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CASTORIA

THE CENTROGRAPH, NEW YORK CITY.

A LONG FOUGHT BATTLE

Warner Lake Settlers Refuse to Leave Ranches

Land Has Been Declared Swamp and Everything Else Except Arid Held as Swamp Now

Since Edward Dixon, special agent of the interior department left Portland more than a week ago for Warner valley, Lake county, to enforce the order of the department for the removal of fences and buildings from the lands in the lake or swamps which have been erected by settlers who have lived there for the past 17 years no word has come out of that remote district as to the progress of the agent's mission.

There is little doubt that the settlers will at least be forced to vacate, although it is not unlikely that Mr. Dixon and the officers who shall aid him may encounter serious obstacles and even armed resistance.

No delay will be allowed. Mr. Dixon will remain to see that the fences are removed and if his orders are not obeyed he will notify District Attorney Hall, who will then begin prosecutions.

This is a climax of a long and bitter fight which has been waged for several years between the Warner Valley Stock company and a colony of settlers who came onto the lands of Warner lake a few years after the company obtained possession of it from the state of Oregon.

Bought as Swamp.

The land lies in Lake county, in southwestern Oregon, and was purchased from the state in 1883 by C. N. Shelton, ex-United States senator from California, at \$1.50 an acre. He sold the land eight years later, in 1891, to R. E. McConaughy for \$4.80 per acre. The Warner Lake Live-stock company subsequently acquired McConaughy's claim. It had been surveyed a few years before and the name entered on the records as Warner's lake. Although called a lake, it was really a marsh, covered with a dense growth of swamp grass and tules. The property, which is 7100 acres in extent was covered with such a dense growth of vegetation that the survey made by the government in the fall of 1887 could not be satisfactorily done until the tules along the line were broken down by running a sled over them, drawn by a span of horses. This was in the fall of what, with the exception of 1889, was the driest year ever known in Lake county. The annual rainfall is very light, seldom ever amounting to more than eight inches. The water in this lake or marsh comes from the melting of snow which falls in the surrounding mountains each winter. The country in the immediate vicinity is almost level, having a fall so that the water does not move off very rapidly, if at all.

Located by Settlers.

In 1886, three years after the purchase of the land by Senator Shelton, a few settlers—12 families and 15 bachelors—entered this territory and settled upon its outer edges. They were unable to penetrate further into the lake or marsh on account of the heavy growth of swamp grass and tules therein. As soon as this vegetation was broken down in the manner described, cattle began running over it, in search of grazing ground, resulting in its being trampled down to an almost solid mass of substance resembling peat. This, together with other causes, resulted in a great deal of the water which had heretofore been held in solution evaporating, running off or otherwise disappearing. As this process went on year after year and the swamp dried up by degrees, these settlers moved further and further into the marsh until in time they occupied practically all of it, and filed homestead claims on the land.

As a result of the friction which soon began to develop between the settlers and the company, the matter was carried into the courts. The former contended that it was dry, arable

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Mrs. Peter Gopfert, of 291 Fillmore street, San Francisco, has been afflicted with dropsy for nearly forty years. She was so afflicted that she was unable to do any work, and her health was so poor that she was nearly always in bed. She had been treated by many of the best physicians of the city, but without success. She was so afflicted that she was unable to do any work, and her health was so poor that she was nearly always in bed. She had been treated by many of the best physicians of the city, but without success.

Mrs. Thomas Christel, of 414 Twenty-seventh street, San Francisco, was also afflicted with dropsy, as the result of chronic kidney disease. She was so afflicted that she was unable to do any work, and her health was so poor that she was nearly always in bed. She had been treated by many of the best physicians of the city, but without success.

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land, desirable for cultivation, and not swamp land, and that the company did not acquire possession of it rightfully.

Courts Take a Hand.

The latter declared that the property was nothing more nor less than swamp land and clearly within the limits of the meaning and intent of the swamp land law. The evidence before the interior department is to the effect that not a single acre of this land was ever mowed for hay nor could have been mowed for hay on account of its swampy condition, until after McConaughy cut a ditch which diverted the water of Deep creek into Pelican lake.

This was in 1890. The matter went before the local land office and it was decided by the register and receiver to be swamp land. An appeal was taken to the general land office, where the decision of the local office was affirmed, again establishing proof that the land was swamp and not arable ground. Then the case was appealed to the secretary of the interior, where the original decision was again sustained.

Three years later, in 1893, the official canceled the claim of the state of Oregon to the land, holding that it was the bed of a permanent lake at the time of the swamp grant. The company rebelled against this proceeding on the part of the secretary of the interior, and applied for a rehearing of the case.

Decided it was a Lake.

This was made to Secretary Hitchcock for a re-investigation of the matter on the ground that the question as to whether the land was the permanent bed of a lake or marsh land had never been investigated, and that they, the company, had never been allowed the opportunity to introduce evidence on the subject. A hearing was finally obtained in 1899, when it was decided by the register and receiver to be the bed of a permanent lake.

In 1900 the matter was taken before Commissioner Hermann, of the general land office, who decided, in November, 1900, that the property was swamp land. He reversed his own decision, however, four months later, and rendered another in line with that of the register and receiver.

The case was again appealed to the secretary of the interior, who once more reversed the decision and decided in favor of the company. Here the matter rests on account of there being no higher tribunal to which an appeal can be made. The settlers stand dispossessed.

There are at present only seven families of the original 12 remaining on the land. The company has bought many of them out at a reasonable figure, allowing for all improvements which may have been made by the settlers during their stay on the land.

Settlers Refuse to Move.

The basis for the contention has been the question as to whether the land is swamp or arable. The settlers acquired their rights—by supposed rights—from the government under the homestead law. The company acquired its rights from the state, to which they claim the land reverted under the swamp land act. It was not disputed that the company was in possession of the land first, but the settlers contended that the company's claim was invalid because the land was arable and not swamp. The company's contention was

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that the land was swamp has been finally sustained by the interior department.

But the settlers are not yet satisfied. They refused to vacate, basing that refusal on the three decisions in their favor, one by the highest authority, the secretary of the interior. Some of the settlers have declared they will defend to the bitter end, by force of arms if need be, what they conceive to be their rights.

It is not a pleasant mission that Agent Dixon has undertaken. Furthermore it is one that he may find it quite difficult to fulfill.

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To the Seaside and Mountain Resorts for the Summer.

The Southern Pacific company has placed on sale at very low rates round trip tickets to the various resorts along its lines, and also, in connection with the Corvallis & Eastern, to Detroit and the seaside at Yaquina Bay, latter tickets good for return until October 10th.

Three day tickets to Yaquina bay, good going Saturdays, returning Mondays, are on sale at greatly reduced rates from all points Eugene, and North on both East and West Side lines, enabling people to spend Sunday at the seaside. Very low round trip rates are also made between Portland and same points on the Southern Pacific, good going Saturdays, returning Sunday or Monday, allowing Portland people to spend Sunday in the country and the out of town people to have the day in Portland.

Tickets from Portland to Yaquina bay good for return via Albany and East Side, or Corvallis and West Side, at option of passenger. Baggage checked through to Newport. A new feature at Newport this year will be an up-to-date Kindergarten in charge of an experienced Chicago teacher.

A beautifully illustrated booklet describing the seaside resorts on Yaquina bay has been published by the Southern Pacific and Corvallis & Eastern railroads, and can be secured from any of their agents, or by addressing W. E. Coman, G. P. A., S. P. Co., Portland, or Edwin Stone, Manager, C. & E. R. R. Albany, Or.

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Atlantic Express 8:15 p. m. via Huntington	Salt Lake, Denver, Ft. Worth, Omaha, Kansas City, St. Louis, Chicago and East.	7:30 a. m.
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No. 3 For Detroit: Leaves Albany 7:00 a. m. Arrives Detroit 12:05 p. m.

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Train No. 2 connects with the S. P. trains at Corvallis & Albany giving direct service to Newport and adjacent beaches.

Trains No. 3 and 4 for Detroit, Breitenbach and other mountain resorts leaves Albany at 7:00 a. m., reaching Detroit at noon, giving ample time to reach the Springs same day.

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