

STATE CLAIMS WARNER VALLEY STOCK COMPANY LANDS

Supreme Court Remands the Case to Lake County for Retrial--Half Million Involved

SALEM, Or., Feb. 9.—After being in litigation for the past five years and the case of the State vs. the Warner Valley Stock Company and R. P. McConaughy, in which there is involved 22,471.73 acres of swamp land, will again be tried in the Circuit Court of Lake County, the Supreme Court having reversed and remanded the case this morning in an opinion written by Justice Eakin.

This is a suit commenced by the state against the Warner Valley Stock Company R. P. McConaughy, its predecessor in interest, and 25 other persons who were homestead settlers on a portion of the lands involved, for the purpose of canceling six certain deeds issued by the State Land Board to McConaughy, conveying large bodies of swamp land now claimed, by the latter. A demurrer filed on the complaint in the lower court was sustained except on the last deed issued by the state in 1890, conveying 5225.11 acres, on the ground that such was barred by the statute of limitations in that it was not brought within ten years of the date on the deeds; also by the provision that no suit shall be maintained to cancel a patent by either the United States or Oregon unless begun within 10 years of its issuance. The Supreme Court upholds this contention and in conclusion says that the demurrer of the complaint, so far as it relates to the deeds of date August 21, 1891, and the one issued in 1893, will be overruled. And as to the one under date of January 18, 1899, it will be sustained and the decree on facts as to deed of date 1899, will be reversed.

This property was purchased for \$1 per acre by the present holders but is of much greater value at the present time. It has not been announced as to what the Supreme Court's opinion is final but under the presumption that it is, the defendants are now considering the perfecting of an appeal to the United States Supreme Court, according to rumors about the state capital today.

The government claims to have trapped the "higher up-thief" in the sugar trust. Good! That's a starter. Now keep it up until you get John D. J. Pierp, the Guggenheims others of that ilk and give the rest of us a show to make an honest dollar.

Eastern Orchards Bad

A Philadelphia newspaper has advised farmers of Pennsylvania and the east to visit orchards of the northwest, to learn a lesson in fruit culture. It contends that they can raise just as fine a quality of apples on the Atlantic coast, if proper care is taken to prevent diseases and pests. Attention is also called to the attractive manner in which Washington and Oregon apples are sorted and packed, whereas the eastern fruit is dumped into a barrel. It concludes that this is only one of the many lessons that the eastern farmer can learn from his western brother.

O. V. L. CO. IS BUSY WITH ROCK WORK

In Spite of the Unprecedented Winter Weather, Work has not ceased

The O-V-L Co., in spite of the unusual weather for these parts is doing all possible to forward the work on the canals and ditches. While there has been a suspension on the dirt work on the canals, rock work has been carried forward all winter. Quite a stretch of the same where it debouches from the canyon, was the heaviest sort of work, requiring blasting of the entire canal from solid rock. That is now nearly completed. It was the most costly and difficult part of the work. In addition to that work the blasting out of the canal and dam foundations in the canyon is also to be rushed. As 200 men are employed at this work. At the earliest possible date, so soon as the ground is sufficiently thawed out, the work of completing the ditches will be undertaken.

Hicks' Weather Prediction

The Examiner has seen a copy of the Iri R. Hicks almanac, and he predicts bad weather generally for February and March, with attendant loss of stock unless they are properly fed and housed.

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Senator Bourne, of Oregon, Introduces a New Homestead Bill

He Thinks Interests of Homesteader and the Government Better Served by Production than by Residence Requirements.

United States Senator Bourne of Oregon will introduce a bill in Congress that will prove a boon to the homesteader. He takes the broad ground now practiced by Secretary Ballinger, so far as the law will permit, that improvement and cultivation of the land is of a greater benefit to the homesteader, the community and the government that has been the case where strict observance of the residence clause has been insisted upon as the chief qualification for final proof. The feature introduced by Senator Bourne appeals strongly to the Examiner, and for the reasons so ably set forth, by the Senator, we are of the opinion that it will meet universal approval by the homesteaders and all who desire to see the country brought into a state of productivity at earliest possible date. The senator writes the Examiner as follows:

Editor Examiner: I am sending this general form of letter to many news papers, granges and commercial organizations of Oregon for the purpose of getting before the people the ideas I have embodied in a bill I shall introduce in the Senate that production of crops rather than residence upon a homestead is the essential of successful and most efficient development of our resources. I have done this in the hopes that the people of Oregon will favor their delegation here in Congress with their views as to the wisdom of the proposed legislation.

I am informed by Mr. William Hanley an extensive stock raiser of Harney County, that there are 20,000,000 acres of vacant land in Eastern Oregon incapable of irrigation, but nearly all of it is susceptible to cultivation under the scientific methods now in vogue in "dry farming." Mr. Hanley's suggestion of substitute crop production for actual residents as the consideration for obtaining title increasingly impresses my mind.

If the bill which I have prepared should become a law, the homesteader on non-irrigable land in what is known as the arid region need not live upon his land at all, but must live within the State. He must cultivate it either personally or by representation and he must show by actual proofs that within a period of

five years the land has produced crops of a total value of \$1500.

Assuming that Mr. Hanley's estimate of 20,000,000 acres vacant land in Eastern Oregon is correct and that same can be brought under cultivation by adoption of what is known as "dry farming," this area of land will furnish opportunities for 60,000 homestead entrymen who, before they could acquire title, would be obliged to produce crops of a total value of \$90,000,000. Thus it will be seen that the Nation, State and community would be benefited in the development of our natural resources, wealth increased, and, what is more important, a class of citizens gained who would be obliged to produce rather than merely live on the land—a population of workers.

In its present condition and in the present state of transportation facilities most of this land is not suitable for homesteading, though it could be cultivated by men who would make their homes elsewhere, or upon the land through only a part of the year.

My bill is based upon the theory that if a tract of land is made productive it will provide some family with a home even though that family lives in a town near the land rather than upon the land itself, and that therefore, all of the essential objects of the homestead law will be accomplished. The great difficulty under the present homestead law is that a great many men settle upon the land under the homestead act do so little cultivating as the law will permit and avoid as many as possible of the Government's requirements and the land is not made productive.

Believing that production is the real essential, I made that the most important feature of my bill. Land suitable for "dry farming" is frequently such as a man would not wish to make his home upon for twelve months in a year, but the present law permitting an entry on 320 acres requires actual residence, and I believe, without accomplishing a desirable end by such requirement.

Under the plan proposed by my bill every man under the 320 acre homestead act could keep his family in any town of Oregon, where his children could go to school and all members of his family have the advantages of attendance at church and social functions, and, at the same time, by complying with the law regarding cultivation and production, he could secure title to the land. There would be no opportunity for fraud because the bill requires that annual proofs must be submitted showing the amount of land cultivated and the character, quantity and value of the crops produced.

I believe that the average farmer on 320 acres of land subject to entry under the enlarged homestead act would be able to produce crops of much more than \$1500 in value in a period of five years; but the \$1500 minimum limit is fixed as a standard to which the entryman must work and I believe under adverse circumstances any man who is enterprising and diligent will be able to produce crops to this value.

The theory of the homestead law is that the Government should provide cheap homes for the people. This theory is in no way violated by my bill. Land taken under this measure would maintain homes for the entrymen though these homes were a few miles distant rather than upon the land itself.

The residence requirement in the homestead law is in the nature of a penalty, the punishment being inflicted not only upon the entryman but upon his wife and children. At present the entryman takes his family into isolated regions in which vacant lands can be found; and keeps them here to live a period of five years of banishment from association with fellow-beings.

Yours very truly,
JONATHAN BOURNE.

In a great many cases the homesteader performs just as little work upon his land as possible, and as soon as he gets title removes his family to town where they can have the advantages of school and social intercourse. The real object of providing homes is not accomplished by the requiring of actual residence upon the land. This object would be accomplished, however, by the requirement that a man shall bring his land into productivity. To produce, some one must cultivate the land. To cultivate economically, industry, labor and intelligent attention are required of the entryman or his representative. The entryman's desire is the acquisition and ownership of the land; title can only be obtained through production; production necessitates increased population either of the entryman or their representatives. The value of the land acquired by the entryman depends upon continuing production. Thus, it is certain that the land once acquired will, under normal conditions, continue productive, as otherwise there is no incentive for entry nor to purchase after title is acquired. Necessitated production eliminates the evil of idle land due to non-resident ownership.

My bill requires that the entryman shall cultivate at least one-eighth of his land the second year, one-fourth the third year, one-half the fourth and fifth years that he must file in the local land office by the first of December of each year a sworn statement verified by the affidavits of two persons having knowledge of the facts, showing the character, quantity and value of the crops produced by him.

I would be pleased if the people of Oregon would advise their delegation in Congress of their views on this measure.

A Splendid Record
WASHINGTON, Jan. 25.—The year 1909 in gold mining was marked by an increasing recovery from the depressed condition of the two previous years, according to data presented in a report by the United States Geological Survey. There was a general advance in development of proved mines and districts. From the preliminary figures of the Director of the Mint it is estimated that the output of gold for the year reached the total of \$69,242,000, an estimated increase over the production of 1908 of \$4,672,200.

Silver mining suffered during 1909 from low market price for the metal, and for copper and lead. The estimated production in 1909 of 53,849,000 fine ounces of silver valued at \$25,010,100 indicated an increase in value over the product of 1908 of \$40,500.

SENATOR ROOT SCORES BALLINGER

Says Interests of Party Jeopardised by Attempt to White-wash

WASHINGTON, Feb. 9.—The showing made by Glavis has created such a panic feeling that the administration realizes that heroic measures must be resorted to.

Senator Root, in Taft's offices, censured Ballinger for bringing the administration and the investigation committee into a humiliating position. He told him he had assured the Republican members that he had "fixed" his answer to Glavis so as to insure his complete exoneration, whereas Glavis' evidence showed the forest service possessed records of the interior department which when introduced made the committee ridiculous.

Immediately after Root's censuring of Ballinger Chairman Nelson demanded that counsel be provided by Ballinger, and all proceedings have been held up since that time. Some are predicting that the investigation will never be opened again, Ballinger and Dennett being dismissed or allowed to resign.

BREWER GIVES SOME OPINIONS

NEW YORK, Feb. 1.—The cost of litigation, delays in administering the law, the number of appeals and the current criticism of the courts are the themes discussed by Justice Brewer of the United States Supreme Court in an interview made public here today.

In addition to a sharp criticism of the present laws and their enforcement, Justice Brewer adverted to the growing problem of public ownership of partly public enterprises, declaring that there is every reason why communities that can control the capital should own, direct and receive all the benefits derived from water, lighting, transit and telephone companies.

In his discussion of the law Justice Brewer said:

"The seat of the whole trouble, in my opinion, is in the fact that many appeals are granted when justice does not demand it. A simple way to put it is to say that our courts trifle with justice by permitting delay after delay upon mere technicalities. I propose that the states enact laws that will permit of but one appeal after the trial judge. The laws of many states are such that a judge is but little more than a moderator."

Justice Brewer added that he would make one exception to the "one appeal" plan, that where a serious constitutional question was involved.

The Justice continued by saying that he favored the policy of a few lawyers who aided the court in expediting cases. He declared that the great majority of lawyers seemed to feel that they were not living up to their profession if they did not quibble over every detail and gain all the delays possible.

He closed his statement with an urgent plea for the elimination of politics from the courts of the nation.

DAKOTON PAYS \$500 FOR A BIG TURKEY

BELVIDERE, Ill., Jan. 28.—At the Northern Illinois poultry show being held here it was announced that the famous Porter turkey has been sold by Mrs. Walter Porter of this city to E. H. Bruns of Orient S. D., for \$500.

The gobler has taken first prize sweepstakes at New York, Baltimore and Hagerstown, Md., and other cities where national poultry shows have been held. His weight is fifty two pounds. He is said to be the largest turkey in the United States.

Season of Lent

Lent begins February 9, fifteen days earlier than it did last year, so that Easter Sunday will fall in March instead of April 11, as it did last year. Inasmuch as Easter is fixed as the Sunday after the first full moon after the vernal equinox which falls on March 21 of each year it is evident that this year will be near the record for early dating. It will be the second earliest Easter in a quarter of a century that of March 25, 1894, being the nearest to the vernal equinox in that period.

Lake County wants you.

LONG VALLEY WILL EQUAL SURPRISE

Alturas Placer: Mr. McAfee, the surveyor and engineer, agent Sundry in Alturas. He is at present working on the Long Valley reclamation works, and informs us that with the opening of spring 400 men will be put to work. The cold weather compelled a suspension of labor out there, but the work of the engineers has progressed far enough that there will be no delay when spring opens. This work will open up thousands of acres of valuable farming land beyond Surprise Valley, in Nevada, and if the purposes of the company having the work in hand is carried out will produce another Surprise Valley.

Rush of Home-seekers

There is apparently no let up to the people coming in and taking up homesteads says the Silver Lake Leader. Rain or shine, wet or dry they come. And well they do, for before the middle of the summer rolls around the vacant land in northern Lake County will be something not known.

DAVY GIVES A WISE TIP TO POLITICIANS

Hon. Frank Davy of the Harney County News, who probably knows as much about the inside workings of politics in this state as any one and who is one of the strongest writers in Oregon gives this tip to politicians which is worth heeding:

The Oregonian's synopsis of opinions on the proposed party "assembly" discloses the fact that while the politicians throughout the state are largely in favor of it, they are mightily afraid of it and they want it very carefully handled. It will, indeed, need the nursing of very cool heads.

Sage Brush Lands

Reno Journal: Better buy your sage brush land now while it is cheap for the experiments to be made at the university in the distillation of that heretofore despised product of the desert will if successful, give these lands a value never before dreamed of. The by products of the sagebrush, it is claimed, will sell for more than enough to pay for the land, and another crop is said to grow almost as fast as the first crop is removed. In case these experiments prove all that is hoped for this industry will have the effect of bringing more people to Nevada than were ever here before.

A feature of a new German system telephotography is that the wire used to transmit the picture may be used for telephoning at the same time.

Bidwell Figuring

In view of the fact that the N-C-O is about to extend its line northward from Alturas, a move is being made by the Fort Bidwell people to have a mail route established between that place and Willow Ranch. It is likely that the route will be changed to Lakeside so soon as operations in a building way are inaugurated in that town.

SURVEYORS BUSY IN WARNER VALLEY

The Company Has Begun the Work of Surveying for Ditches

Manager Belknap, of the Warner Valley Irrigation Co. sent out another surveying crew this week, and has gone over to the valley himself to superintend the work.

When the weather moderates sufficiently to work the ground on the irrigation ditches, and the snow thaws in the mountains, so as to admit of work of construction on the reservoir sites, a full force will be put at work, and the work on the entire project will be pushed as rapidly as men and money can perform the labor.

There is a great amount of work to be done on the reservoir sites in the mountains, and the present heavy snows and inclement weather so unusual in this section have greatly delayed the work, much to the regret of Mr. Belknap and his associates.

It is evident that the work inaugurated by this company will soon make the "desert bloom as a rose" and will add immensely to the wealth and productivity of the county of Lake and of this Great Inland Empire.

Trying to Head-Off Hill

A Chicago dispatch says that a contract has been let to the Utah Construction Co. for the building of 80 miles of the Goose Lake Southern connection from Vale in Malheur county. Material is already arriving at Vale and the work will commence as soon as the weather will permit. The road will be completed into Harney valley this year, and will be continued on to coast connections. There are loads of dynamite have already arrived, which indicates that no time will be lost when the weather will permit construction work to proceed to advantage.

Quincy, Plumas Co., Calif., is Isolated by Deep Snow, Gray Wolves are prowling around the town and attacking all kinds of stock, but have not molested any person as yet, though all go armed! Well, if armed why don't they kill the brutes?

THE SOUTHERN PACIFIC IS REPORTED COMING FROM ODELL

One of the Attorneys of Road Makes Interesting Announcement

Inside of sixteen months the Southern Pacific Company will be operating its Portland and San Francisco trains by way of Klamath Falls, over the California Eastern, recently completed to this city, and the Oregon Eastern, now under construction north from here.

This is what W. D. Fenton, attorney for the Harriman lines in Oregon, said at a banquet given by the Retail Hardware and Implement Dealers' Association in Portland a few days ago.

"We have not been heralding our doings down in that part of the State with the blare of trumpets, said Judge Fenton, "and hence little is known of the work going on there, but I will say at this time that the present sixty-five miles of road are in the course of construction and that it will not be more than eighteen months at the most until trains will be operating between Portland and San Francisco over a road having at no place more than a 1 per cent grade."

By making a detour through passes in the Cascade mountains to Klamath Falls from Natron, and then on to Weed, where connection is again made with the present main line, a double track system will be provided and will permit much quicker transportation of both passengers and freight, by eliminating heavy grades.

The extension north from Klamath Falls will cross the east fork of the Deschutes River to Odell Lake, hence across the Cascade Mountains and down the middle fork of the Willamette River to Natron. From Odell a branch line is to be built to Lakeview, connecting with the Goose Lake Southern, which will run down by Alturas and through the timber lands, connecting with the present main line at both Anderson and Vina, according to surveys made and under way. One of these lines will also connect with the Central Pacific in Nevada.

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FARM CROPS ARE TO DOUBLE IN VALUE

Experiments Prove that Our Products can be Improved

CHICAGO, Jan. 31.—A doubling of the present production of farm staples is in a g. h. according to Professor C. B. Buffum, of Worland, Wyo., who is a pioneer in the science of seed breeding. "We have already practically doubled the yield of corn by selection and breeding," said Professor Buffum yesterday, "but we need not stop with corn, as we can deal with all other crops in a similar way. The reason that this has not been done earlier is that plant breeding has been utilized heretofore mainly for the production of curiosities. Men who brought out any thing were 'wizards.' Few saw any practical value in what was being done. Much was accomplished in an esthetic way with reference to improvements of flowers, but the great farm crops were neglected."

"As Mark Twain said in 'Pudd'n head Wilson,' training is everything. The potato was once a bitter almond, and the cauliflower is nothing but cabbage with a college education. Plant breeding supplies this 'college education' of the plebeians of the vegetable world, and therefore by increasing crop yields, promises more than anything else with reference to the growth of the world's permanent wealth."

Ladies to give Bazaar

The ladies in charge of the Lakeview literary had a meeting Monday evening discussed finances and devise ways and means to liquidate present indebtedness, amounting to only \$250.

In addition to the lady directors there were present delegates from the Eastern Star, the Rebekah, Woman's Guild, and the 3-G's an organization of some of the young ladies of the town.

After a general discussion it was decided to hold a Bazaar in Snider's Opera House, on March 15th, at which time the ladies present pledged themselves to make a goodly display of fancy needle work, which will be sold for the benefit of the Library.

It is also the intention at the same time, if preparation can be made to present a play of some sort, that will give entertainment to those who favor the Bazaar with their presence. If preparation for the play cannot be accomplished, it will be given at some later date in the near future.

The reason, she said why he kissed her hands, was because she had them over her face at the time.