

Lake County Examiner

VOL. XXIX

LAKEVIEW, LAKE COUNTY, OREGON, THURSDAY, APRIL 30, 1908.

NO. 18

HOMESTEADER IS DEFEATED.

Decision of Lakeview Office is Reversed.

ACTUAL RESIDENCE NOT PROVEN

Homesteaders Must Reside Permanently Upon the Land or They Will Lose it.

The Commissioner of the General Land Office has handed down an important decision in the following case: Register and Receiver, Lakeview Oregon.

Sirs: June 29 1903, J. L. Yaden made H. E. No. 3047 for the NE quarter, Sec. 3, T. 35 S., R. 15 E. June, 10 1907, J. L. Buell filed an affidavit of contest against the said entry, charging, in effect, that defendant had failed to reside upon, cultivate and improve said land as required by law.

At the hearing on August 9, 1907, before George Chastain, county clerk of Klamath County, Oregon, both parties appeared and submitted testimony, upon which you rendered a decision, October 27, 1907, in favor of defendant, recommending that said contest be dismissed. Plaintiff was notified of said decision by registered letter, and on November 25, 1907, he filed an appeal therefrom. By letter December 7, 1907, you transmitted the record, including said appeal, to this office. Plaintiff testified that he had seen the land involved only once which was about the time the contest was brought; that there was a cabin on it; that about ten or fifteen acres were free from timber, apparently naturally so, and fenced; and that there were about two and one half millions feet of timber on the remainder. He did not see anyone living there, but did not inspect the house closely, and his testimony does not show how it was furnished, or to what extent the land had been cultivated. He introduced five witnesses, but it does not appear any of them had ever seen the land. Their testimony is chiefly in regard to defendant's residence in Klamath Falls, about sixty or seventy five miles from the land.

It shows that he resided there, with his family, from about September 1, 1906, until about the time the contest was brought; that since July 1, 1906, he had contracts for carrying the mails on two routes from Klamath Falls, and has been reported by the postmaster to the Postoffice Department as living in that city.

It appears from defendant's testimony that he has been engaged as a mail contractor, under different contracts, for twenty years, or more, and was so engaged at the time he made said homestead entry; that the different mail routes which he has had during the past seven years have been from forty to sixty miles from said land; and that the postal regulations require him to live upon the routes and give them his personal supervision. It is not shown that he actually does the work of carrying the mails, but it appears that he employs others to do it.

By a preponderance of the evidence on file it is shown that defendant's family, consisting of his wife, three sons and one daughter, reside upon the land involved from two to four months each year. They go to it about June and leave about September. Defendant visits it occasionally at all seasons of the year, but it does not appear that he has been in place of actual residence to the exclusion of one elsewhere. His employment has required him to live away from the land ever since making his entry.

The altitude of said land is about five thousand feet above sea level. There is a small log house on it, about fourteen by eighteen feet, and about fifteen or twenty acres are enclosed with a three wire fence. He uses the enclosed land for grazing purposes, had a cow and calf on it when the hearing was had, and has cultivated a few garden vegetables, but has not done any practical farming. It is clear from the evidence that defendant has not established and maintained a bona fide residence upon said land. His family has used it as a

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Jonathan Bourne (Taft)

Washington, D. C. April 25—With the selection of the delegates in New York for Hughes, most of them, and a solid delegation for Knox in Pennsylvania, the allies, as the other presidential candidates are called, are ahead of Secretary Taft in point of delegates, and Washington is seething with political talk.

Senator Jonathan Bourne, Jr., of Oregon, the original second elective term man is growing happier every day, because he professes to see a development of his idea all over the country.

More insistent pressure is being brought to bear every day on President Roosevelt to change his mind about another term. Politicians from all over the country are going to him, pleading that he permit himself to be named again. Their reason is given as fear for the success of the Republican ticket, if Taft is nominated. Clouds are gathering on the horizon of the Taft boom every day, and they are worrying the managers of that expensive campaign, which is said to have cost more than \$500,000 up to date.

In many States, the negroes hold the balance of power, and the labor vote is being lined up solidly against the secretary. In many States, where elections are close, the State tickets have been named, and the nominees of the Republican party want a man at the head of the ticket who will be sure to carry them through to success.

In the past week, there have been three distinct and important protests made against the Taft candidacy, and they are certainly worth consideration at the hands of partisans who want the ticket to succeed next November. In the first place, the negroes enraged at the treatment accorded them by Federal office holders in the South, managed by Hitchcock, have eliminated them from participation in party councils, met in Philadelphia, and drafted protests that will have an effect on the vote.

In the second place, President Charles J. French, of the New Hampshire branch of the American Federation of Labor, has issued an appeal to laboring men to fight the Taft candidacy, and declares the opposition, universal in the ranks of organized labor, is not based on politics, but that it is from union men. Mass meetings are to be held in every city in the country to carry out the protest.

The third important development of the week was the issuance of a letter by former Senator Chandler, calling on the country to support the La Follette candidacy. He bases his argument on the ground that the acts of the administration have nullified the past good work, and says there is collusion between the administration and the "interests" in consideration whereof support is thrown to Taft.

These protests are all from Republicans, and they have resulted in bringing the Taft boom to a standstill. All one can hear now in Washington is the question: "Will it become necessary to draft Roosevelt again to save the Republican ticket at the poles?"

MARKET FOR THE '08 CROP.

Flour Mill Will Be Completed by The First of September.

There will be no lack of market this year for all the grain that is produced in this section of Lake County. The new flouring mill will be completed during the first part of September and will then be prepared to handle all kinds of grain. For it will not only be equipped for turning out a strictly high grade wheat flour, but also rye, graham, and corn meal, as well as numerous kinds of cereal foods, including the well known germea and cracked and rolled wheat. A barley crusher will also be included in the equipment and a general milling business conducted.

The mill proper will be three stories in height, with a full 9 foot basement. The main building will be 32x44 feet in size, while the engine room, located in the rear, will be 32x20 feet.

It will be equipped with a 35 horsepower engine and a 40 horsepower boiler, and in addition an electric plant for lighting the mill will be installed. Throughout the equipment will be of strictly modern and high grade machinery, and before being

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TAKE THEIR NAMES OFF COUNTY SEAT PETITION

Vulgar Articles in North End Papers Have Changed Their Minds.

Ten voters who signed the County seat removal petition have asked the county court to take their names off the petition. There are a number of others, possibly twenty in all, who will do likewise. They, like Mr. A. M. Smith, whose letter we publish below, signed the petition because they believed it fair, but since reading the articles published in the Silver Lake papers, on the subject, they have changed their minds.

Mr. A. M. Smith, of Pine Creek, is one of the most prominent citizens of Goose Lake Valley, and no person need ever fear or be ashamed to follow in his footsteps. Following is Mr. Smith's letter.

Believing it to be, at the time, legitimate, fitting and entirely proper that the question of moving the County seat to Paisley be put before the people of Lake County, at the coming election, I signed the petition circulated for that purpose. Since having read the untruthful, improper, vulgar and positively indecent articles that have appeared in the Silver Lake Leader, bearing upon the subject, I, like many others, have concluded to ask the County Court to take my name off that petition, and feel it my duty to not only not condone the publishing of such articles, but to also firmly express my disapproval of it. (signed) A. M. Smith.

DENTISTS PROVE TO BE BILKS

The dentists who were in Lakeview last week, brothers, named Gray, from Sacramento, proved to be bilks. They did not remain in Lakeview but a day or two, and did practically no work here. They went to Davis Creek, where they put up with S. J. Dutton. Mrs. Dutton asked them to examine her daughters teeth. They put the girl into the chair and did what they called \$60 worth of work before they let her up. Then a hired girl washed her teeth examined, and her bill was \$150. She could not pay the bill, and went to Mr. Dutton, and here was when the trouble began. When Mr. Dutton found out his daughter's bill he rebelled, and further stated that the hired girl could pay but \$25, and that he would only pay that sum for his daughters work. The dentists got in a hurry all at once and wanted to go to Alturas. Just before starting with them Mr. Dutton received a message from C. D. Arthur to collect a stable bill for him from the fellows, which he did, and they went south in a hurry.

Fulton's Bill Passed

Oregonian News Bureau.—Washington, April 23—After one of the hardest fought legislative battles of this session, the House of Representatives, late this afternoon, by a vote of 247 to 8, passed the Fulton land grant resolution without amendment. Prior to the vote on final passage, Fordney's amendment was voted down, 13 to 227. The resolution will go to the President by the end of the week and will promptly be signed by him.

Immediately thereafter steps will be taken to initiate suit against the Oregon & California Railroad Company to secure forfeiture of the unsold portion of its grant. For the time being, it is understood, no proceedings will be undertaken against lumber companies and other purchasers from the railroad.—Oregonian.

JURY LIST MAY TERM

Following is the jury list drawn for the May term of circuit court, which convenes on the 11th: Lakeview.

John Odum, Frank Stanley, Elmer Harvey, A. N. Stanley, C. C. Loftus, C. A. Clippinger, J. E. McCool, Roy Chandler, Wm. Egan, J. D. Heryford S. D. Coulter, J. B. Fisher, C. S. Morris, T. B. Vernon, R. A. Hawkins, E. C. Ahlstrom, H. L. Chandler, H. L. Northrup, Fred Fisher, J. G. Oliver, Walter Paxton, W. D. Bishop, Wm. Gauthier, L. C. Emerson.

Silver Lake. A. W. Dunning, T. J. La Hrie, E. Carlon. Pine Creek. A. M. Smith, Summer Lake. M. Sult. Plush. D. U. Cleland.

Crook County Stirred up

The burning of shearing pens, barns, etc. and cutting of several miles of wire fence on J. N. Williamson's, sheep ranch in Crook county recently, and the subsequent arrest of ex-shepherd C. S. Smith and a man named Elliott, bids fair to cause to be unearthed some crimes of a more serious character committed about Prineville some years ago, such as murder, arson, stealing and other heinous deeds of lawlessness. Crook county papers are teeming with excitement over the recent discoveries.

Shearing Commenced

A big crew of men are shearing with the blades at the Warner canyon shearing corrals. Si Henderson's band of 3200 were sheared there first of the week. The clip is said to be exceptionally good this spring, partly owing to the absence of scab among the sheep and partly because the range was good all winter and the sheep kept fat. The price of wool is not so good as last year. Fifteen cents and possibly a little better is talked of.

Sunday's Ball Game

The ball game last Sunday between the Pine Creek team and Lakeview was one of the most interesting games that has been played in the Lakeview field for many a day. These teams are very evenly matched, although Lakeview won by a score of 13 to 1. These figures would indicate a one sided game, but Pine Creek played a good game and held our boys down to mere "scratches." Both sides scored several star plays. Dutton starred when he ran from 3d to home ahead of the ball, and when about 15 feet of the goal was struck in the back of the head with the ball, thrown from 3d to home, and was knocked down, but fell with his hand on the home plate, the ball glancing out into the field, letting in Gray, and almost admitting Faulkner to 3d, the latter being caught out by a mere scratch.

A star play was made by Pine Creek's center and right fielders, when Stevens attempted to catch a flyer and the ball bounded from his hands and was caught by Reed.

Powell also starred in his home run. Many other star plays that we cannot now call mind.

There was a large crowd in attendance, and the gate receipts amounted to \$40, which was the stakes played for.

The game was ably and fairly umpired by Mauley Whorton, of Pine Creek.

Following is the game. Lakeview—0 2 0 0 2 1 1 5 2—13 Pine Creek—0 1 0 0 0 0 0 0—1

Lakeview	Pine Creek
Players	Runs Position Runs Palyers
Faulkner 2	1st base 0 Vernon
Sticksel 1	2d B 0 Muller
Powell 1	3d B 0 Cook
Judge 3	S—Stop 0 Amick
Dutton 4	L—field 0 Broili
Storkman 1	C—field 0 Stevens
Gray 1	R—field 0 Reed
McDonald 0	Pitcher 1 Smith
Wallace 0	Catcher 0 Larkin.

Manley Whorton, Umpire.

SUMMARY: 2 base hits made by Lakeview players: Faulkner 1, Sticksel 1, Dutton 1, A. Storkman 1, Gray 1. Pine Creek players: Cook 1, Stevens 1, Reed 1. Home runs, Powell 1.

Left on 1st base, Lakeview: None. Pine Creek, Reed. Left on 2nd base, Lakeview: Gray twice, McDonald. Pine Creek: Cook, Amick twice. Left on 3 base, Lakeview: Judge, Dutton, Gray. Pine Creek: Amick, Larkin. Caught out on 2d base, Lakeview: Judge. Pine Creek: Cook twice, Stevens, Reed twice, Larkin. Caught out on 3d base, Lakeview: Faulkner. Pine Creek: Cook.

There were a number of good plays, such as double plays, fly catches, etc.

The lease on the present quarters of the U. S. Land Office expires July 1, and the officials have been notified to secure proposals for quarters for the ensuing year. About 1000 feet floor space is required, and any one having rooms suitable and desiring to lease the same should apply at once at the office.

MAKE USE OF THE WATER.

Farmers Should Prepare For the Dry Season Predicted.

In the event of a dry season, which is predicted by some, especially in the Sacramento valley, where a great many sheep and cattle are driven in the fall and fed for winter market, it behooves the people of this section of the country to prepare to feed stock here. If cattle and sheep cannot be driven there for feeding they must remain here, which will require double the amount of hay usually used here. Again, there might be little feed on the winter ranges, and in case this condition comes about, stock that usually go to the desert will have to be fed hay in the valleys, which will increase the demand also. There is said to be a great deal of water running to waste in the various streams, which should be put onto the meadows and made the best of while the water lasts. Hay will be hay next winter, if all the stock in this country must be fed here. Farmers should take advantage of the opportunity now and prepare to put up all the hay possible, both grain and grass hay, and be prepared for any emergency that might arise from a dry summer in this or any other country.

COL. COGSWELL DIES SUDDENLY.

Expires While Enroute to Office in Portland.

HEART DISEASE CAUSE OF DEATH

Was a Former Resident of Lake County, and Still Held Large Interests Here.

The sad news of the death of Charles Amos Cogswell, was received in Lakeview last Saturday. Mr. Cogswell, was once a resident of Lakeview, and is known by every one in this county. He taught school in Surprise valley at one time, and was admitted to the Oregon Bar in 1879. The following from the Portland Telegram of Friday, April 24th, gives an account of his life, and death:

"Charles A. Cogswell, one of Oregon's most prominent citizens, died suddenly of heart disease about 10 o'clock this morning while a passenger on an electric car on his way from his Summer home in Milwaukie to Portland. At the time of his death he was engaged in conversation with Colonel James P. Shaw and John Scott, two of his friends and neighbors.

Mr. Cogswell boarded the car near his Summer home for the purpose of coming into Portland on business. He walked quite rapidly to arrive at the station on time to catch the car, and when he got on board he was breathing with difficulty. He took a seat beside Colonel Shaw and remarked that he was very short of breath from walking so rapidly. Colonel Shaw jokingly remarked that his friend must be getting rather old, tapping him on the shoulder, and Mr. Cogswell's reply was a laugh. Colonel Shaw turned to look out of the window, and the next instant, hearing Mr. Cogswell breathing heavily, turned in time to see him slipping from his seat into the aisle of the car. Colonel Shaw lifted the prostrate form upon the seat and felt of his heart, thinking that his friend was suffering from his rapid walk, but was surprised to discover that his heart was fluttering. In a moment it stopped beating altogether. He then realized that Mr. Cogswell was dead.

The car was just leaving and when it reached the Golf Links Colonel Shaw telephoned the news of the death to Milwaukie and instructed people there to send word to the family of the deceased. The remains were brought to the Finley Undertaking parlor.

Mr. Cogswell was a member of the City Executive Board, on which he has served three years, a G. A. R. veteran and a member of Sumner Post, a member of Hawthorne Lodge, No. 111, A. F. & A. M., the Oregon Commandary of Knights Templar and a Mystic Shrine. He was also a prominent attorney, president of the Warner Valley Stock Company, one of the largest stock-raising concerns in Oregon, and attorney for the Southern Pacific Railway in Lake County. Born in Vermont Mr. Cogswell moved to Iowa when a boy and when 17 years of age at the outbreak of the rebellion, he enlisted as a volunteer in the Union Army and served during the war. For his bravery he had been promoted, and at the time of being mustered out of service he was Lieutenant of his company.

Following the war he moved to Oregon and settled in Lakeview, Lake County, and took up the practice of law. He became one of Oregon's most prominent attorneys, and was twice elected to the State Senate from his district. He engaged in cattle-raising and soon acquired considerable property, and when he retired from active practice in his profession, spent most of his time in business. During recent years he has been president of the Warner Valley Stock Company, which owns 40,000 acres of land in Lake County, this state, and in Nevada and Northern California.

Several years ago, when he retired from active practice of the law, he moved to Portland with his family and has resided in his handsome residence at East Seventh and Holladay streets since. He was connected with the Board of Public Works under ex-Mayor Rowe, and when Mayor Lane was elected three years ago, Mr. Cogswell was appointed a member of the Executive Board. He was chairman of the judiciary committee and the street cleaning and sprinkling committees and a member of the special franchise committee of the board and has given much time and attention to his work. At the time of his death he was 64 years of age.

He is survived by his wife, a son and two daughters. His eldest daughter is Mrs. W. E. Gellinsky. His son Charles is 18 years of age, and his other daughter, Margorie, is 14.

Out of respect to the death of Mr. Cogswell, the flags on the City Hall and all other municipal buildings in the city were ordered placed at half-mast today.



"I know it's tough, old dog, but mother's cleaning house!"

—Donahue in Cleveland Plain Dealer.