to purchase one or more farms and lots stipulated, means that when the purchaser has completed his payments he becomes the owner of an undivided interest, for each farm and lot applied for, in the land and town lots offered for sale as herein above set forth.

Each applicant, when he makes his first payment and executed a contract, will receive from the Company a receipt showing that when he has made his last payment the Company will issue to him a Clearance Receipt. Each Clearance Receipt shall be certified by the Pioneer Trust Company, Kansas City, Mo. Said Trust Company will not certify more than 11,992 Receipts.

When the contract holders, by themselves or their representatives, have assembled for the opening they shall select from their number three trustees who shall receive a deed for the farms and lots herein described and hold same for the benefit of the purchasers. The Company will furnish the said trustees plats of the farms and lots and the trustees shall appoint an auctioneer, who shall proceed to auction and sell to the highest bidder, for cash or upon such terms as the contract holders decide, the farms and lots. Contract holders may buy as many farms as they hold contracts for and the amount paid on contract shall apply on purchase price. Contract holders only will be allowed to bid. The bidding will be open, competitive, and no lottery or game or scheme of distribution by lot or chance will enter the same. The profit, if any, derived from the sale shall be divided among the contract holders pro rata. There are 11,992 contracts, 11,992 farms and 11,992 lots—a farm and lot to each contract.

Episode at Sheep Camp

There was a little stir-up out on the sheep range one Jay last week, that should not be repeated, remembering the consequences of range troubles in the past, and if those implicated persist in repeating their acts, the authorities should look into the matter. As told by the Newell boys, four men, whose names we did not learn, but who were known by the boys came to the Newell sheep camp and ordered young Mr. Newell, who was tending the sheep, to take his sheep off that range, or they would make it hot for him, or something to that effect. He knew he was on land that they had leased from the road company, and refused to go, unless the men would pay him his rent back, which they refused to do. That night several men came near the camp and fired about three hundred shots. Newell returned the fire, but the night was dark, and no one was touched. Next day young Newell went to another camp to send word home of what had happened, and while he was away from his camp some one entered the camp, stole the gun, and destroyed some other property, and cut the hobbles from Newell's horses and drove them about ten miles from the camp. Newell's sheep camp is in the vicinity of Bly, in Klamath county.