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WARNER VALLEY LAND CASE UP

Judge Benson Hears Case In Portland

CASE OF 20 YEARS' STANDING

Homes of Many Warner Valley Settlers Are Involved In This Case

Oregonian, 10:—Arguments in the case of the state against the Warner Valley Stock Company to recover for the state 5228.11 acres of land in Lake County was heard yesterday by Judge J. L. Benson, of the First Judicial District. This land is in Lake County. By agreement between the attorneys on both sides, the case was heard in Judge Webster's courtroom yesterday afternoon.

The original suit was brought against the stock company 20 years ago, and involved 80,000 acres of swamp land deeded over by the state and acquired by the stock company. A number of settlers took up the land after the stock co. had supposedly secured it, and the action brought by the Attorney-General was to make void the stock company's claim in favor of the settlers.

Judge Benson decided that the only suit which could be brought out was one involving 5228.11 acres in Lake County, the one tried yesterday. It was his decision that the others were barred by the statute of limitations. This was upheld by the Supreme Court.

The original deed to the land in question described the boundary line as running from a stone bridge in Grant County to a certain foothill, thence to a clump of willows, to another foothill, and the place of beginning. Attorney General Crawford argued yesterday that this description is so indefinite as to be invalid. He contended that the land could not be sold until it was surveyed, the survey sent to Washington, D. C., and the patent issued. He asserted further that the law of 1870 was repealed in 1878, the latter act requiring that not more than 320 acres of land be sold to any one person, firm or corporation. As W. A. Owens, who first filed on the land, did not pay any cash for some time, and that filing a subsequent application could not put life in the old one.

Another ground for argument was that the land never was swamp land; that it is necessary to irrigate it in order to raise hay. The only irrigating ditch, said Mr. Crawford, is a two furrow ditch running from Deep Creek a short distance, and back into Deep Creek. He said that the swamp around Lake Warner had never been reclaimed. On this ground he said the proofs of the stock company are fraudulent.

Counsel for the company said that there is practically no water in Warner Valley, which is 60 miles long, except Twenty-Mile Creek and Deep Creek. He said Twenty Mile Creek furnishes but little water because the head waters are tapped and taken across into Surprise Valley. "Deep Creek," continued the lawyer, "drains 30 miles square. Formerly there was a tule swamp in this region, but the land has been reclaimed. A ditch five feet wide was dug from Deep Creek to Pelican Lake, diverting the water and draining the marsh. That ditch has now washed out until it is two rods wide. At this season of the year and until two days before the mowers begin to cut the grass, the water is turned onto this land and is kept at a depth of two feet. This is necessary to secure a crop. If the water were not turned in, the territory would soon be covered with sagebrush.

"Title to this swamp land actually passed to the state in 1860. After the act of 1870 the State Land Board had the power to sell it. That act does not require that the application be filed after the survey is made. If Owens did not pay the cash for the land at first it was because the Government officials refused the coin.

When the money was finally accepted the contract was binding."

Counsel then said the Attorney-General has not been diligent in detecting fraud against the Government regarding the unlawful acquiring of the public lands, and stated that while he (Mr. Crawford) contended in a suit previous, which is now pending before the Supreme Court, that this particular land belongs to the Government. Judge Benson took the case under advisement.

The Directory is Out

The "Directory of Lake County Oregon," a very creditable piece of work of The Examiner office, is now finished and ready for distribution. It contains a well-written description of the county and its varied resources, is illustrated in half-tone and contains the name of every resident of the county up to June, 1908. It is a valuable work, and worth the price, \$1. The publishers are Metzger & Salcido, Lakeview, Oregon, who will be glad to fill orders for the book. Mr. J. F. Salcido will begin the delivery of the books throughout the county this week, and also continues as solicitor of The Examiner, under the new management.

Injured in a Runaway

While E. E. Linville, one of our liveries, was carrying the people of the Empire Stock Company from Cedarville to Alturas, California, in coming down a steep piece of road the brake broke throwing Mr. Linville beneath the wheels, and causing the horses to run. He had presence of mind sufficient to hang on to the lines, and succeeded in pulling the horses into the bank and stopping them, otherwise the entire outfit would have been precipitated down into a deep and precipitous canyon, and all probably would have been killed. Mrs. Cobb, one of the ladies of the Company, jumped from the coach, and was also seriously injured. Mr. Linville was brought home last night. He is quite badly hurt, it is feared internally. The Examiner trusts he will fully recover at an early day.

DEMOCRATS IN SESSION

State Convention Unanimously Endorses Bryan

The democrats of the state held their state convention at Portland, the 10th inst.

The proceedings in the main were harmonious. Our town was honored by placing in nomination as one of the presidential electors, Dr. Bernard Daly. The other electors are E. S. J. McAllister, of Multnomah; Samuel White, of Baker; and O. P. Coshov, of Douglas.

The delegates named for the National convention at Denver, are as follows: At large:—M. A. Miller, of Linn; R. D. Inman, of Multnomah; W. F. Matlock, of Umatilla; J. O. Booth, of Josephine.

First Congressional District:—Dan J. Fry, of Marion; L. M. Travis, of Laue.

Second Congressional District:—D. M. Watson, of Multnomah; C. K. Henry, of Multnomah.

Aside from endorsing Bryan and pledging him the support of the delegation from this state, the platform adopted by the convention endorsed the initiative and the referendum by which the direct primary law was enacted; endorsed the popular election of United States Senators; endorsed the administration of Governor Chamberlain and recommended the party to the established law for electing Senators by the direct vote of the people; denounced the extravagances of the postal service; urged the enactment by Congress of an amendment to the interstate commerce act whereby proposed advances in rates shall not become effective until the Interstate Commerce Commission can determine their reasonableness; recommended postal savings banks and the same system of guaranteeing bank deposits as provided in the state constitution of Oklahoma.

The Bryan fever was in full swing, and all attempts to endorse Johnson or any other favorite son was promptly frowned down. The mere mention of the Nebraskan's name was a signal for demonstration.

INVESTIGATING OUR MINERAL RESOURCES

Experienced Mining Men Here and Ready to Invest Much Money

Messrs. Mark W. Musgrave, of Gold Circle Nevada; Otis Parkhill, Golconda, Nevada; M. R. Jennings, Buffalo, N. Y.; and F. H. Oliver, Spokane, Wash, are in town on a prospecting tour. All of them are experienced mining men and are up here for the purpose of investigating into the mineral resources of this section and if they find anything to suit them are prepared to spend time and money for development. While inclined to be somewhat non-communicative as to the exact location of their intended scene of mining operations, The Examiner was assured that arrangements for actual "digging" will be at once inaugurated, and that it will be legitimate mining in which their own money will be employed. They consider they have something worthy of exploitation, and feel confident of startling results. The Examiner has been promised full particulars of the

doings of these men at first possible moment. The party started for the Southern Pacific Station at Golconda, Nevada, in a big Peerless auto, and traveled across the country, much of the way never attempted before by a machine. The route practically possessed no roads. At one place it was necessary for them to let the car down a cliff by means of rope, expecting every moment to see it drop and smash. At another place they came down a steep mountain by releasing the brakes only at an inch at a time. Both the men and the car stood the trip without injury.

They are an energetic lot of gentlemen, and The Examiner wishes them unbounded success in their mining venture. If they succeed they may prove to the pioneers of a vast industry that may wrest untold millions from the rocky depths of our mountains.

THE LAKEVIEW TEAM LOSES

Last Sunday the Bidwell and Lakeview call teams crossed bats on the Bidwell diamond. Though the score was rather unbalanced at the finish, the game was interesting throughout and enjoyed by the large crowd in attendance. The score tied in the 7th inning but somehow the Lakeview boys failed to hold their own and Bidwell ran in six more tallies, winning the game by a score of 5 to 11.

The game was ably umpired by Manly Whorton and not one dispute arose during the contest. Following is the score by innings:

Bidwell	0	0	1	3	0	0	1	6	—11
Lakeview	0	0	0	1	4	0	0	0	—5

After the game the Lakeview boys enjoyed a lunch which had been prepared for them at Hotel Bidwell before starting on the homeward journey.

Quite a crowd were over from Lakeview and all report a good time. The Bidwell folks are a jolly good people. The Lakeviewites were royally entertained and none will miss the chance to again visit Bidwell when the time affords.

Good Position for a Lakeviewite

One of Lakeview's young men, Geo. Ross who left here a short time ago, is now the director of the Chico, Cal., band at a salary of \$90 per month. He received his appointment solely on merit.

He is also musical director for a resort called Retundia. The building is 100 feet high and 125 feet in diameter. In the lower floor is a swimming tank, the next contains an aerial, merry-go-round, the next a skating rink and the top floor a theater. It is said to be the greatest novelty on the Pacific Coast. Mr. Ross is now on a trip with his band, which is making the rounds of Oroville, Marysville, Sacramento, and other towns, advertising the Retundia. His position admits of his attending school, as his work as a musician only requires his time evenings until perhaps nine o'clock.

The Examiner is glad to learn of Mr. Ross's good fortune, and wishes him a bright and prosperous future.

Register Watson at Portland

Portland Telegram, 10:—"It took four days to get here from Lakeview, though we could have gone to New York in five," said Register J. N. Watson, of the United States Land Office at that point, today, when calling on the Chamber of Commerce. "Lakeview has the distinction of being the furthestest from a railroad of any town in the United States," he says, "but we are living in hopes, and may have connection with Reno, Nev. after awhile. We now have to travel 80 miles to the nearest railroad station by stage. We would very much like to have direct communication with Portland as this city is our political metropolis but with the completion of the railroad now approaching from the South, I fear we will be further away from Portland than ever, as all of our trade will go that way."

others the opposite because of the obscurity of the wording of the law.

Judge Daly in order to be absolutely right in this matter has ordered both publications.

The other two orders will be published by The Examiner next week, the omission this week being necessary because it was impossible to find space for the same.

Mr. A. J. Duckworth, of Rogers, Arkansas, an old subscriber to The Examiner, was recently married, and with his bride arrived in Lakeview last Thursday evening on their honeymoon. They will visit Mr. Duckworth's sister, Mrs. T. B. Vernon, and brother J. P. of Lakeview, some time before returning.

H. A. Hunter, the rustling land man of Minneapolis arrived in town yesterday. The new editor of The Examiner knows much of the gentleman's career, and must say it is a fortunate thing indeed for Lake County that he is so deeply and earnestly engaged in exploiting its resources to the outside world.

T. H. Cloud and wife, Miss Amick, Miss Storkmann, Mr. and Mrs. A. J. Duckworth and J. P. Duckworth went to Pine Creek last Sunday, where they were joined by a number of friends, and they all went to the Lake shore and had a picnic. They returned to town Sunday evening just in time to get a wetting by the rain.

Joseph S. Lane, Lakeview delegate to the democratic state Convention at Portland, returned home Tuesday morning. He is brimming full of enthusiasm for "The Peerless One," one, W. J. Bryan, and looking at it from a democratic standpoint, Mr. Lane has a right to be proud of his man.

F. M. Miller went to Likely this week to meet his wife, and they arrived in Lakeview Monday. Mrs. Miller's many friends are glad to see her once more in Lakeview. Mrs. Miller is one whose absence from the city is keenly felt in social circles.

Fred E. Lehnert, of the liquor firm of P. Claudius & Co., San Francisco, registered at the Lakeview Hotel yesterday.

LEASE PINE CREEK MINE

Work Will Begin On the First of July

Mr. J. P. Bassler, of Clear Creek County, Colorado, and Wm. Schauer of New Pine Creek have secured a lease and bond upon the Laughlin and Jamison group of claims, by making a cash payment of \$4000.00. Two shifts of miners are to be put to work immediately and the property vigorously developed.

Details of the purchase price are unknown but we understand the purchase price reaches the six figure mark.

A shaft is being sunk on this property which shows a foot of ore, in place which is worth above \$100.00 per ton.

The season is just now beginning in the Pine Creek mine, the last of the snow is rapidly disappearing, and with the outside capital which has been attracted and is becoming interested in the Pine Creek mines the future is a very flattering one.

Pine Creek is jubilant over the assurance that the Wagon Road is to be completed to the summit of the Warner Range and to the mines. Forest Supervisor Rochford of Alturas informs us that the work on this road will start on July 1st, without fail.

To Discontinue Teaching

We learn with deep regret, of Miss Hall's decision to discontinue her work in the Lakeview Public Schools. Miss Hall has taught in our school for about nine years, and has won an enviable place in the hearts of parents and pupils. Her method seems perfect, her work showing for itself in the standing of her pupils at the end of each year. The little ones passing from her hands, know how to study, and this means a great deal in commencement of school life. Every one speaks with regret of Miss Hall's departure from Lakeview; not only from the school will she be missed, but in social circles where she has won many friends during her stay in Lakeview. We are glad to state that Miss Hall will remain with us during the summer.

OREGON VALLEY LAND COMPANY

Lands Being Sold to Actual Settlers

TOWN LOT WITH EACH FARM

Conditions Under Which Lands Are Being Sold Seem To Be Attractive

The Oregon Valley Land Company have appointed C. H. McKendree, and Drenkie & Payne, local representatives at Lakeview. This is another move in the right direction—for it is unquestionably true that already nearly 20 per cent. of the entire grant has been disposed of all over the U. S. and Canada, and until now no one here has been properly advised of this great movement that spells so much for the settlement and improvement of this, the most fertile and charming part of this state.

It is high time that the hundreds of tenants who have for half a century leased the Military Road Lands, should be advised of the method of apportioning this great tract.

These tenants have always in the past been ready, able and willing to purchase lands from the Road Company adjoining their farm but have never until now been given a choice, nor would the Road Company lease for longer than one year. Surely a narrow policy in our opinion.

Method adopted is, for this district, new; but when one considers it carefully—it must be conceded very very honorable one indeed and insures a square, and extremely liberal deal to all.—So much is given for so little that it is hard to believe at first sight—but lets get down to details.

First, the lots in the Co's additions to Lakeview immediately adjoining the present platted parts are surely worth at least \$100 each. Purchase price which is \$200 per farm and lot combined, and if cash is paid 5 per cent. discount is allowed making \$190.00 net.

Now these Lakeview lots are certainly worth \$90 and if one considers the ten acre tracts first, (5 acres of each 10 acre tract is irrigated) and perpetual water right for same is given.—(why the U. S. Government charges \$43 per acre for water alone at Klamath Falls, without any land,) that would equal \$215 alone; then the land, 10 acres, is worth from ten dollars to \$50 an acre, and yet the entire cost is \$190 net or \$200 if bought on time, ten dollars per month, without taxes or interest until paid for. If on the other hand one selected a 160 acre farm, go through the same process—value of lot \$90.00 cost land \$2 1-2c per acre. The school lands in Oregon are now 85 per acre and only culls left—and this new method is easily cheaper for lands than to Homestead when one considers the government residence and other restrictions and red tape.

The surveys are almost completed for the great dam at Cottonwood and soon our Golden Goose Lake Valley will blossom like a rose, for a grand and more fertile valley—free from alkali and rock—does not exist on this continent today.

The Oregon Valley Co's plan is not an untried one but has been more than successfully tried in Colorado and elsewhere. It is unquestionably a better plan than any yet evolved by the Government. There is no possible chance for graft. There is not an acre of waste land in the tract. The larger farms are, of course, at present at least and perhaps always, better adapted for grazing—the smaller ones for fruit and grain and sugar beet growing.

We sound this note of warning to our farmers and ranchers—to not neglect to get one or more of these farms.

Races Called Off

The July Races that have been advertised for Lakeview were called off on account of there not being a sufficient number of horses here to insure an interesting meeting.