

## SUPREME COURT DECIDES CASE IN FAVOR OF BROWN

## Lower Court Reversed and Case of Brown Vs. Moss Remanded For New Trial

The supreme court has recently handed down a decision in the case of W. W. Brown vs. W. Z. Moss, involving the ownership of some horses. The case was tried in Lake county and decided in the circuit court in favor of Moss, but the supreme court has reversed the lower court and remanded it for trial.

This case is of more or less interest to stockmen as it deals with the legality of brands which are of record. It seems the circuit judge ruled out certifications of record of Mr. Brown's brand in adjoining counties and that the brand was not legal in Lake county on account of its similarity to the brand of Moss which has been made of record. The supreme court holds that Brown's brand was properly recorded and a certified copy should have been admitted as evidence. The decision says in part:

The brand of the plaintiff, as recorded by him, was not the same as that alleged to have been previously recorded by defendant, nor was it similar thereto within the meaning of the statute. The law provides that when a brand has been recorded in any county, no other person, company, or corporation, can record the same brand or brand similar thereto, except with the written consent of the owner as recorded. Sec. 4292 B. & C. Comp. The defendant's brand for horses, as claimed to have been recorded by him, consists of a loop resembling a horseshoe in shape, with the points either up or down, on either or both jaws. Also a similar loop or horseshoe with the points up and a Greek cross immediately to the right of it on either hip. Plaintiff's brand, as first recorded, was for horses, alone, and consisted of a "horseshoe" with bar under, on one or both jaws, and a horseshoe on one or both jaws. In August, 1903, he recorded his brand again, including therein one for sheep, as well as horses. In the certificate of adoption he states that this brand for horses is a Horseshoe Bar on either or both jaws, thus indicating that it might be a horseshoe with or without the bar. The property in controversy in this action is alleged by plaintiff in his complaint to have been branded with the horseshoe brand and it was to prove ownership of the animals so branded that the certified copy of the record of his brand was offered as evidence. In this regard there is no conflict between the brand of plaintiff and defendant. The defendant's brand for horses resembles a horseshoe with points either up or down, while that of the plaintiff is a horseshoe with open end down and a bar immediately under it. They are therefore, in this respect, at least not the same and a conflict in some other particular would be immaterial and not render the entire brand, as recorded, ineffective, as prima facie evidence of ownership of animals branded with the horseshoe brand.

## NATIONAL IRRIGATION CONGRESS Will Hold Its 17th Annual Session this Year At Spokane

Spokane, Washington, June 21.—Regarding the importance of the work of the National Irrigation Congress, which will have its 17th session in Spokane, August 9-14, R. Insinger, Chairman of the Board of Control, says:

"The National Reclamation act was passed in 1902. At that time there were in the government's name, in the 16 states affected, 900,000,000 acres of arid land, of which it was estimated possible to reclaim sufficient to support 50,000,000 people. By 1911 the reclamation service will have reclaimed nearly 2,000,000 acres, at an estimated cost of \$70,000,000. There are 40,000,000 acres of arid lands susceptible to reclamation by irrigation. The construction cost of reclamation works is returned to the government from the sale of the land, the proceeds to be again used in furthering irrigation development. Irrigation is making a garden spot of an empire of the 'Great American Desert,' and the work of the irrigation congress is yet in its infancy."

George E. Barstow, of Barstow, Texas, is president of the congress; B. A. Fowler, Phoenix, Arizona, secretary; R. Insinger, of Spokane, chairman of the board of control, and Arthur Hooker, Spokane, secretary of the board of control.

## The Man With a Hammer in Poor Business

"Here you discontented knocker, Growlin' 'bout the man 'iv' 'em ill, Chloroform yer dismal talker; Take course o' liver pills, Stop yer darn kl-o-tee howlin' 'Chaw some sand and git some grit, Don't sit in the dumps a growlin' Jump the roost An' 'bout A bit."

"'Fall in while the band's a playin' Fetch the step and march along— Stand 't' pessimistic brayin'— Sing the hallelujah song! Drop yer hammer—do some rootin'— Grab a horn you cuss, an' split! Every echo with yer tootin'! Jump the roost An' 'bout A bit!"

## LAKEVIEW WINS FROM KLAMATH

## Our Baseball Boys Do The Trick by a Score Of 11 to 4

The Klamath Falls Express says: Nearly a thousand people gathered in the baseball park yesterday to see Lakeview lower the standard of the Coyotes herd and trail it in the dust. It would not have happened had not Agnes gone to the circus. As it was the team from our neighboring city had no trouble in capturing Tom Kinney's goat. The slaughter of our hitherto undefeated wonders was accomplished in the third spasm, and it was a spasm, believe me.

With two gone to roost, that Coyote bunch suddenly showed a wicked streak that makes the name appropriate and justifies its use. One hit, a walk, and six errors gave Lakeview seven runs. The final score was Lakeview 11 Klamath Falls 4. The return game is to be played at Lakeview the fourth.

The Express under the caption "Be Generous," also says: We noted with surprise at the Lakeview-Klamath Falls ball game yesterday that our military band, and it is a fine band, did not play when the valiant Lakeview team made a brilliant play, and especially in the third inning when Lakeview made six runs, but did play or foot the horn or beat the drum when our home team made a run or a good play.

This is all wrong. Our band boys should be generous and chivalrous enough to heartily applaud our rivals when they deserve it. Be generous to a rival. It is a sign of good breeding.

## NEW STATE LAW REGARDING MINORS

## All Under Age Forbidden Playing Games of Chance

A new state law is now in effect prohibiting owners, lessees or proprietors of cigar stores, poolrooms, card rooms, etc., to allow minors to play games of chance in their establishments. The law and its penalties are as follows:

Sec. 1.—If any person being the owner, lessee, proprietor or employe of any cigar store, public card room, saloon barroom, public billiard room, soft drink establishment or other public place of amusement or shall suffer or permit any minor to engage in any game of cards, billiards, pool, bagatelle, dice throwing or other games of chance in such cigar store, etc., either for amusement or otherwise, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$2 nor more than \$100.

Sec. 2.—If any minor shall represent or pretend to the owner, lessee, proprietor or employe of any place enumerated in section 1 of this act that such minor is 21 years of age or upward for the purpose of inducing such person to suffer or permit said minor to engage in any of the things enumerated in said section, such minor upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100.

## Team Drowned in Mud

Silver Lake Leader, 18: While working on the dam to divert the water of Anna River, Mr. O'Brien lost a valuable team, which he had purchased only a few days before from Zed Harris, for which he paid \$200. He was scraping dirt from the top of the hill when the scupper struck a root which scared the horses and they became unmanageable and rushed down the hill, over the dam into the soft mud where they sank rapidly and were drowned before they could be extricated.

The Oregon and Idaho Development League will hold a session the fourth at Burns.

## NORTH END OF THE COUNTY FROWNS ON HIGH SCHOOLS

## The Silver Lake Leader Talks for Separate High Schools for Each District

The Silver Lake Leader of the 18th does not take kindly to the proposition for the erection of two high schools in the county, as the following from its columns will testify:

When the populist on demands and the financial condition of a community is such as not to make it a burden upon the people, a high school is the proper thing, but each district or community should build its own high school. The county high school plan is to tax the entire county to build two high school buildings, if such a plan should succeed naturally Lakeview would get one, but where would the other one be located? presumably in the north end of the county, at Silver Lake or Paisley. Now here is where the job comes in, the board appointed to "co-operate" will canvass these two districts, it will ascertain which has the greater number of votes; then "co-operation" begins; of course both places will be on the ticket, "you vote for Lakeview and we will vote for Silver Lake, (or Paisley)." If the school should be located at Paisley what benefit would Silver Lake, or Warner, or Pine Creek derive from it? not one cent, directly or indirectly, and yet the entire county must contribute to the same. This district is just now building a new school house, and last year we were taxed to build a court house, and the taxpayer would like to have a few dollars which he could call his own. The high school is all right, and if Lakeview is in

## WILL BORE FOR ARTESIAN WATER IN LAKE COUNTY

## Immense Machine Has Arrived for Dave Edler, the Sheep King

Klamath Herald, 21.—The land owners of Klamath and Lake counties, especially of the dry sections, will watch with interest the experiments to be made here this summer by Dave Edler, the sheep king of Southern Oregon, in drilling for water. Geo. T. Baldwin, the hardware merchant, has just received for Mr. Edler one of the No. 27 Star portable drilling machines, and it is now at the railroad yards in this city and will be unloaded in a few days.

The machine and equipment occupy an entire car and exceed 22,000 pounds in weight. The No. 27 is the next to the largest machine manufactured, and it is considered one of the best machines on the market. The machine will drill to a depth of 2,000 feet, and the manufacturers guarantee that with the Star machinery they will drive more pipe drill a deeper hole and spud a deeper hole in twenty-four hours than any other portable machine made. On account of the immense size of the machine purchased by Mr. Edler, a separate 25 horsepower oil burner engine will be used.

Mr. Edler is expected to arrive here in a few days with teams to remove the machine, and it is probable that the first well to be drilled will be on Mr. Edler's place at Keno Springs, a few miles beyond Bonanza. Mr. Edler also has large holdings in Lake county, where wells will be drilled.

This is one of the most important experiments ever undertaken in this section of the state, and it is one only possible with a man of Mr. Edler's wealth, as the machine alone will cost Mr. Edler between \$4,000 and \$5,000.

It has already been demonstrated in the Wood River country that artesian water can be secured a very short distance from the surface, and it is the belief that the water can be struck in any part of Klamath and Lake counties if a sufficient depth is reached. As this machine will bore to a depth of 2,000 feet, there is little doubt of the result of the experiment.

It is also possible that in the experiments to be made, a discovery of oil may be made. Although no wells have been discovered, tests made by experts have shown that there is oil in this section. Mr. Edler states that he will be perfectly satisfied if he strikes a good flow of water, as he doesn't believe his sheep would drink oil anyway, and he is in the sheep business and needs the water.

## Barclay Gets 8 Years

Wm Barclay, the Indian murderer of Sid Jacobs, was sentenced to 8 years imprisonment. The deed was done during a drunken quarrel between the two. Jacobs will be remembered as the jockey who was in Lakeview last June, and left here for Alturas. The money won there was the cause of the dispute. The fact that the deed was done on the reservation, where Jacobs had no right, coupled with the plea that it was self-defense, was the cause for the lightness of the sentence.

## SMALL BLAZE IN TOWN EARLY TUESDAY MORNING

An alarm of fire at two o'clock Tuesday morning awoke the town from a sound slumber.

The fire proved to be located in the Holbrook dwelling recently occupied by Prof. Price. Dr. Smith and family had just moved in Monday and were not settled. No fire had been made in the house and the room on the second floor in which the fire originated had not been entered. It is presumed that there may have been loose matches in the room and that mice did the mischief. The firemen got a stream of water on the house and succeeded in putting out the fire before it got under headway. Most of the damage was done by water.

It is fortunate that the fire was quenched in its incipency, otherwise from the closeness of the buildings in that vicinity a great deal of loss might have been sustained including the Snider Opera House and residence, also the residence of A. L. Thornton.

### Doings Up North

The Silver Lake Leader says that Dick Sherwoods weathers have averaged 11 1/2 pounds of fleec, that the U. S. surveyor general is advertising for bids to survey T. 26 S., R. 12 E. on the north slope of Couley Hills, that the Haves Bros. sold their beaver to Dexter Bros., of Ft. Klamath, at \$31 for four year old steers, and \$25 for spayed heifers; that the ranchers at Ft. Rock now number 60, where two years ago there was not one, and now they have petitioned for mail service, and the Glorious Fourth will be appropriately celebrated.

## Sprays Orchard With Sage Brush Tea

A farmer on the sage brush plains of Washington believes he has made a great discovery which will be of much advantage to the orchard growers in his vicinity and elsewhere. He has tried sage brush tea as a spray to kill the vermin on his trees, and it has done the work just as well and thoroughly as though the sulphur-lime wash had been used. He had previously observed that none of the fruit-tree pests were to be found on the sage brush in his vicinity. Further experiments will be continued along this line, and if successful, it, the farmer may find he has gained a reputation of which an agricultural college professor would be proud.

## N. C. O. MOVES ED. HARRIMAN

## Construction of Alturas-Lakeview Line is Cause

Ding! Dong! bell. Pnasy's in the well! Who put her in? The little N. C. O. The Portland paper received yesterday morning announce that bids for the construction of the Deschutes line of the S. P. into Central Oregon will be announced within 30 days.

Col. Holabird, Harriman's confidential man, has just been making an overland trip from Winnemucca, Nevada to Burns, county seat of Harney County.

Can it be that all this activity on the part of Harriman is due to the fact that the N. C. O., or Jim Hill, or possibly Gould, has declared the purpose of constructing a line through Lakeview and on to the Dalles, on which construction work is now in active progress?

If so, bully for the N. C. O!

## CALHOUN WAS NOT CONVICTED

## The Venal Rich Make Another Score on the People

The expected happened. Calhoun jury disagreed, 10 for acquittal and 2 for conviction.

It seems impossible to convict the venal rich, no matter what the crime. Samuel Untermyer, the great lawyer, of New York, in a recent interview said, when the U. S. boss to the will of the trusts, in speaking of the development growing out of the sugar trust prosecution, and that the government's hand is stayed while money pirates and pool rob the public.

Exasperated under the taunts of that man Aldrich, in the United States Senate, Senator Cummings said that it looked as though the people were never to get justice until they resorted to rope and lamp posts! And it may come to that if these things are not stopped.

Henny says he will prosecute Calhoun further, and Calhoun says he will prosecute Henny for accepting bribes from Spreckles, and also Spreckles for giving bribes to Henny for carrying forward the prosecution against him!

Did you ever hear of such audacious self-sufficiency?

A man convicted of murder, could do the same thing to the Judge and jury who sentenced him to hang—provided of course he had money enough to make the attempt!

## NEW DIRECTORS FOR OUR SCHOOLS

## Messrs. Balley and Thornton the New Men

The school election on Monday was largely attended by the taxpayers of the district. The ticket comprising A. L. Thornton for the short term of two years, and Harry Balley for the long term of three years, was elected without an opposing vote.

In fact no other nominations being made the clerk was instructed to cast the unanimous vote for Messrs. Thornton and Balley.

Mrs. Umbach was unanimously re-elected clerk of the board for the coming year.

A report on the financial condition of the district was read, and will be published in the Examiner soon.

It is to be hoped that our new men will provide adequate school facilities for Lakeview which means a new and up to date high school and improved facilities for the instruction of those in the lower grades.

Farmers need Lake County Land.

## WILL RAILROAD BUILD ON WEST SIDE GOOSE LAKE

## Indications from Work and Surveys Made Point to that Outcome

It is reported that a crew of 80 Greeks have been set at work on the west side of the lake, on the so called north road.

If this should be verified, it looks exceedingly bad for a railroad between here and Alturas via New Pine Creek. It is stated that a better grade can be obtained on the west shore of the lake, and besides that the railroad people can obtain the right of way with little or no trouble on that side, as the road would be constructed most of the way over government land.

It is stated that property holders on the east shore of the lake had threatened to hold up construction unless their price was paid for right of way. If this is correct these people are making a mistake, and one that they will regret sooner or later.

An evidence of that sort is had in the case of the Sossanville and Honey lake settlers whose action drove the N. C. O. out on to the Martelaine plains, where neither the Co. nor the ranchers made anything out of the deal.

There is no question but that the east shore of Goose Lake contains the best land, which is improved and capable of great things in fruit, grain and other farm productions, especially of the dairy, but railroads into a new country always take up the line of least resistance, and if the mountain will not let Mahomet come to it, then Mahomet must get to the mountain. In this case it would mean that farmers of the eastern shore would be obliged to haul their products to Davis Creek or Lakeview, which would be a great inconvenience and would prove a burden of expense that would always be a serious handicap.

If not too late the settlers of the east side for their own interest should get busy and head off this move on the part of the railroad company.

## THE FELLOW WHO WANTS TO KNOW

## Wonders Why Portland Is so Far Behind in Enterprise

An anonymous writer in the Klamath Herald wants to know why the great papers of Frieso and Portland gave the Railroad Day the go-by, while the Sacramento Bee and Portland Journal both had active representatives there? He also further inquires: Can it be possible that the others did not think us of sufficient importance for them to take more than a passing notice of? Or did they see a second Spokane building here in this newer portion of the great Inland Empire which in the near future may even disturb the even tenor of their way, as Spokane has recently done?

Perchance they may even look farther and see with the great development of this section a proposed division of the states of Idaho, Oregon and California and a new state created?

You can readily see that there are different ways of looking at this matter and different constructions can be put on the same.

## WILL WORK ON THE CANALS SOON NOW

R. J. Martin, of Kansas City, President of the Oregon Valley Land Company, arrived in town yesterday on the auto stage. He was accompanied by E. Hanson, of Los Angeles, of the Hansen Construction Co. In addition to Mr. Hansen there are several other contractors here, all submitting bids for construction of the irrigation canals for the company in this valley. It is understood that the contracts will be let this week.

Rev. A. F. Simmons, pastor of the Baptist church of Lake City, Calif., and T. F. Heard, deacon of the same church, passed through town yesterday enroute home from Silver Lake, where they have been in attendance at the annual meeting of the Baptist Association for California and Oregon.

Washington, June 18.—Rev. Ulysses Grant Pierce, D. D., pastor of All Souls' Unitarian Church, of this city, today was designated by a Senate resolution to act as chaplain. Mr. Pierce was pastor of the church which the president attends and succeeds late Rev. Edward Everett Hale.