



Over the GARDEN GATE

KLAMATH DISTRICT

Clair Hanley, state president of the Oregon Federation of Garden Clubs, and Jim O'Donohue, local ornithologist, were special guests at the Klamath District, OFGC meeting held October 5 in Tulalake.

Miss Hanley briefly traced the history of the garden club movement which has grown to include 250,000 members in 25 years.

She encouraged stressing horticulture in garden club programs and suggested establishing a scholarship or loan fund for floricultural or horticultural studies. The

state president encouraged participation of club members in "show me" trips for conservation and in the sponsorship of "litterbug" contests.

To increase the supply of garden slides, she mentioned taking pictures of all winning arrangements in club flower shows.

On the younger level, Miss Hanley suggested stressing 4-H Club work instead of Junior Garden Clubs.

O'Donohue showed slides of bird life in Warner Valley and gave an accompanying talk.

Mrs. Harry Smith, horticultural

chairman for Western Oregon, spoke on horticultural awards and suggested giving \$100 in addition to a prize.

Other speakers included Mrs. Harry Franzer, who presided at the meeting in the absence of the district chairman, Mrs. Charles Thurman; Mrs. R. A. Parker and Mrs. Sadie Nichols, past state officers; Mrs. Parker discussed geraniums; Mrs. Nichols, iris.

Announcement included the junior harvest show at the Merrill Potato Festival by Mrs. Dale West who asked for volunteers to help children with exhibits; the Tulalake standard flower show to be held in December, for which Mrs. Earl McFall urged support of all clubs in the district; the Skagitv district meeting October 12 at the VFW hall in Rogue River, to which Mrs. A. O. Floyd, state finance chairman, issued an invitation; the "timber tour" scheduled for October 16, as announced by Mrs. S. H. Dahler.

Some 54 garden clubbers from Alturas, Bonanza, Evergreen, Klamath Falls, Lost River, Mt. Laki, North Side, Tulalake, and Malin garden clubs were present for the meeting and for the noon luncheon.

Year books were distributed and members were reminded of the cook books on sale for \$1.10 from garden club members; proceeds from which will be used to defray expenses of the judging school classes this year and next.

Hans Norland Fire Insurance, 627 Pine St.



HEAVY STONES are used on roofs of buildings in Switzerland as a protection against the high winds. They outline the roof of the Baby Chalet, at the International Girl Scout and Guide Center, Adelboden, where Mrs. R. P. Ellingson, region representative for Girl Scouts, visited last May. The attractive small building atop a high hill was built for guests who want solitude.

HOME EXTENSION

MALIN

Malin Home Extension Unit met Tuesday evening, October 5 at the high school home ec room with 37 women present.

Business meeting was in charge of new president, Mrs. Gladys Halousek who appointed the following chairmen on standing committees: membership, Violetta Kunz; hospitality, Mildred Rajnus; luncheon, Emma Morelock; recreation, Elsie Quinn; publicity, Irene Jelinek; 4-H, Elfa Johnson; Azalea House, Clara Scott; ACWW, Anna Lahoda; health and safety, Freda Hale; citizenship, Frances Kalina; Matilda Nedolek and Mildred Rajnus were appointed program planning leaders.

Recreation chairman, Elsie Quinn led the group in a get-acquainted stunt, asking each one to stand and tell something personal about themselves so that the new home extension agent, Hope Holbrook, could become more familiar with the members of the Malin Unit.

"Touch Ups for Wood Furniture" led by Hope Holbrook. She demonstrated with scratched and marred furniture and showed how easily obtained materials from the drug store or hardware could be used to make furniture look like new.

Refreshments were served by hostesses, Helen Rajnus and Juliette Dalton to: Elsie Mock, Teresa McComb, Elsie Quinn, Jean Evans, Matilda Nedolek, Emma Morelock, Ann Lahoda, Madge Gross, Helen Derry, Lucille Grey, Lorraine Shell, Virginia

Blahm, Mary June Tofell, Clara Scott, Violetta Kunz, Betty Lou Byrne, Irene Jelinek, Marjorie Courroy, Frieda Hale, Mildred Rajnus, Mildred Dobry, Frances Kalina, Norma Petrasek and Anita Stephens.

The special prize was won by Mildred Dobry. At each meeting, numbers for the special prize may be drawn only by those members who are at the meeting before starting time. The member winning the prize brings the prize for the next meeting. The next meeting will be held at the home of Mildred Rajnus on Tuesday, November 9 at 10 a.m. The demonstration will be on Creative Embroidery. Coffee and dessert will be served by the hostesses and each member is asked to bring a sack lunch.

Spanish Royalty Plan Big Event

ESTORIL, Portugal (U)—Nearly 2,000 Spanish royalists are gathering here to give the daughter of Don Juan, pretender to the throne of Spain, a mammoth coming-out party.

The reception and ball are expected to be the biggest social event of the European social season and to overshadow the fabulous wedding of the Duke of Alba's daughter in Sevilla in 1947.

For financial reasons, Don Juan had planned only a small family party for the Infanta Maria del Pilar on her 18th birthday. The Society of Spanish nobles overruled the man they consider king and took over organization of a suitable affair.



HARRY C. HOUGH, new district sales manager for Oregon State Motor Association's Klamath Falls office, successor to Frank Reynolds, who is leaving to be AAA district manager at Casper, Wyoming.

Hough has been with the Portland AAA office for three years. He is a veteran of both world wars, member of the American Legion, Retired Officers Association, Masonic Lodge, Presbyterian Church and interested in Ground Observer Corps work, having worked with the Portland filter center for some time.

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He was jailed here on a murder charge.

MARIO LANZA TO APPEAR ON SHOW

In the name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above entitled suit within five weeks from the date of the first publication of this notice. The first publication of this notice is on the 27th day of September, 1954, and if you fail to answer or otherwise appear, for want thereof, plaintiff will apply to the Court for the relief prayed for in her complaint, to-wit: For a decree of specific performance of the contract of purchase and sale of the real estate described in the above entitled suit, and for costs and disbursements, and for such other and further relief as the Court may deem equitable and just.

This summons is served upon you by publication thereof once a week for four successive weeks, pursuant to an order of the Honorable David R. Vandenberg, made and entered the 24th day of September, 1954.

Chabourn & Bricker, Attorneys for plaintiff, Merrill, Oregon.

Sept. 27, Oct. 4, 11, 18, Nov. 1, 1954.

NOTICE OF SEASONAL DETERMINATION

Notice is hereby given that each of the employees listed below have been determined to be a seasonal employee, within the meaning of Chapter 67-240 ORS. Any interested party may request a hearing before the Commission within ten days after the date of last publication of this notice. The "off-season" of each seasonal employee is as stated below:

Crater Lake National Park Co. 1-1-55 thru 4-4-55 — 9-18-55 thru 12-31-55
Klamath Forest Protective Ass'n. 1-4-55 thru 4-30-55; W. H. Raymond 1-22-55 thru 4-16-55; Walker Hange Patrol Ass'n. 1-1-55 thru 3-31-55; 12-31-55 thru 1-31-56; Weyerhaeuser Timber Co. (Railroad Construction), 1-1-55 thru 4-30-55 and 11-4-55 thru 12-31-55; Weyerhaeuser Timber Co. (Fire Control), 1-1-55 thru 4-30-55 and 12-4-55 thru 12-31-55.

OREGON UNEMPLOYMENT COMPENSATION COMMISSION.

Date of last publication: 18th day of October, 1954.

Oct. 4, 11, 18, 25, Nov. 1, 8, 15, 22, 29, Dec. 6, 13, 20, 27, 1954.

CALL 5149

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FATHER KILLED BY YOUNG SON

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Estill Gibson, about 45, was shot twice through the head with a .22-caliber revolver as he knelt on the floor of his barn inspecting tobacco.

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Democrats, GOP Battle For Important Illinois Office

Editors Note—This is another of several stories by roving associated Press reporters analyzing the campaign in key states.

By DOUGLAS B. CORNELL

CHICAGO, Oct. 11 (U)—The joys of peace and the thickness of the pocketbook have turned into vital political issues in cross-section Illinois.

And here in a state that blends together a typical mixture of America's industrial and agricultural economies, Democrats and Republicans are fighting out a vital Senate race along the historic line of liberal-conservative cleavage.

Perhaps as nowhere else in the nation, the fundamental dispute between liberals and conservatives stands out in the battle between Democrat Paul H. Douglas, trying for a second Senate term, and Republican Joseph T. Meek, making his first bid for public office.

For Douglas regards government as the economic guardian of the people—as their rightful, paternalistic champion. And Meek, for 20 years the voice of Illinois retail merchants, is the free enterprise, unregulated, uncontrolled economy type of Republican.

Douglas cries out that Meek serves "the special interests." And Meek thunders back that Douglas is a "Socialist" and "meddling man economist."

Then there are those other issues of peace and the pocketbook. Wherever he goes throughout the state, Meek bears down on the Federal GOP theme of peace and prosperity. People are doing pretty well these days, he says, and he adds:

"Nowhere in the world today are guns killing American boys; nowhere in the world are planes shooting them down."

At coffee hour talks, in street corner speeches and in political rally orations, he almost always gets around to that—and to pointing Douglas as a Socialist who wants to "wreck the Eisenhower administration" and "have the government take over and run your lives."

He calls the senator "Mr. Capitalism of Socialism," the "Pink Professor," or "Paul the Flamingo." He took one group of Republican women that Douglas "talks the Communist line" and "speaks the identical party line."

This is all part of a calculated plan. The question is whether this line of attack will make a martyr of Douglas and boomerang against Meek. It's a gamble the Meek forces are willing to take.

Meek is 50 and looks younger. He is chunky, peppery and personable, a good mixer, an able speaker. Before stepping into the Illinois Federation of Retail Assns., an organization of some 50,000 to 60,000 merchants, and its lobbyist at the State Legislature at Springfield.

The GOP nominee said in an interview he is counting mainly on three issues to see him through to victory against Douglas: "Peace under the Republican party, a fear of things Douglas stands for, and a desire to the people to let this Eisenhower crusade run its course."

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NOTICE!

Mr. Seldon E. Kirk
President, Klamath General Council
Klamath Indian Agency
Klamath Agency, Oregon

RE: Klamath General

Dear Mr. Kirk:

We have been informed by Mr. Delford Lang and Mr. Boyd Jackson that enforcement officials of the State of Oregon have been applying State hunting and fishing laws and regulations to Indians on the Klamath Reservation. Messrs. Lang and Jackson have requested our opinion whether State officials have authority to enforce such laws and regulations against Indians hunting on the Klamath Reservation.

ABORIGINAL HUNTING AND FISHING RIGHTS WERE RESERVED BY KLAMATH TRIBE IN TREATY OF 1864, 16 STAT. 707

It is basic that when an Indian tribe cedes lands to the United States by treaty, which lands are within the aboriginal habitat of such tribe, it retains the same attributes of ownership over the diminished reservation as it originally had over its entire aboriginal territory. This basic principle was established by the United States Supreme Court in *United States vs. Winans*, 198 U.S. 371 (1905), where the Court said at p.381:

"In other words, the treaty was not a grant of rights to the Indians, but a grant of rights from them — a reservation of those not granted."

Thus, when the Klamath Indian Tribe retained a portion of its aboriginal territory as a reservation it also retained all rights and privileges which were inherent in ownership of those lands. These included the exclusive rights of tribal members to hunt and fish as and when they pleased, subject only to control of the tribe, *United States vs. Hamilton*, 233 Fed. 685 (8th Cir. 1915). Two such rights that were retained as a part of their ownership of the land was the right of unrestricted, hunting and fishing privileges.

Nor is it necessary that an express retention of hunting and fishing be made in the treaty. This has been well stated by the Solicitor of the Department of the Interior, as follows (Op. Acting Sol. I. D., M. 28107, June 30, 1936):

"An examination of the various treaties between the United States and Chippewa Indians discloses that while the right in the Indians to hunt and fish on ceded lands was reserved in some of the earlier treaties (see article 5, Treaty of July 20, 1837, 7 Stat. 536; Art. 2, Treaty of October 4, 1842, 7 Stat. 591; and Art. 11, Treaty of September 30, 1854, 10 Stat. 1109), no reservation of the right to hunt and fish was made with respect to the unceded lands of the Red Lake Reservation. But such a reservation was not necessary to preserve the right on the lands reserved or retained in Indian ownership. The right to hunt and fish was part of the larger rights possessed by the Indians in the land used and occupied by them. Such right, which was 'not much less necessary to the existence of the Indians than the atmosphere they breathed' remained in them unless granted away. *United States vs. Winans* 198 U.S. 371."

What applies to the Red Lake Chippewa Indian Reservation likewise applies to the Klamath Reservation.

This fundamental concept has been recognized by the Supreme Court of the State of Wisconsin (*State vs. Johnson*, 249 N.W. 285 (Wis. 1933)), which stated, p. 288:

"All of the treaty provisions which reserve hunting and fishing rights to the Chippewa Indians obviously relate to the lands ceded rather than to the lands reserved and retained. *** While the treaty entered into did not specifically reserve to the Indians such hunting and fishing rights as they have theretofore enjoyed, we think it reasonably appears that there was no necessity for specifically mentioning such hunting and fishing rights with respect to lands reserved by them. At the time the treaty of 1854 was entered into there was not a shadow of impediment upon the hunting rights of the Indians on the lands retained by them."

The treaty was not a grant or right from them—a reservation of those not granted. *United States vs. Winans*, 198 U.S. 371, 25 S. Ct. 662, 664, 49 L. Ed. 1089. We entertain no doubt that the rights of the Indians to hunt and fish upon their own lands continued."

These express rulings govern until Congress dictates otherwise. **PUBLIC LAW 280 EXEMPTS FROM STATE REGULATION ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RETAINED BY FEDERAL TREATIES**

The law as stated above has not, in our opinion, been changed by the Act of August 15, 1953, 67 Stat. 590; P. L. 280, 83rd Congress; 18 U. S. C. 1162. Section (a) of that Act conferred upon the State of Oregon jurisdiction over offenses committed by or against Indians in Indian country. But Section (b) expressly excepted exclusive hunting, fishing and trapping privileges from State law. It reads:

"(b) Nothing in this section *** shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing or regulation thereof."

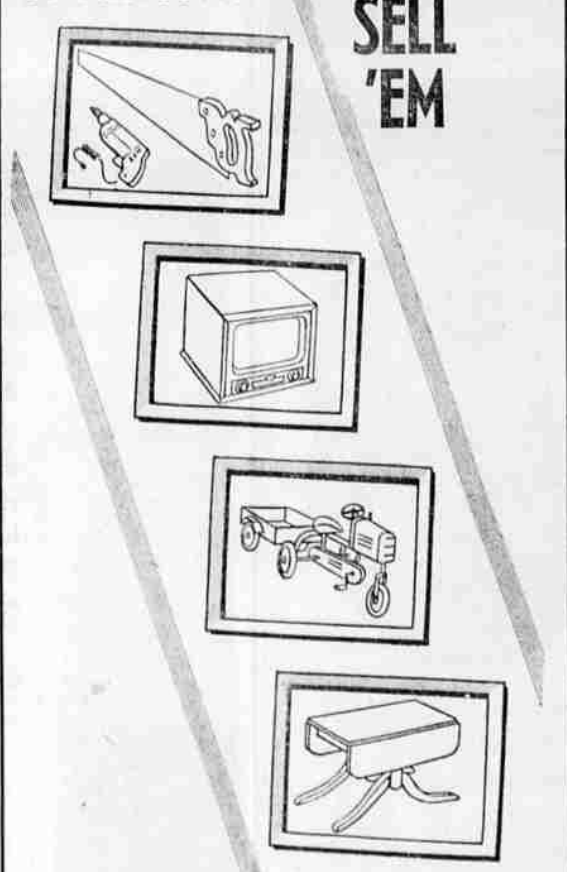
Nor is the state of the law altered by the Klamath withdrawal Act, P. L. 587, 83rd Congress. Section 14 (b) of that Act expressly provides that nothing contained therein "shall abrogate any fishing rights or privileges of the (Klamath) tribe or the members thereof enjoyed under Federal treaty."

Accordingly, we believe that enforcement officers of the State of Oregon are without authority to apply Oregon law relating to hunting and fishing to Indians on the Klamath Reservation.

Respectfully yours,

WILKINSON, BOYDEN, CRAGUN & BARKER
By: Glen A. Wilkinson
Klamath Tribal Attorneys

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