

# Lake County Examiner

VOL. XXIV LAKEVIEW, LAKE COUNTY, OREGON, THURSDAY, DECEMBER 3, 1908. NO. 49

## U. S. Geological Survey Facts as to Lake County

The United States Geological Survey says that the state of Oregon includes within its boundaries an area almost as large as the State of Ohio untraversed by a single mile of railroad. To the town of Silver Lake, in this area, belongs the distinction of being the post office farthest away from a railroad than any other in the United States. It is 175 miles from the nearest railway station to Silver Lake and over this distance supplies of all kinds—such as hardware, foodstuffs, and, in fact, everything that is not raised in the immediate vicinity—must be hauled by team; and yet, contrary to the popular notion, the country about this town is far from being a barren desert. In the past stock raising has been the principal industry, for lack of transportation has made it profitable to raise only such products as could be fed to stock that can be driven to market. The soil is, however, well adapted to dry-farming methods, and on some areas that can be artificially watered almost any of the ordinary farm products can be successfully grown.

The country consists of a rather high plateau, varying in altitude from about 2,000 feet above sea on its eastern border to about 4,000 feet on the west. It is bounded on the north by the Blue and Strawberry mountains and on the west by the Cascade Range. The streams draining northern, eastern and western slopes of these mountains find their way to the sea through the Columbia; those of the southern slopes drain into lakes, from which the water escapes only by evaporation, and which belong to what is known as the Great Basin drainage. The principal streams flowing to the sea are Malheur and Deschutes rivers, the main tributary of the last named being Crooked river, the principal streams flowing to the Great Basin are Chewaucan river, Silver creek, Silver river and Donner and Blitzen rivers. In addition to the water supply represented by these streams, considerable water for both irrigation and domestic use can probably be obtained from artesian wells when settlement makes it necessary.

## Klamath Wants Our Trade

The farmers and tax payers of Klamath county do not take kindly to the proposition of a tax levy for the purpose of constructing an auto road to Craier Lake. At the same time they are anxious and ready to build a good road to the Lake county line. In view of the fact that the N. C. O. does not seem inclined to extend its dinky line any farther than Alturas the people of Lake county should meet the Klamath people more than half way in the construction of a road to Klamath both from Lakeview and also from the north end of the county. This section has stood enough from the N. C. O. concern and if there is anyway to rid ourselves of the incubus it should be done. The wagon haul from Klamath certainly would cost no more than from Alturas and the railroad charges would be considerably less. Under existing circumstances the extortionate freight charges rob all business enterprises here of their legitimate profit. Its recent stopping of the train over night at Madeline, making our mail one day longer in getting here is another instance of the irritating tactics of this corporation, and a trouncing protest should be sent at once to Denver had nine inches of snow last week, and Salt Lake saw that, and went ten inches better. Lakeview had at one inch of damp snow that went off the same day, and now it is all gone from the nearby mountains.

## In War and Commerce the Aeroplane Will Be a Factor.



**I** DON'T see that the balloon can ever become commercially practical, but it is a different story with the aeroplane. IT IS BOUND TO BE USEFUL FOR CARRYING PASSENGERS AND IN WAR. The balloon must sail with the wind. The aeroplane even now can buffet quite a strong breeze. There is no reason to assume that it cannot be IMPROVED VASTLY and in time be able to negotiate any ordinary current of air. Then it will become most useful for carrying passengers and especially so in war. Men who fight must necessarily take some risk. WHAT A REMARKABLE AID A WORKING AEROPLANE WOULD BE TO AN ARMY WHICH NEEDED A MEANS OF RECONNOITERING OR WANTED TO OBSERVE THE POSITION OF THE ENEMY. And added to this is the facility for flying over the enemy and dropping explosives into his camp. It is almost impossible for rifle bullets to reach such a machine, and modern field guns could not be trained high enough to hit one. The ONLY CHANCE would be for an expert rifleman to hit the man at the motor. A bullet through the canvas planes would not harm the machine in the slightest. And what chance has a rifleman to hit a machine going forty miles an hour through the air 1,000 feet or more above the surface of the earth? Every American must feel proud of the work of the Wrights on both sides of the Atlantic. They have carried off all records here and all records abroad. They have solved the problem of aerial flight without any doubt. Their machines are rightly designed, and it seems only necessary to perfect them to make them practicable and of commercial use.

## Interesting Land Decision

A very interesting decision by the Commissioner of the General Land Office was received at the U. S. Land Office at Lakeview a few days since. It was in the case of John Ansel, Ed Lake and Daniel Johnston, homestead applicants, vs. Erban Casebeer, homestead entryman, for the northwest quarter of section 36, township 33 south, range 14 east. This is one of the cases resulting from the opening to settlement a year ago of lands that had previously been withdrawn for forestry purposes in the vicinity of Gearheart mountain. All the parties in interest settled upon the land in question immediately after 12 midnight of September 27, 1907. As to Lake, he entered upon the southeast quarter of the northeast quarter at the same time, but did not reach the northwest quarter until sometime after the other claimants had made settlement. Casebeer filed his homestead application in the local office at 9:15 a. m. October 28, 1907, which was allowed and placed of record. Subsequently Lake, Ansel and Johnston made homestead applications, alleging settlement on the lands in question, and a hearing was ordered to determine the rights of the parties. Johnston in the meantime having withdrawn his application. On March 24, 1908, the local officials rendered a decision, holding that Casebeer has the better right to the land, for the reason that he was a settler at the same time as the others, and has secured a homestead entry, and that he is qualified to make such entry; that he had not abandoned the land prior to entry, or since said entry was allowed; and we recommend that the homestead entry of Erban Casebeer be allowed to remain intact on the records and that subsequent applications be rejected. Lake and Ansel appealed from the decision. Lake's entry was for the south half of the north half of said section 36, he entering on the southeast quarter of the northeast quarter, and in relation thereto the Commissioner says: "According to his own testimony it must have been 20 minutes after midnight when he got onto the southeast quarter of the northeast quarter of said section 36, and that length of time after Ansel and Casebeer settled on that quarter section. 'The contention of counsel for Lake that posting notices on each forty-acre tract will hold all the land, although improvements are placed by claimant on one technical quarter section and the claim extends over two technical quarter sections, cannot avail him as against the claim of a prior settler. Lake's claim would be good as against the claim of a subsequent settler with notice. The Commissioner's decision follows: 'Since it appears that Casebeer's initial acts of settlement were made at the same time that Ansel's initial acts of settlement were made, and that Casebeer, by long endurance held his place in line for thirty days and was prior in procuring homestead entry of the land, it follows that his homestead right, by reason of settlement and homestead entry is superior to the right of Ansel. In the trial had in this case the applicants to homestead the land failed to prove their qualifications as homesteaders. See Todd v. Tait, 15 L. D. 379. 'As the contest in this case is on the ground of prior settlement rights, the burden of proof is upon the contestant to show settlement, not only prior to defendant's entry, but also prior to his settlement, and having failed to show such priority the contest must be dismissed and the entry left intact. See Summery, Roberts, 23 L. D. 291, wherein the Department held: 'There is no reason why, as between contesting settlers, the one making application to entry and getting his application recorded, should not have benefit of his diligence. It is a general rule that the law favors the diligent, and it is upon this rule rests, that the first qualified applicant in order of time, to enter land subject to entry, shall be awarded the right to make such entry, over others who make application later. An entry of record which is not fraudulent, cannot be treated as a nullity signifying nothing at all. It follows that when a contest is based on priority of settlement, and the defendant has an entry of record, and the plaintiff fails to show prior settlement, and a simultaneous settlement, that he fails to show a lawful cause for the cancellation of the entry. 'The above case is cited with approval in Jackson et al. v. Garret, 25 L. D. 273. 'The case is hereby closed as to Daniel Johnston, and his application of Ansel to homestead the land in controversy is rejected, but his settlement rights are held to be prior and superior to the rights of Lake, whose application is also rejected as to the south half of the northeast quarter of said section 36. 'You will notify the parties hereto and Ansel and Lake each of his right to appeal.' (Signed) S. V. Prondini, Assistant Commissioner. L. E. Conn appeared as counsel for Casebeer, J. D. Venator for Ansel and W. Lair Thompson for Lake.

## Klamath Man Killed

James Ivory, a prominent stock raiser near Merrill, met death the 27th of last month from blood poisoning caused by a gunshot wound. The Saturday previous, Mr. Ivory and a companion were out duck hunting on the J. F. ranch. His companion had an automatic shot gun, which he laid in the bottom of his rig when starting for home, overlooking the fact that the safety was not on an instant that the loads were not all taken out. The jar of the rig set the gun off, shooting away the fore part of one of Mr. Ivory's feet. A part of the foot was taken off, but it seems a wad and some shot were left in the wound and blood poisoning set in causing death. He was about 35 years old, a native of Modoc County, California, and leaves a wife and two children.

## Reducing Flocks on the Range

The forest supervisor of Wells Wells has reduced the sheep flocks 40 per cent the past two years on the reserve in that vicinity. The reduction is made in case of large holders, while small flock masters were allowed to bring their flocks up to 1000 head. Subscribe for The Examiner.

## Profit in Fruit Growing The Future of Lake County

Over near Wenatchee Wash., on the upper Columbia river, a 7 acre orchard has just been sold for \$21,000 or 3,000 per acre. The story which tells of the deal, says that upon the land in question fruit valued at \$1,000 per acre was raised annually. The Examiner, from what it knows of fruit growing in Lake county believes that the time is coming and that not far off when such results will be a reality here. We know that the quality is of the highest order, and should and will in consequence command the highest prices. But, in order to obtain these results one must begin right, and conduct the orchard on scientific or approved principles. The question of fertilization has proved to be an important matter, one little understood until recently, but which has much to do in production of fruit of any quality or quantity. An instance is related where a fine looking pear orchard was utterly worthless, and never bore fruit at all, because the owner did not understand tree planting so as to produce proper fertilization which is a benefit instead of an injury; as cross fertilization may produce hybrid fruit, with none of the marks of the variety natural to the tree. It has been demonstrated that the best orchards are those which are planted in alternate series of rows, each series of a different variety. It would be well for beginners, of the thousands soon to engage in the fruit industry here, to get expert advice or assistance before taking up the work of the planting and care of an orchard, in order that no mistakes may be made, and the best results possible be obtained.

## Wool Tariff in Danger

When Congressman Ellis returns to Washington this fall it will be with the purpose, among others, of using every means possible to secure for the sheepmen of eastern Oregon a better and more reasonable working of the government's forest reserve policy, says the Pendleton East Oregonian. Congressman Ellis has just returned from Heper, where he attended the annual convention of the Oregon Woolgrowers Association, being the first congressional representative of this state to ever take the trouble to confer with the leaders in that industry over the needs of their interests. "The forest reserve policy has come to stay," said Congressman Ellis. "It seems to be a wise precaution on the part of our government for the conservation of its resources, and I would as soon think of battering up against a stone wall as of fighting that policy, which is just as much a part of the national government as is the postoffice department. 'The only thing then is to secure a wise administration of such a policy. In my opinion the men at the head of the forestry service are good men, many times of academic ideas, who are left to enforce it. 'This thing is not as unpalatable as the laws of the Medes and Persians. The men in charge of enforcing the reserve policy should be allowed some latitude, some chance to exercise common sense. In my opinion the friction between the woolgrowers and the forestry service is a matter of trifling detail that is put forward, rough edge foremost, and make trouble where common sense and tact would result in complete harmony. 'Therefore I do hope to do whatever is possible toward securing a more liberal interpretation, at the same time expecting the men of the service to use common sense and justice and prevent any sheepman from 'fudging' to protect the interests of the industry and of the government as well. 'Now as to the tariff on wool. There is a general sentiment all over this nation for a reduction of the tariff. It appears to me that tariff revision will be a matter of give and take. Consequently the people of eastern Oregon, who are affected by the tariff on wool only among all products on the schedule, may have to take a cut on that commodity, but it is my hope, that if such a cut must be made to do all in my power to turn it in such a way as to do the least possible harm to my constituents.' Judge Ellis met with a very hearty welcome among the woolmen in attendance at the convention and upon his appearance before them in discussion of that industry was greeted with much cheering and applause.

## The Kangaroo Court

The Lakeview Literary Club will hold a "Kangaroo Court" in the Methodist Church, Friday evening, Dec. 4th. Zachariah Dooley is charged with having committed the crime of stealing one horse from Samuel Slocum. V. L. Snelling, Presiding Judge; F. W. Payne, Clerk; M. E. Musgrave, Bailiff; Scott Lovett, Prosecuting Attorney; W. C. Counter Defendants Attorney. Witnesses for State: - Guy Ingram, Samuel Slocum, - Gottlieb Schuster - Chester Dykeman Mrs. Jane Jenkins - Emily Clark. Sherlock Holmes - Bertie Snyder Witnesses for Defendant: Zachariah Dooley (def.) G. D. Brown Peter Peterson - A. J. Hanby Sis Hopkins - Vada Bonham Patrick O' Hoolihan - Walter Dutton Jurors, the following honest farmers: W. J. Moore, John D. Venator, Jack Batchelder, W. A. Wilshire, Harry Bailey, W. B. Sulder, Dr. Smith, J. B. Autin, T. E. Bernard, Dr. Hall and E. F. Cheney. Business meeting of the Club at 7:30 p. m. Doors open to the public at 8 p. m., sharp. All cordially invited. No admission charged.

## SALE NEARLY COMPLETED

Word has reached Lakeview that nearly all the 12,000 contracts of the Oregon valley Land Co. are taken; and from correspondence on file in the general office, there will be a big demand that cannot be filled. It is one of the most successful enterprises of the kind ever undertaken by a private corporation.

## NO CYCLONES HERE

A frightful cyclone passed over portion of Western Arkansas last week, killing people, stock and doing immense damage to property. We do not wonder that people are anxious to come here from there, evidence of which is had in our rapidly growing list of subscribers in that state.

## Organized Labor Has Held Its Own Through Hard Times.

By JOHN MITCHELL, Labor Authority. THE cause of labor has been affected somewhat by the business depression, as a matter of course. But, on the whole, except for unemployment and irregular employment, the present labor conditions may be said to be pretty fair—that is to say, there are no serious strikes anywhere at the present time. ORGANIZED LABOR HAS HELD ITS OWN THROUGH PRESSING TIMES. There has been no loss of membership, and labor has suffered merely in the GENERAL HARDSHIP that has affected all industrial classes. The significant fact of the labor situation throughout the panicky times, if they are to be called such, has been the fact that wherever labor has been well organized there has been NO REDUCTION IN WAGES, whereas among vocations where labor was not well organized there have been frequent reductions of wages. By this I do not mean that there have not been men out of employment and men laid off where labor was well organized, but the SCALE OF WAGES under such conditions HAS BEEN MAINTAINED.



CONSULTING THE OCCULT POWERS ON HALLOWEEN.

Although many of the original Halloween observances have never flourished vigorously on American soil, the night when "witchie folk" are abroad appeals to our fun loving young people. The opportunity to learn something definite concerning her matrimonial future is not neglected by the sprightly American girl.