



HAULING HAY TO STOCK IN HARNEY VALLEY.



HAYING SCENE IN HARNEY VALLEY.

HISTORY OF HARNEY COUNTY.

CHAPTER I.

CURRENT HISTORY, 1865 TO 1892.

Inasmuch as the territory now constituting Harney county was originally a portion of Grant, much of its early history has been noticed in connection with that county. It is, however, necessary that some facts connected with its settlement and development be somewhat more fully treated. Of the experiences of trappers and hunters who visited the region in the days when the Hudson's Bay Company held autocratic power in the northwest, we have little more record, than of the inter-tribal relations, wars and wanderings of its Indian inhabitants, or of that still older race whose mortars, pestles, arrow heads and other stone implements are found widely diffused over the country. In Charles W. Parrish's collection of curios are some relics of the emigrant train of 1845, which was one of the first expeditions of white people to pass through the Harney country. Their experiences in the desert and in the Harney lake region have been narrated at some length elsewhere in this volume in connection with the discovery of gold in Baker county. There are some white men now living in central and southeastern Oregon who were in Harney valley, en route to the coast during the year 1853, and it is probable that hardly a year passed since then in which white men have not ventured into the region, though not to remain permanently.

During the early 'sixties the Harney country was threaded by quite a large number of expeditions of miners en route to Auburn, Canyon City and the Idaho mines. To protect this migratory class, as well as the westward moving armies of emigrants, military posts were rendered necessary at a very early date. Of these a succinct outline account was furnished to Charles W. Parrish, historian of the local cabin of the Native Sons of Oregon, by the war department in a letter of recent date. From the communication we learn that Camp Alvord, a temporary United States camp, located near Lake Alvord, in what is now Harney county, was established September 5, 1865, by Company G, First Oregon Infantry, and abandoned May 25, 1866; that Camp Curry, a temporary camp on Silver creek, forty-five or fifty miles north from Camp Harney, was established in August, 1865, and abandoned in May, 1866; that Camp C. F. Smith, on White Horse creek, Oregon, was established in May, 1866, and abandoned November 9, 1869; and that Fort Harney, at the mouth of Rattlesnake creek, Harney county, was established August 16, 1867, as Camp Steele; that its name was changed September 14, 1867, and that it was abandoned June 14, 1880. The communication does not mention Camp Wright, which was established at what

is now known as Wright's Point, in August, 1865, by Captain L. L. Williams, of Company H, First Oregon Infantry. It was named in honor of General Wright, who went down before Crescent City, California, in the vessel "Brother Jonathan," during the fall of the year 1865.

It has been related that during September, 1865, a fight occurred between the Harney valley Piutes and a part of the force under Captain Williams, somewhere between Camp Wright and Harney lake. About the same time Lieutenant Applegate, of Company H, in command of a part of Captains Williams' men, was attacked while traveling from Camp Curry to Camp Wright at a point called in jest Fort Drellinger, on what afterward became Mrs. McGee's ranch. Next morning about eight miles south of the present town of Burns Indians shot from the rimrock near a cove, wounding a soldier named Griffin, who afterward died from the effects of the shot, and another soldier named Smith.

Mrs. Grace, formerly of the Herald, whose investigations resulted in the discovery of the facts just narrated, states that the grave in front of old Camp Wright's site is that of a soldier known among his fellows as "Reddy," from the color of his hair. "Reddy" was shot by the Indians on the Blitzen as he mounted guard one dark night in February, 1866. It is claimed, however, that the grave is not that of a soldier, but of an emigrant named Stewart, who was killed by the Indians some time in the 'fifties.

Of all the military camps located in the Harney country no other was so influential in the civil history of the section as Camp Harney, established, as before stated, in August, 1867. It had a military post office and received regular mail from Canyon City, the mail being carried on horseback by a man named Walker. There were many civilians in and around the camp from the time of its inception, but as these were totally dependent

upon the existence of the camp for a livelihood, they cannot be classed as settlers. Just who was the first to establish himself permanently in the country we will not undertake to state. Abner Robbins used to travel around among the Indians of the valley long before any white man established a residence therein, but he did not become a settler till later. Before the establishment of Camp Wright A. H. Robie, to whom probably belongs the honor of having been the pioneer sawmill man of the vast region of which Harney county forms a part, moved a sawmill from Molthrop, Idaho, to the left fork of Coffee Pot creek, but as he had milling interests in different other places, he did not reside in Harney valley permanently and is not classed as a settler. Mr. Robie was a son-in-law of Colonel William Craig, of the Hudson's Bay Company, whose wife was an Indian woman. He furnished lumber and shingles to build Camp Harney. In 1871 Mr. Robie moved cattle from Idaho into the Harney country. His brand was diamond shaped, and from it Diamond valley received its name. In 1872 Mr. Robie sold his interest in the sawmill, which had been moved to a point some twelve miles distant from Camp Harney, for \$44,000. Robie, with a man named Snyder, who had been a sutler at several different military posts in northern California and southern Oregon, also with J. N. Clarke and Frank McBean, acquired some kind of an incipient right under the swamp land act to large tracts of land along the Blitzen river. This right, with all Mr. Robie's stock except a few horses, Peter French persuaded Dr. Glenn, of California, to buy, thus laying the foundations of the noted French-Glenn ranch. The purchase price was \$36,000. Mr. Robie was gathering up the reserved horses in June, 1878, and so happened to be present at the Diamond ranch on the eventful day when the battle with the Indians took place.

The first plowing in Harney valley was done by E. C. Bulkley for J. J. Cozort, now

residing near Prairie City. Mr. Cozort was attempting to get an advantage over his competitors in contracting for the furnishing of supplies to the United States government. He reasoned that if he could raise grain in the valley he could undersell those who had to transport their grain from the John Day country. He therefore employed Mr. Bulkley, in 1867, to plow up forty acres near Camp Harney. The experiment failed. Mr. Cozort tried again, and again he failed. The ground was so loose owing to the decay of successive crops of grasses, that the frosts, which were of much more frequent occurrence at that time than they are now, completely destroyed the growing grain. It is said that even at this date cereals grow much more luxuriantly where there has been an old road, showing that compactness is a great advantage to soil of this character.

In 1869 or 1870 John S. Devine came into the White Horse country with cattle. Some time later he drove a large part of his stock over into Harney valley, where, in 1877, he bought out Venator and Cooksey, establishing his headquarters on the place of the latter, or where now is the Island ranch of the Pacific Live Stock Company. Mr. Devine was one of the progressive men who seized the excellent opportunities afforded by the Harney country in an early day, turned the same to his own advantage and built up a splendid property in the section where his lot was cast. His Alvord place is one of the finest in all Harney county. Mr. Devine has been criticised by many on account of his methods of acquiring lands, but he was a large hearted, generous man and many a poor settler received help in one way or another from his bountiful hand. He died recently.

The actual settlement of Harney valley began in the year 1872, when Stillely Riddle, John Boone, George C. Smyth, with his sons, John T., Darius H., George A. and Presley, and John Chapman came in with stock. The

Smyth family settled first at Warm Springs, about five miles from Burns. They remained in that locality until November, 1873, when a remarkable snowfall caused them to move. For four days it snowed and snowed, until the level valley land was covered with a blanket of ermine three feet deep. Becoming alarmed, the Smyths and other settlers gathered up their cattle and set out in search of more kindly conditions. In Happy valley they found the snow only six inches deep, so they resolved to stay there. When the snow went away some of those who had taken their cattle into this well-named region returned, but the Smyths remained, making their home in the valley. It was there that the father and oldest son met such a tragic fate during the Indian war, being killed in their house after a brave defense, and then burned with the building which had sheltered them.

In 1873 came J. S. Miller, J. Cooksey, T. Prather and the Venators, with cattle and horses, and James Sheppard and the Curry family, with cattle only. The advent of Frank McLeod and Maurice FitzGerald, the latter of whom was a soldier, also dates back to that year. In 1874 came P. F. Stenger, Thomas Whiting, and no doubt others.

These settlers were without mail privileges other than the weekly military mail from Canyon City until 1874, when a route was established from Canyon City, via Camp Harney, to Camp McDermitt, Nevada. Over this route the redoubtable G. W. Anderson, familiarly known by his sobriquet of "Doc," made weekly trips. In 1879 a tri-weekly service was established, and in 1880 this gave place to a daily mail. The next year, however, the route was abandoned entirely. It is thought W. W. Johnson was the first postmaster at Camp Harney after the abandonment of the military post in 1880. To Daniel Wheeler is ascribed the honor of having first served as justice of the peace in the valley.

During all these years the only industry of

the valley was stock raising. Everything the cattleman and his employes consumed was imported from without. No one believed that anything could be raised in the country, and in this belief they were confirmed by the failure of Mr. Cozort's scheme. The climate was different then from what it is at present. Rain was of much less frequent occurrence; the snows of winter were deeper, and frost was so common that anything in the line of vegetables or cereals would be destroyed before they had well started to grow.

But there was grass everywhere. No fences disturbed the bands of cattle, sheep and horses. The natural meadows supplied what hay was necessary, though at first it was not the custom to feed range cattle in the winter. The market for beef was generally good and prosperity prevailed.

While many of the blessings of an older civilization were lacking, while the children were denied good school privileges, and churches were unknown, yet there was no lack of sociability among the people and plenty of provision was made for the entertainment of young and old. Throughout the long winters a continual round of dancing parties at the homes of the different ranchmen furnished opportunity for social intercourse and pleasure. No slavery to conventionalities marred the happiness of any; no cliques divided people from each other's society, and all had a merry time.

The first and only great sensation of the early days occurred in the spring of 1878, when the Bannock and Piute Indians made their raid through Idaho and eastern Oregon. As this has been fully narrated in another place, it must be passed over here with a simple mention.

After the Indian war and the abandonment of Fort Harney there seems to have been a very considerable change in conditions in the Harney country. The statement is frequently made by old residents that at that time the large cattlemen began buying out their less favored

brethren and there was a decided movement in the direction of concentration of wealth. The foundations of several large farms had been laid before this, as has been already noted. The men who had invaded the country from California, Nevada and elsewhere and had engaged extensively in the cattle business were men of great energy. Furthermore they were in many instances connected with wealthy cattlemen in the states from which they had come, so they controlled the funds wherewith to do business. They were enemies of civilization and settlement; were far sighted and experienced enough to know that the supply of natural pasturage would not prove inexhaustible and were animated by a desire to control as much of the country as possible. They saw in the small stockman an obstacle to their plans and used the resources at their command for the double purpose of increasing their own holdings and getting rid of him. As long as this could be done by peaceable purchase all was well, but the country was too large to be controlled by a few. Settlers who left were replaced by others. The would-be monopolists were embarrassed in their efforts to secure title to the whole country in violation of the spirit and sometimes the letter of the law by the sturdy opposition of the redoubtable settler, and a war broke out which has been waged in the press, in the courts and in politics until the present day.

In 1879 began the evolution of the Pacific Live Stock Company, the most powerful cattle corporation operating in southeastern Oregon. Some time in the fall of that year T. M. Overfelt and Frank Sweetser came into southern Grant county and bought the cattle of a man who went by the assumed name of Caleb Ran. Mr. Overfelt then interested the large California cattle firm of Miller & Lux in his enterprise and they, with a man named Mason, a resident of Nevada, formed a co-partnership known as T. M. Overfelt & Company, for the purpose of engaging in the stock business in

Oregon. They were named locally the L. F. Company, from their brand. The partnership continued until June, 1885, when Overfelt was accidentally killed by his team running away. Miller, Lux and Mason purchased the interest of their deceased partner. Later the California firm bought out Mason. They denominated themselves the Pacific Live Stock Company. At one time John Devine's interests were identified with those of Miller & Lux.

During the early 'eighties there came a reaction against the tendency toward centralization above referred to. A considerable number of settlers went into Harney valley at that time, despite the assertions of cattlemen that the country had no agricultural value. Their experiments proved that grain and vegetables might be successfully raised under the climatic conditions then existing, although this fact had been in a measure established by the cattlemen themselves, some of whom had built comfortable homes and made some successful efforts to raise fresh products for their own tables. The influx of settlers in 1883-84-85 resulted in the best government lands not already appropriated by cattlemen being taken, so that later comers must of necessity occupy the less desirable locations, where the means of irrigation were not so close at hand. The scarcity of lands naturally irrigated, so that they would produce wild hay in abundance, or on the banks of streams led to contests with cattlemen for the lands supposed to be illegally held by them under the swamp land act or otherwise, and the warfare between cattlemen and settlers became very bitter. The protracted litigation arising out of this struggle for possession in Harney county will be briefly adverted to again later.

In July, 1885, the first newspaper in southern Grant, the Harney Valley Items, issued from the press, and thereafter that section of the country, had a staunch advocate and friend. Its enterprising proprietor and editor, Horace Dillard, was alone in the journalistic field until

the fall of 1887, when D. L. Grace established the East Oregon Herald. Both of these journals have almost complete files, the pages of which have given us great assistance in the preparation of this work.

In 1887 southern Grant county made its first effort to secure political segregation and the organization of a new local government. A bill was introduced into the legislature of that year to create Harney county, but the movement had been opposed from the first by many stockmen and others in the territory affected, who feared that the rate of taxation would be raised too high if a section so sparsely settled should assume the burdens of county organization. As stated in a previous chapter, the measure was opposed by the people of northern Grant, who also considered it premature. Some of those who signed the affirmative petition were afterward induced to join the remonstrators by representations that the new county scheme was projected by a few designing men in Burns. The opposition from within the territory itself and the strenuous efforts of Senator Hamilton caused the defeat of the bill.

One of the most sensational events of the year 1888 was the assassination, on May 5th, of James Bright, a quiet, unassuming young man without any known enemies. The unfortunate affair occurred about twelve miles east of Harney, near the spot where a stage robbery had occurred a twelvemonth before. The motive of this homicide was also robbery. Investigation into the matter resulted in the arrest of Buccaroo Jim, an Indian, whose connection with the jail breaking and murder in Canyon City and final acquittal has been previously adverted to in this volume.

The movement for the erection of Harney county, though defeated in 1887, had never been allowed to drop, and early in 1889 a second bill was presented to the legislature. It was forcibly urged that there could be no real security in a country two days' travel from

the machinery of the law and that business could not be expeditiously conducted where land titles could not be examined, mortgages released, contracts or bonds executed and like matters attended to without a long and expensive trip. Those who considered any move in the direction of securing the conveniences of civilization, anything likely to advertise the resources of the country a menace to their pecuniary interests were on hand with their remonstrance again, but their efforts proved unavailing, and on February 26th the bill creating Harney county became a law. According to its provisions, the territory of the new political division should consist of all that portion of Grant county south of a line described as follows:

“Beginning at a point where the west line of Grant county crosses the township line between townships eighteen and nineteen, in said county of Grant, and running thence east on said township line to the west line of the old Malheur Indian reservation in said county of Grant; thence north following the west line of said Indian reservation six miles; thence east to the east line of Grant county.”

The original draft of Hon. G. W. Gilham's bill provided that the governor of Oregon should locate the temporary county seat of Harney county, but the enemies of the measure had this provision changed so that Harney was designated as the place to be honored. This was a shrewd play, designed to excite the opposition of the Burns people, but the friends of the measure and of Burns were too sharp to be caught. They continued working zealously for the passage of the bill, notwithstanding this one obnoxious provision, and success crowned their efforts.

Great interest centered around the first election held in Harney county, that of June, 1890, for there was to be decided the question as to where the permanent county seat should be located. Harney had gained an advantage over its chief rival, Burns, in that it was designated

the temporary seat of government. The business men of Burns decided to more than offset this by direct appeal to the pocketbook of every voter. They met together on January 27th, and after a half hour's consultation, donated \$2,100 with which to purchase what was known as the Smith & Young building, then in course of erection. They did buy this building and offered to donate the same to Harney county for use as a court house, provided the county seat should be located at Burns. The building was thirty-four by eighty feet, and thirty-one feet high, substantially built and quite well suited for the purpose. Furthermore, they gave a guarantee that should the county seat be located at Burns they would pay all the cost of moving the county property from Harney, in order that the county might not incur a dollar's expense by such removal.

The campaign waxed warm. It would have been a hotly contested election in any event, but it gained additional heat from the fact that it was a battle in an old and bitter war, that between the large cattlemen and the settlers. Burns had always been identified with the interests of the latter class in this conflict and so had incurred the unrelenting enmity of the men who wished to keep the country in barbarism for the benefit of their stock interests. That there was much illegal voting on election day is abundantly proven by the fact that 1,016 votes were cast on the county seat issue, whereas the number of legal voters in the county was known to have been much smaller than that. This vote was divided as follows: For Wright's Point, one; for Silvies City, eighty-four; for Drewsey, four; for Harney, four hundred and fifteen; for Burns, five hundred and twelve. The law required that to be successful any of the towns voted for must receive a majority of all the votes cast. From the foregoing figures it is evident that Burns had a majority of eight votes. But the vote for some of the county officers was considerably larger than on the county seat matter,

a small proportion of the ballots having been left blank in part. The Harney people contended that in determining majorities these blanks should be counted. Under their interpretation of the law Burns did not receive the required majority; there was no choice of permanent county seat and the county offices of right still belonged in Harney, the temporary seat of government. The citizens of Burns claimed otherwise, of course, and the matter was taken into the circuit court. The judge interpreted the law in accordance with the contention of Burns and issued a writ of mandamus, commanding the county officers to move all the appurtenances of their respective offices and all the county property to Burns as the legal county seat. The writ was served and the offices moved. Harney, however, took an appeal to the supreme court, which declared the writ null on account of errors.

The county court then passed an order, which, after setting forth the facts as above, recites as follows:

"In view of and respect for the decision of the court of last resort of this state in this matter and the importance to the taxpayers of this county that the business transacted by this court is legally so,

"We do deem it justice to ourselves as officers and the taxpayers of this county, that the only legal place of holding court in Harney county is as by law directed in the town of Harney, the temporary county seat of this county, and that we have a copy of this ordinance published in each of the newspapers published in Burns, this county and state.

"W. E. GRACE, *Clerk*.

"By order of the Hon. County Court."

But in the decision of the supreme court the writ of mandamus was reversed for error only; the decision did not go to the merits of the case. In fact Judge Lord, of the supreme court, gave it as his opinion that the blanks should not be counted. This, it was contended, made it incumbent upon Harney to establish

beyond doubt its right to the county records, which could only be done by proving the eight votes of Burns's majority illegal. The Burns people were also persuaded that the order of the county court above in part quoted was illegal, as all power in the premises passed from the county authorities on the issue of the mandamus by Judge Clifford, and appeal to the supreme court; that the order must come from Judge Clifford or the supreme court for their removal. In the absence of an order from the proper tribunal, they declared, they would not permit the records to be moved.

It is stated that teams did come from Harney for the county property, but found the people of Burns determined to defend their supposed right to the county seat *vi et armis* if necessary. They wisely decided not to precipitate bloodshed by any show of force, and returned with empty wagons.

It was finally agreed to submit the matter for final adjudication to Judge E. D. Shattock, of Portland. One hundred and ten votes were called in question by Harney as being illegally cast for Burns and one hundred and forty-six by Burns as being illegally cast for Harney. The investigation which followed showed that votes had been cast by persons living in Malheur and Grant counties, by residents of Nevada, and by residents of Harney outside of their own precincts. A number of minors also voted. Judge Shattock simply rejected the votes found by him to be illegal, then decided in accordance with the mathematics of the case. His first decision was in favor of Harney, and there was jubilee in that part of the valley. The rejoicing proved premature, however, for a few days later the judge discovered an error in his arithmetic which necessitated a reversal of his former findings. According to his second decision 956 legal votes were cast, of which Burns received 481, or six majority. The opinion is dated November 12, 1892.

The year 1891 was one of great excitement

in Harney county over the discovery of gold in its northern portion. So rich were the finds at first reported that the Blue Bucket legend was revived. The Harney Press of the time contains this language:

"It is authoritatively stated that the long lost Blue Bucket mine has been discovered in what is known as the Peter Mortimer canyon, northeast of Harney City. It appears that an old prospector named White has been tracing the old emigrant trail through from Snake river and found the grave of the woman who died a little over a day's drive from the famous Blue Bucket discovery. He has been at the work about six months and since finding the grave has made diligent search this way from it. About ten days ago he put a man on the road to California with orders to change horses and make one hundred miles per day. White himself packed his things and started a few days later. The rider told at one of his stopping places that his boss had panned out two ounces of gold from ten pans and had sent him for friends in California. The parties receiving this information at once hastened to Harney City and began hunting for the discovery. On Saturday morning there was a rush for the Peter Mortimer canyon. Gold was discovered there, and it is thought that this is the rich mine. Notices were written and pasted on stones and men on horseback rode a race for the first claims.

"The mountains are full of men. The excitement is spreading and wagon loads of eager men are coming into Harney City daily from distant localities. The wildest rumors are afloat of great banks of gold dust being found. It is with the greatest care that the news gatherer can separate the true from the false reports. The discoveries are rich enough without any exaggeration.

"Gold has been found in paying quantities in three gulches on Salt creek. On the Harney City side eight claims have been located, on

Soldier creek, Rattlesnake, Coffee Pot and Cow creeks."

Harney business men were deluged for some time with letters of inquiry by every mail from Boise, The Dalles, Portland and other towns. The boom continued all winter, though, as in most cases, the discoveries did not prove so rich as was anticipated. One great drawback to the development of the mines was a lack of water, there being no stream from which water could be diverted.

One of the important movements of the year 1892 was inaugurated by N. Brown, a business man of Burns, and had for its object the encouragement of wheat raising in the valley. Mr. Brown proposed to erect a roller flouring mill of forty or fifty barrels per diem capacity, providing citizens would subscribe \$3,000, all sums advanced by subscribers to be paid back in grinding, flour, etc. After the lapse of several years the mill became an accomplished fact. Though a private enterprise, it is thought to have been one of great public moment under the circumstances, as it encouraged attempts to raise wheat in considerable quantities, thus materially helping to establish an important industry.

Another movement of a similar tendency, though of a vastly different nature, had its inception in 1893, the year of the wide-spread panic and disaster throughout the United States. This consisted in an attempt by the county court to secure artesian water, wherewith to redeem for cultivation the arid lands of the Harney valley. An agreement was entered into September 18th, whereby George W. Kellogg, of Salt Lake City, covenanted to bore a well to the depth of 1,500 feet if so ordered by the county court, the consideration being \$2.75 per linear foot for boring and inserting the necessary casing in the well. Mr. Kellogg secured a flow, it is said of thirty gallons per hour, but he thought that by going deeper he could secure a much larger flow.

He did sink the well to a considerably greater depth, then met with an accident to his machinery and the project was given up.

During this year Troop A, O. N. G., was organized at Burns and mustered in, with Albert W. Gowan as captain, Samuel E. Joy, first lieutenant, and Henry E. Thompson, second lieutenant. Its original roster contained fifty-one names besides those mentioned. The old cavalry troop is well remembered by many residents of Harney county, though it has been disbanded for many years, having been mustered out in August, 1896. Its final muster roll shows that A. W. Gowan was still its captain and that the number of officers and enlisted men entitled to honorable mention was thirty-two.

The financial depression of 1893-96 was but little felt in the Harney country. Of course the low price of mutton, beef and wool, of wheat and other farm products obtaining in the general markets of the country could not fail to have its effect on this section, but local supply and demand were not very greatly affected by external conditions. During such times it is certainly an advantage to be away from the railways. Furthermore, it is customary in stock countries for the merchants to grant large credits to cattlemen, enabling them to hold over a season of low prices, and if necessary hold over still another season, or until prices come up again. Naturally the merchant must have large interest for the value thus loaned, but the stockman can well afford to pay for the accommodation. Then, too, in countries where the people get their sustenance directly or practically from the products of soil and herds, there cannot easily be the distress that is found during periods of depression in manufacturing centers where employers are few and the employed are many. It may be asserted with confidence that there never were any hard times in Harney valley between the years 1893 and 1897, and that few if any who desired to find employment were long

without an opportunity to labor for fair remuneration.

The year 1897, which witnessed the return of prosperity to the country in general, brought bountiful crops, good prices and good cheer to the residents of Harney county. The price of sheep advanced to \$2 and \$2.25 per head and lambs went from 75 cents to from \$1 to \$1.75. The price of cattle rose proportionately. Money began to circulate with freedom and rapidity and drummers found the towns a splendid place in which to display samples and book large orders. The exceedingly high water of the springtime, which washed away many bridges, cut Burns off from any wagon communication with points east, making it necessary to use row boats in places for the transportation of the mails, and made trouble for all persons who were compelled to move from place to place, seems to have had no bad effect upon the main industries of the county and did not in any way hinder the advent of the larger prosperity.

One tragic event of the year deserves notice, namely, the shooting of Peter French, one of the most noted men of the Harney country, and the chief factor in the upbuilding of the well known French-Glenn ranch. Mr. French and several of his employes were rounding up some cattle on the Sod House ranch on the day of the fatal occurrence, December 26th. About two o'clock P. M. one Edward Oliver came toward the cattle. French rode out to meet him and demanded that he turn back, as he had been cautioned many times before to remain off the premises. Oliver refused and an altercation ensued in which French was shot and killed. The author of the homicide made good his escape, but was afterward arrested, and on May 24, 1898, was acquitted by the trial jury.

The year 1898 was not inferior in point of prosperity to its predecessor. It was one of almost unprecedented good times throughout the state and Harney county got its full share

of the blessings it brought. In the New Year's edition of the Oregonian Hon. A. W. Gowan gave some statistics which, though only approximately correct, are nevertheless of value as showing the wealth and productive capacity of Harney county at the time. The population is placed at 3,500; the number of acres under cultivation, 1,000; number of bushels of wheat raised, 5,000; of oats, 4,000; of barley and rye, 8,000; tons of hay, 100,000; pounds of butter and cheese produced, 25,000; bushels of potatoes, 5,000; of apples, 300; ounces of gold dust mined, 300; feet of lumber manufactured, 2,000,000; pounds of wool produced, 300,000; number of sheep in county, 72,000; of hogs, 500; of horses and mules, 10,000; of cattle, 55,000.

Circumstances were such as to give Harney county no direct part in the Spanish-American war, although there was patriotism and chivalry enough within its borders to furnish many as bold, courageous and irresistible as ever bore the Stars and Stripes to victory at Santiago or San Juan Heights. The cavalry troop of the O. N. G. at Burns had been mustered out two years before the outbreak of hostilities, otherwise it might have enjoyed the opportunity to prove its mettle in active warfare. Two sons of Harney county, J. H. Loggan and David Loggan, were accepted as members of Company A, First Nevada Volunteers, and served with General Wheaton in his campaigns, acquitting themselves in all respects like men, and reflecting credit upon the wild free region where their manly powers were developed.

As affording some basis by which the wealth of Harney county in 1899 may be estimated, we quote the summary of assessments for that year, as follows: Acres of tillable land, 55,920, total value, \$244,790, average value, \$4.37; acres of non-tillable land, 553,901, total value, \$892,500, average value, \$1.60; improvements on deeded lands, \$75,815; town and city lots, 694, total value, \$25,-

905, average value, \$36.32; improvements on the same, \$34,815; improvements on land not deeded, \$15,430; miles of telephone and telegraph, 43, value, \$450; merchandise and stock in trade, \$35,755; farming implements, etc., \$32,415; steamboats, railroad, etc., \$10,590; money, \$9,900; notes and accounts, \$36,320; shares of stock, 75, value \$75; household furniture, etc., \$17,165; horses and mules, 10,491, total value, \$66,065; average value, \$6.20; cattle, 59,195, total value, \$830,830, average value, \$14; sheep and goats, 51,195, total value, \$76,805, average value, \$1.50; swine, 481, total value, \$1,410, average value, \$2.72; gross value of all property, \$2,416,755; exemptions, \$82,975; total taxable property, \$2,233,780; number of polls, 362.

The year 1900 is memorable as the year during which the initial Harney county fair was held. It proved a decided success in every way and not a few, even of those who had most opportunity to know about the resources of the section, were greatly surprised by the excellence of the exhibits. Cattle, horses, sheep, swine, grasses, grains, fruits, vegetables, flowers, needle work, paintings, photography, floral and wax work, and many other products of the range, the farm, the garden and the skillful hand were to be seen in artistic disposition and arrangement. The fair was so successful that its repetition every year since has been a matter of course, though subsequent exhibits have not equaled the first in point of excellence, on account of their failure to elicit sufficient interest among the people.

The prosperity which had been smiling so benignly upon central Oregon for two or three years caused quite a revival in the fall of 1899, in the interest in the region taken by the various railroad companies. Surveyors were running lines in almost every direction. The Sumpter Valley from the east, the Columbia Southern from the north, the Oregon Midland in the southwestern section, the Corvallis & Eastern

from the west and the California, Nevada & Oregon from the south, all had engineering parties in one part or another of this great isolated region and the prospects seemed bright that one or more of the roads would penetrate the county in the near future.

The railroad has not yet made its appearance in Harney valley, though its appearance in the near future is still looked forward to with eager anticipation by many, but with anything but pleasure by others so situated as to realize large profits out of the prices prevailing by reason of the freight hauls. Neither will the railroad be welcomed by those who dread the settlement of the country. They have realized large fortunes by the pasturage of public lands, and while these cattle kings have secured title in various ways to large tracts of land, the appropriation of government domain under the homestead and desert laws of the United States is looked upon by them as a menace to their industry. Naturally, then, they seek to discourage railroads, or anything else having a tendency to promote settlement. The history of our country has been that the settler has invariably conquered in the long run, and this history is repeating itself in Harney county.

In several different ways has the United States, acting through the state of Oregon, attempted to assist in the development of this and other sections by the appropriation of public lands in aid of public improvements. The way in which these schemes have almost invariably miscarried is creditable neither to the astuteness of our legislators nor to the general uprightness of human nature. The most notorious of these schemes affecting Harney valley was given effect by act of Congress of July 5, 1866, which reads as follows:

"That there be and hereby is, granted to the state of Oregon, to aid in the construction of a military wagon road from Albany, Oregon, by way of Canyon City and the most feasible pass in the Cascade range of moun-

tains, to the eastern boundary of the state, alternate sections of public lands, designated by odd numbers, three sections per mile, to be selected within six miles of said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever; *And provided further*, That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operation of this act, except so far as may be necessary to locate the route of said road through the same, in which case the right of way is granted, subject to the approval of the President of the United States.

"SEC. 2. *And be it further enacted*, That the said lands hereby granted to said state shall be disposed of by the legislature thereof for the purposes aforesaid and for no other, and the said road shall be and remain a public highway for the use of the government of the United States, free from toils or other charges upon the transportation of any property, troops or mails of the United States.

"SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, gradation and bridges as to permit of its regular use as a wagon road, and in such special manner as the state of Oregon may prescribe.

"SEC. 4. *And be it further enacted*, That the lands hereby granted to said state shall be disposed of only in the following manner—that is to say, that when ten miles of said road shall be completed a quantity of land not exceeding thirty sections for said road, may be sold coterminous to said completed portion of said road, and when the governor of said state shall certify to the secretary of the interior that any ten continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed thirty sections, may be sold coterminous to said com-

pleted portion of said road, and so from time to time until said road is completed, and if said road is not completed within five years no further sales shall be made, and the land remaining unsold shall revert to the United States."

On October 24, 1866, the legislature of the state of Oregon conferred said grant on the Willamette Valley and Cascade Mountain Wagon Road Company by the following act:

"SEC. 1. *Be it enacted by the legislative assembly of the state of Oregon,* That there is hereby granted to the Willamette Valley and Cascade Mountain Wagon Road Company all lands, right of way, rights, privileges and immunities heretofore granted or pledged to this state by the act of Congress, in this act heretofore recited, for the purpose of aiding said company in constructing the road mentioned and described in said act of Congress, upon the conditions and limitations therein prescribed.

"SEC. 2. There is also hereby granted and pledged to said company all moneys, lands, rights, privileges and immunities which may be hereby granted to this state to aid in the construction of such road for the purpose and upon the conditions and limitations mentioned in said act of Congress, or which may be mentioned in any further grants of money or lands to aid in constructing such road.

"SEC. 3. Inasmuch as there is no law upon this subject at the present time, this act shall be in force from and after its passage."

On June 25, 1867, the company, by vote of its directors, accepted the grant.

Afterward the route described in the congressional act was changed by act of Congress dated July 15, 1870, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act entitled 'An act granting lands to the state of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said state,' be amended so as to

strike out the words 'by way of Canyon City,' in the first section of said act, and insert instead thereof the words 'by way of Camp Harney.'"

By the operation of this legislation the Willamette Valley & Cascade Mountain Wagon Road Company secured about 900,000 acres of the public domain. No greater wrong was ever perpetrated upon the general public of Oregon than resulted from these unwise acts of the national and state governments and the perfidy of this company. That the road was not constructed according to requirements of the statutes is as sure as anything can be. In Harney valley, level as a floor, so that a first class road might be constructed almost anywhere for a sum very much less than three sections per mile were worth, even at the government price of \$1.25 per acre, the company did nothing but to set stakes marking out a route. They went ten miles around in order to secure the best lands in the valley and an extra thirty sections of land. Of course what travel there was through the valley would not follow their meanderings, so that the sage brush was never killed out by the hoofs of passing teams and the road never had an existence. Yet, by driving these mile stakes, the company secured thousands of acres of the best lands in Harney county. Litigation over this land formed a part of the great war fought by settlers for the possession of the Harney region. The United States government had lots of land at that time; the state of Oregon was not particularly interested in the matter and the brunt of the battle against this egregious wrong fell upon the poor settler who wished a small portion of this domain for a home. It is probable that had the suits of the settlers been pushed at the proper time and with sufficient vigor, the company would have lost the land, as it should have, but delays operated in favor of the company and its assignees and they held their unearned estates.

As giving a concise and authentic history of this matter we quote in part the decision of

Judge Gilbert, rendered in 1892. After abstracting in brief the conditions of the grant, the opinion says:

"Within the time limited for the construction of the road, the whole line of road from Albany to the state line, 487 miles in all, was certified to have been completed in the manner required by the act, by four several certificates of the governor of the state of Oregon, the first bearing date April 11, 1868, and the last June 24, 1871.

"On June 18, 1874, Congress passed an act recognizing the transfer to the wagon road company, and authorizing the issuance of patents to that corporation for all the lands so granted to the state, with the following proviso: 'This shall not be construed to revive any land grant already expired nor to create any new rights of any kind, except to provide for issuing patents for lands to which the state is already entitled.' On June 19, 1876, under this statute, patents issued to the wagon road company for 107,893 acres of the land.

"On August 19, 1871, the wagon road company sold and conveyed the land grant to H. K. W. Clarke, for a consideration, as recited in the deed, of \$75,000, and on September 1st of the same year Clarke conveyed the same to David Cahn in trust for said grantor and for T. Egerton Hogg and Alexander Weill.

"In March, 1878, complaint was made to the secretary of the interior by citizens of Oregon that the road had not been constructed according to the provisions of the original granting act, and two years later a special agent was appointed to investigate and report upon the matter contained in said complaint. In October, 1880, the agent made his report to the effect that the road, and particularly the eastern portion thereof, had not been constructed as required by the act of Congress. His report with the evidence accompanying the same was placed before Congress. In the House of Representatives the matter was re-

ferred to the committee on military affairs, and that committee after investigation, reported that no action be taken.

"Subsequently in February, 1882, further charges and proofs were laid before Congress which, in the House, were referred to the committee on public lands and in the Senate to the committee on military affairs. Both committees reported that no action be taken by Congress, alleging as a reason for that conclusion, 'that the executive department of the government had ample authority in law without any instruction from the legislative department.'

"The secretary of the interior thereupon made an investigation of the matter, and as a result thereof, directed the commission of the general land office to proceed and certify the lands for patent. In October, 1882, patents issued to the wagon road company for 440,856 acres of the lands which had been selected. Since that date no patents have issued for the remaining lands claimed to have been earned by the wagon road company, and 312,691 acres of the same remain unpatented.

"On March 2, 1889, Congress passed an act directing the attorney general to cause a suit to be brought against all claimants of the lands so granted for wagon road construction 'to determine the question of the reasonable and proper completion of said road in accordance with the terms of the granting act, either in whole or in part, and the legal effect of the several certificates of the governor of Oregon of the completion of the road, and to declare forfeited to the United States all land not earned in accordance with said act, saving and reserving the right of all bona fide purchasers of such lands for valuable consideration,' and providing that said suit or suits should 'be tried and adjudicated in like manner and by the same principles and rules of jurisprudence as other suits in equity therein tried.'

"In pursuance of the authority so conferred upon the attorney general this suit was com-

menced by the United States against the wagon road company and the subsequent grantees of the land in question.

"The bill sets forth the facts above enumerated and alleges that no portion of the road was constructed as required by the act within the time limited therein, that the certificates of the governor were fatally defective in form and were procured by the fraud and misrepresentation of the wagon road company, and that the present grantees of the land from the wagon road company purchased the same with knowledge of said facts.

"To this bill the defendants, Alexander Weill and David Cahn, make answer setting forth the following defenses:

"1. That the road was completed in all respects as required by the granting act and within the time therein limited.

"2. That the certificates of the governors of Oregon were by the act made conclusive evidence of the completion of the road, and that upon the strength of said certificates the defendants became bona fide purchasers of the lands.

"3. That conceding that the road may not have been completed within the time limited, nevertheless, and before any declaration of forfeiture by the United States, the road was fully completed in the manner required by the act, and thereby the forfeiture was avoided.

"4. That the defendants after purchasing said lands, relied upon the action of Congress in 1874 in directing the issuance of patents to said land, and upon the result of the investigation made by Congress above referred to, and the action of the secretary of the interior after his investigation in 1882, directing the issuance of patents, and in consequence thereof expended large sums of money in and about said lands in repairing said road, whereby the United States have become estopped to claim a forfeiture."

The judge admits in the opinion from which this excerpt has been taken that the road was

not completed in the manner contemplated by the granting act, especially the eastern portion of it, but on account of the certificates of the governor, and the appearance of good faith in the purchasers of the grant, who paid for their land a price commensurate with its value at the time, and on account of the delay on the part of the United States in bringing the matter to issue and of several of its acts in a measure confirmatory of the grant, he considered the government estopped from further action and decided in favor of the defendants.

The present owners of the land are making no effort to improve the same, neither are they disposed to sell it in small tracts to would-be settlers, so that large areas in Harney county are thus held back from settlement. Some of these lands are rented to residents, but the consistent policy of the road land holders has been and is to spend as little money as possible on anything from which benefit might inure to the country and to hold their property indefinitely for the sake of the unearned increment in its value. They thus compel the settler to reward them for the wrongs they or their grantors have done him; all of which they are enabled to accomplish through the bungling incompetence of men who were sent to Congress or to the legislative halls on account of their supposed superior wisdom and statecraft.

Another piece of legislation which has caused no end of trouble and litigation in Harney county was the grant of all swamp lands to the state government and the subsequent disposition of the same by the state; howbeit the evil arising from this policy was not inherent in the policy itself but grew out of the abuse of it. It certainly was legitimate enough for the national government to grant to the state for its use and benefit all lands unfit for cultivation by reason of their swampy character and it was legitimate and right that the state should dispose of these lands to any person who would reclaim them to the uses of man. The wrong

was perpetrated by the land grabber, who attempted to procure under the provisions of the law, thousands of acres which were not swampy in character and if covered with water in the spring time were only rendered the more valuable on that account from the fact that the growth of natural grass was made luxuriant and healthy by this annual inundation. Even had the law been duly respected in letter and spirit it would have enabled large cattle owners to secure title to vast quantities of land, thus defeating the policy of the government, which has generally been, in theory, if not in practice, to prevent the accumulation, by individuals and companies, of large areas. But the intent of the law was not respected. It is claimed that cattlemen in some instances actually created swamp lands artificially by damming up streams and causing overflows. Others undoubtedly secured lands under the swamp land act which were never swampy. It was by making swamp land purchases, legitimate or otherwise, that the foundation for some of the mammoth cattle ranches of Harney county was laid.

In the struggle against the "swamp angels," as these swamp land claimants were called, the settler was again called upon to bear the heat and burden of the battle. The United States was apathetic in the matter and it was to the interest of the state that as much should be "swamped" as possible, as the price paid for such land went into the state coffers. With admirable courage, the settlers took up the gauntlet, filing upon lands which they believed the swamp claimant had no right to and instituting contests in the local land office. The litigation lasted for years, causing bitter feeling and much personal animosity. As each case had to be decided upon its merits, it is impossible in a volume like this to state definitely what was the final result of this protracted contesting in the land offices, before the secretary of the interior, and in the United States courts. It may be stated, however, that the settlers

were generally successful, though of course the swamp claimants got the land in every case where they were able to prove that it was actually swampy in character. They got it also in many instances where the settlers despaired of final success, grew weary of litigation and determined to accept the pittance offered by the "swamp angels" to secure a settlement.

A third cause of bitter protracted litigation in Harney valley was presented by the recession of Lake Malheur, whereby thousands of acres of land, formerly the bed of the lake, were left high and dry, ready for the agriculturist. The causes of the recession have been called in question and it was even intimated by some that the rich cattle companies caused the overflow into Lake Harney by artificial means. It is probable, however, that the lowering of the lake was wholly the result of natural forces. The doughty homeseeker was ready to appropriate this land as soon as the receding of the water made it possible for him to do so. In due time a petition was presented to the department of the interior asking for a survey of the land below the meander line. This precipitated litigation for the large cattle men, who owned thousands of acres on the shore of the lake, and they at once asserted claim to the land as riparian owners. It is an old and well established principle of common law that the property of residents on the banks of a stream or body of water is not considered as grounded by the surveyed line along the shore, but extends at least to the water's edge. The principle has its foundation in justice, being meant to protect property holders, so situated, from being cut off from direct water communication in case the meander line does not mark the exact boundary between the land and the water as is frequently the case. It is ordinarily just, too, and it is certainly law that where the water recedes from its old levels the land thus left uncovered should belong to the man who owns the property contiguous to it. The loss would be his if by erosion or other-

wise the water encroached upon his land and the gain should be his when from natural causes the water acts in an opposite way. Under ordinary circumstances the justice of the rule could hardly be questioned, but in the Malheur lake case it operated to give to wealthy corporations, who had already acquired by the bounty of our government thousands of acres of land for a nominal price, other thousands of acres of rich and valuable land practically as a free gift.

When the settlers on the land made application for the survey as above stated, the department of the interior hesitated about ordering it on account of a then recent decision of the supreme court of the United States which confirms title to an owner adjoining a meander survey of "lands bounded on a lake or pond, which is not tidewater and is not navigable, to the center of the lake or pond, notably with other riparian proprietors if there be such." But in 1892 the Hon. Binger Hermann appeared before the department and made an argument in behalf of the settlers, making the point that as to the status of the land beyond the meander line, adjoining which there were no private owners, the title being in the government, the supreme court decision does not refer and hence that such uncovered and now dry areas are subject to occupancy under the homestead law. The department decided that as to such lands covered by lakes or ponds and not patented or applied for under the general land laws, when the same should have become dry and fit for agricultural purposes they should be surveyed and disposed of as government land. A survey was accordingly ordered. It is stated that the local land officers misunderstood the instructions of the department of the interior and allowed the survey lands below the meander line, not alone contiguous to unpatented and unclaimed government lands, but contiguous to the lands belonging to the cattle companies. When the matter was again brought before the department of the interior it rather arbitrarily,

as it seems to the writer, refused to sustain the old meander line and ordered the survey of a new meander line conforming to the boundaries of the lake as they were at that time. The cattle companies were therefore compelled to relinquish their claims to the land they had formerly claimed as riparian owners.

Within a year or two an act has been passed which promises, if carried out according to its spirit and intentions, to prove a great blessing to Harney county. We refer to the Carey act, the gist of which is that any person, association, or corporation may enter into contract with the state land board to reclaim any tract of desert government land. The applicant must, at his own expense make a survey of the section to be reclaimed and submit with his application for contract a map and plan of the proposed reclamation project with estimates of first cost and maintenance, statements of the amount of water to be rendered available, the area to be covered, etc. The contract when entered into by the state land board creates a lien upon the land for the cost of construction and maintenance which shall be valid against the legal subdivisions of the land for the amount due as agreed upon with interest at six per cent. from date of reclamation. Congress grants the land to the state under certain conditions and those conditions must be fulfilled as required by law to the satisfaction of the secretary of the interior before the transfer is fully completed.

Under this law the Harney Valley Improvement Company, and it may be other corporations and individuals have begun operations. The Harney Valley Improvement Company purposes to take water from the Silvies river chiefly, though they also expect to construct storage reservoirs for emergency service. They believe that the withdrawal of water from the river will so reduce the volume of the stream that it will not overflow and create marsh land about its mouth, and that thus indirectly, as well as directly, land will be re-

claimed by their scheme. It would seem on the surface that the Carey act could hardly operate otherwise than beneficially, but so many times have such schemes miscarried in the past history of Harney county that many of the people view this one with suspicion. They are inclined to doubt the sincerity of some of those who have undertaken to redeem land un-

der the provisions of this act, believing that their real intention is to secure the free use of the land for pasture for so long a period as possible. They have an extended period in which to complete their operations and it is possible for them to control the lands until the time is nearly or entirely up, by doing very little work.

CHAPTER II.

POLITICAL.

Harney county began its official existence in the spring of 1889 under the following corps of officers, appointed by the governor: County judge, T. J. Shields; county clerk, W. E. Grace; sheriff, P. F. Stenger; commissioners, T. J. Morrison, D. H. Smythe; superintendent of schools, L. B. Baker; surveyor, W. H. Gradon.

In 1890 the following were the successful candidates for office in Harney county: For sheriff, A. A. Cowing, Democrat; for clerk, W. E. Grace, Democrat; for county judge, William Miller, Democrat; for county treasurer, Thomas H. Roberts, Democrat; for assessor, W. E. Alberson, Democrat; for commissioners, William Altnow, Democrat, and N. E. Duncan, Republican; for superintendent of schools, Charles Newell, Republican; for surveyor, T. A. McKinnon, Democrat; for coroner, F. P. Moore, Democrat.

The principal event of the campaign of 1890 was the contest between the different towns for the seat of county government. This struggle for supremacy was very sharp and so close was the vote that it was only by a decision of the courts that Burns was able to maintain its victory over Harney. There were

1,016 votes cast, of which Burns received 512, or a majority of eight over all. Harney contested the election. The detailed story of this contest will be found in the chronological history of the county in another chapter.

The vote in 1892 was as follows: For congressman, C. J. Bright, 19, W. R. Ellis, 257, J. C. Luce, 147, J. H. Slater, 346; for district judge, M. D. Clifford, 272, W. Green, 25, H. Kelley, 483; for prosecuting attorney, sixth district, C. H. Finn, 293, G. Griffin, 157, C. F. Hyde, 329, C. H. Fill, 8; for member board of equalization, W. G. Hunter, 426, W. Morfitt, 339, C. D. Huffman, 1; for joint representative with Grant county, M. R. Biggs, 328, M. Fenwick, 153, C. D. Richardson, 290; for county clerk, H. C. Levens, 365, P. L. Shideler, 396; for sheriff, H. Gittings, 410, P. F. Stenger, 350; for county treasurer, H. Cheatham, 138, J. S. Geer, 249, T. H. Roberts, 154, C. Ziegler, 225, George Huston, 1; for assessor, R. Hendricks, 363, S. W. Miller, 406; for superintendent of schools, D. L. Grace, 302, C. Newell, 465, Peter Martimer, 1, John Vaughn, 1; for county surveyor, F. J. Martin, 328, J. H. Neal, 433; for county commissioner,

R. R. Sitz, 396, T. Walls, 375, Samuel Kings, 1; for coroner, C. F. McKinney was elected by a plurality of 29 over several other candidates.

The official vote at the election which took place two years later resulted: For circuit judge, M. D. Clifford, Democrat, 272, W. Green, Populist, 25, Harrison Kelley, Republican, 483; for prosecuting attorney, C. H. Finn, Republican, 293, G. Griffin, Populist, 157, C. F. Hyde, Democrat, 329; for member of state board of equalization, W. G. Hunter, Democrat 426, W. Morfitt, Republican, 339; for joint representative with Grant, M. R. Biggs, Democrat, 328, Mell Fenwick, Populist, 157, C. D. Richardson, Republican, 290; for county clerk, H. C. Levens, Republican, 365, P. L. Shideler, Democrat, 396; for sheriff, A. Gittings, Republican, 410, P. F. Stenger, Democrat, 350; for county treasurer, H. Cheatham, Populist, 138, I. S. Geer, Republican, 249, T. H. Roberts, Independent, 154, C. Ziegler, Democrat, 222; for county assessor, R. Hendricks, Republican, 333, S. W. Miller, Democrat, 406; for superintendent of schools, D. L. Grace, Democrat, 302, Charles Newell, Republican, 465; for surveyor, E. Martin, Democrat, 328, J. H. Neal, Republican, 433; for coroner, R. R. Sitz, Republican, 396, T. Walls, Democrat, 375.

The famous campaign of 1896 was as closely contested in Harney county as in other parts of eastern Oregon, as will be seen from the official vote herewith presented:

For congressman, second district, A. S. Bennett, 220, W. R. Ellis, 217, F. McKercher, 8, H. H. Northrup, 27, Martin Quinn, 273; for supreme judge, Robert S. Bean, 230, John Burnett, 243, Joseph Gaston, 241; for prosecuting attorney, Charles W. Parrish, 265, O. F. Buse, 118, M. Dustin, 111, C. A. Sweek, 260; for joint representative with Grant, C. S. Dustin, 360, E. Hall, 316; for member state board of equalization, J. H. Holland, 309, G. W. Pierce, 305; for county clerk, E. L. Beede, 163, Harrison Kelley, 315, S. W. Miller, 277; for sheriff, A. Gittings, 236, John Jacques-

min, 200, John McKinnon, 310; for treasurer, W. N. Jorgensen, 137, L. Waldenberg, 198, J. C. Welcome, 391; for assessor, J. O. Cawfield, 190, Albert A. Reineman, 268, W. S. Waters, 275; for superintendent of schools, W. C. Byrd, 280, Horace A. Dillard, 269, Charles Newell, 192; for surveyor, V. Deffenbaugh, 207, T. A. McKinnon 322, J. A. Neal, 197; for commissioner, Charles Bonnett, 158, George Hagey, 287, W. B. Johnson, 268; for coroner, Lloyd Culp, 242, Austin Goodman, 169, Thomas W. Stephens, 293.

The result of the election in 1898 may be gleaned from the following figures: Circuit judge, M. D. Clifford, Union and Democrat, 474, Charles W. Parrish, Republican, 289, Thornton Williams, Independent, 65; prosecuting attorney, Errett Hicks, Union and Democrat, 435, William Miller, Republican, 335; senator, A. W. Gowan, Republican, 356, J. W. Morrow, Union and Democrat, 440; representative, R. N. Donnelly, Republican, 269, George D. Hagey, Union and Democrat, 457; member state board of equalization, J. R. Gregg, Democrat, 438, William Hall, Republican, 310; county judge, Charles P. Ruthford, Populist, 253, James A. Sparrow, Republican, 345, Thomas Walls, Union and Democrat, 257; clerk, H. A. Dillard, Populist, 290, Harrison Kelley, Republican, 190, Henry Richardson, Union and Democrat, 385; sheriff, E. H. King, Republican, 351, A. J. McKinnon, Union and Democrat, 514; treasurer, H. E. Cheatham, Populist, 137, J. J. Tupker, Union and Democrat, 198, J. C. Welcome, Republican, 522; assessor, J. W. Buchanan, Union and Democrat, 335, J. H. Loggan, Populist, 233, W. S. Waters, Republican, 289; superintendent of schools, W. C. Byrd, Union and Democrat, 475, Charles N. Cochrane, Republican, 326; surveyor, George Whiting, Republican, 523; commissioner, Robert Drinkwater, Populist, 184, Charles R. Peterson, Union and Democrat, 272, A. Venator, Republican, 359; coroner, W. L. Marsden, Republican, 573, S.

B. McPheeters, Union and Democrat, 245.

The vote in 1900: For joint representative, ninth district, W. D. Baker, Democratic-People's candidate, 309, I. S. Geer, Republican, 333, John L. Sitz, Straight Republican, 194; for district attorney, ninth district, Will R. King, Democratic-People's, 402, William Miller, Republican, 388; for county clerk, R. T. Hughet, Republican, 335, Henry Richardson, Democrat, 495; for sheriff, Thomas Allen, Republican, 403, George Shelley, Democrat, 423; for county treasurer, R. C. Angevine, Democrat, 357, R. A. Miller, Republican, 467; for assessor, J. W. Buchanan, Democrat, 470, M. B. Hayes, Republican, 349; for school superintendent, J. C. Bartlett, Democrat, 491, Charles N. Cochrane, Republican, 325; for surveyor, J. R. Johnson, Democrat, 488, Frank M. Jordan, Republican, 327; for commissioner, Thomas Bain, Republican, 292, R. J. Williams, Democrat, 485; for coroner, W. L. Marsden, Republican, 637.

The result of the last campaign, that of

1902, in Harney county was as follows: For congressman, W. F. Butcher, Democrat, 382, D. T. Gerdes, Socialist, 45, F. R. Spalding, Prohibitionist, 12, J. N. Williamson, Republican, 470; for joint senator, 25th district, John L. Rand, Republican, 472, William E. Smith, Democrat, 427; for joint representative, 27th district, Fred J. Palmer, Republican, 348, E. H. Test, Democrat, 516; for county judge, W. C. Byrd, Democrat, 443, H. C. Levens, Republican, 507; for county clerk, R. T. Hughet, Republican, 390, Frank S. Reider, Democrat, 556; for sheriff, Thomas Allen, Republican, 540, George Shelley, Democrat, 409; for assessor, W. E. Alberson, Democrat, 413, J. E. Loggan, Republican, 530; for treasurer, James M. Dalton, Democrat, 450, R. A. Miller, Republican, 488; for commissioner, Edward J. Catlow, Democrat, 410, C. F. Miller, Republican, 515; for coroner, W. L. Marsden, Republican, 712; for surveyor, John H. Neal, 24, F. M. Jordan, 62.

CHAPTER III.

TOWNS OF HARNEY COUNTY.

BURNS.

While the thriving little city of Burns has been a town for but little more than a decade and a half, he who would trace its history from the first must go back to the year 1878. Not long after the Indian war of that date had been brought to a close a man named Jonas, so an old settler informs us, bought a quantity of merchandise and put up a small store on the spot afterward occupied by the

City hotel, of Burns. The Fitz Gerald Brothers, of Lakeview, brought in and installed in the same building a couple of barrels of whiskey, which found a ready sale among the thirsty cowboys and cattlemen. In the spring of 1879 so much of Mr. Jonas's stock as remained on his shelves was purchased by William Curry and removed to a place called Egan. During 1881 P. M. Curry dispensed whisky for twenty-five cents a drink in a small log cabin about two miles from the present Burns,

and his place became a sort of rendezvous and headquarters of the cattlemen who spent the winter in the valley. The nearest postoffice at this time was Camp Harney, which was visited once each week by a mounted mail carrier from Canyon City. The following year McGowan & Martin opened a general merchandise store at Egan, with the result that a postoffice was established there, a new mail route granted and the town given a fair start.

About the same time, however, A. O. Bedell started a small store on the site on which P. F. Stenger's residence was afterward erected. Later Robertson & Johnson put up a building in the same locality, forming the nucleus of another town. The usual rivalry resulted, but fortunately was of short duration, for Bedell sold his stock to P. F. Stenger, who formed a partnership with Mr. McGowan, of Egan, uniting the two mercantile establishments. With this bond of union drawing them together, weak as they both were, their consolidation in May, 1883, was a natural consequence. The postoffice was removed from Egan. Its name was changed to Burns, in honor of the celebrated Scottish poet, and the foundations of the metropolis of Harney valley and county were fairly laid.

At this period an influx of population set in toward Harney valley. Would-be settlers began disputing the claims of stockmen that the country was of no value for agricultural purposes and contending with them for a foothold in the broad unsettled region. The result was that Burns grew quite rapidly. In 1885 it had so far progressed as to justify the establishment of a newspaper, and Horace Dillard came in with a small plant and began the publication of a four-page six-column patent outside sheet, known as the Harney Valley Items. On November 23, 1887, volume No. 1, of the East Oregon Herald, made its debut, announcing that in politics it would be straight-out Democratic and that its purpose should always be to promote the in-

terests of its home town and county in every way, holding itself strictly independent of any corporation control or class domination of whatsoever nature. D. I. Grace was its first editor and proprietor. Under date of May 16, 1888, this publication gives a register of the business of Burns, from which we learn that P. S. Early was then engaged in blacksmithing and wagon making; that J. C. Welcome carried a stock of harness and saddles; that W. C. Byrd was proprietor of the Red Front livery barn; that T. Sillman was engaged in the saloon business; that N. Brown was building a flouring mill near the town; that W. E. Grace had a drug store; George McGowan a hardware, P. F. Stenger a general merchandise store, Charles Sampson a jewelry store, and that J. W. Sawyer, of the firm of Sawyer & Dore, was the proprietor of the best equipped saw mill in the valley, situated near Burns. The town at this time, so the paper states, was forging ahead at a rapid pace. The influx of settlers had continued for three years previous, exerting a marked effect upon the development and upbuilding of the principal trading point of the country. But notwithstanding this healthy condition of things, the ignorance obtaining on the outside with regard to Burns and eastern Oregon generally was very dense, as is strikingly illustrated by the fact that the Oregon State Board of Agriculture stated in one of its publications that this rising star of the interior of eastern Oregon was the county seat of Malheur county. The same statement was also made in the Pacific States Newspaper Directory.

Although Burns was not in Malheur county and had no desire to leave its own most favorable location, even at the behest of the board of agriculture or the newspaper directory, and though it was not ambitious to contest with Vale and Ontario for the honor of being the political center of Oregon's newest governmental division, it was ambitious both for county seatship and for segregation from

the county of which it then formed a part. It had led in the movement for the formation of Harney county in 1887. Though defeated in its purpose it was not disheartened, and in 1889 it was again before the Oregon legislature with its new county proposition, determined to win. It did win.

Its next effort was in the direction of securing to itself the prestige and advantage always attending the location within the borders of a town of county buildings, and all the machinery of county organization. In the legislature its rival, Harney, had secured a decided advantage by getting itself designated as the temporary county seat, but Burns went to work with a will to carry the ensuing election. Its business men showed their energy and public spirit by purchasing a new and suitable building and pledging themselves to convey the same to Harney county by warranty deed in case the town were chosen as the seat of government. Burns had already secured the location within its limits of a United States land office. Its two newspapers were not slow in pointing out this advantage and also that it was the terminus of all stage lines, and the center of public highways, that it had a daily mail and the only distributing postoffice in the valley, the only money order and postal note office, the largest number of private residences, the only harness and saddlery store, the only jewelry establishment, the only boot and shoe shop, the only brewery, the only flouring mill, the only tin shop, the only drug store, the only public bath house, the only photograph gallery, and the only church building. Persons wishing to transact certain lines of business or make certain purchases must, therefore, of necessity come to Burns, and to such location of the county seat in that town must be a great convenience. Mention was also frequently made of new enterprises under way, such as the fine central school building, a large and complete saw mill, a furniture manufactory, a bank building and a modern hotel.

These and other arguments must have had their weight with the voters, for the official count gave Burns a small majority. The contest which followed has been sufficiently treated of in other parts of this work. It is sufficient here to state that Burns held and still holds the county seat and that it still holds the lead among the rising towns of Harney valley.

In January, 1891, Burns secured from the legislature of Oregon a charter permitting it to organize and maintain a city government, and in accordance with the powers therein granted, it elected as its first officers: Captain Kelley, mayor; J. C. Welcome, recorder; Irwin Geer, treasurer; Peter Stenger, Lee Caldwell, L. M. Brown and Dr. J. W. Ashford, councilmen.

The city of Burns has enjoyed a steady, substantial and almost uninterrupted growth, though it has never had a boom. Not even during the period of financial depression did it cease to forge ahead, and since the advent of prosperity it has been steadily building up and assuming a more solid and substantial aspect. It is the center of a large area of rich country, and wares from the shelves of its merchants find their way into the homes of families living many miles distant. The stock raisers and farmers who make Burns their base of supplies have for the last few years been realizing good prices for their products, while the seasons have been favorable for abundant yields and large increase. The prosperity resulting has been shared by the merchants and business men of the towns to such an extent that it may with truth be asserted that there is not a single commercial establishment in the place which is not realizing excellent profits upon the money invested. As soon as the stranger enters Burns he perceives unmistakably that progress and improvement are the watchwords. The services of every man who can handle a mason's trowel are called into requisition, the man known to possess even a little skill in any of the building trades is not

only offered employment and good wages, but is importuned to endeavor to arrange his plans so that he may lend a hand in the erection of some of the brick and stone structures in course of construction. Commercial travelers are agreed in classing Burns among the finest business points in the west.

A residence of some weeks in this prosperous inland city has enabled the writer to form a fair estimate of the people of Burns, and he must bear testimony that he has invariably found them genial, approachable, obliging and orderly. Were it not for the long freight trains that are to be seen daily on the streets, the arrival and departure of stages and the conspicuous absence of the locomotive's sonorous whistle, one might easily forget that he was in a frontier town more than a hundred miles from the nearest railroad. The carousing and breaches of the peace which are usually to be found in the commercial centers of cattle countries may have obtained here in times past, but at present the rules of order and decorum seem to be as well respected and when necessary the laws and ordinances as faithfully enforced as in any other city in the west.

A reasonably comprehensive register of the present business of the city would include the following: Five hotels, the Burns, Samuel Bailey, proprietor; the Syme, Mrs. H. B. Syme; the Oregon House, Mesdames Weis and Winters; the French Hotel, Mrs. L. Racine; and the Cottage; one restaurant, of which Tom, the Chinaman, is proprietor; the Harney Valley brewery, owned by L. Woldenberg; Geer & Cummings and Voegtly & Kenyon, hardware and implements; N. Brown & Sons, Lunenburg & Dalton, Miller & Thompson, Schwartz & Budelman, general merchandise; the City drug store, owned by H. W. Welcome & Company; G. W. Waters & Brother and J. W. Jones & Company, dealers in fruits, farm produce, etc.; the Burns Furniture Company, of which W. C. Byrd is manager; John Gemberling's jewelry store; the White Front and Red Front liv-

ery stables, both owned by McClain & Biggs, also Jorgensen's and Simon Lewis' barns; Mrs. C. M. Byrd's millinery; three newspapers, the Times-Herald, the Harney Valley Items and the Harney County News; Shelley & Foley, Grant Kesterson's and Joe Tupker's blacksmith shops; five saloons; the harness and saddlery establishments of J. C. Welcome & Son and Hopkins & Hunter; one bank, the Bank of Burns; a United States land office; John McMullan, photographer; James Smith, shoe maker; the meat market of Levens & Mace; G. W. Clevenger's undertaking parlors; several barber shops; Hibbard & Broncton, dentists; Marsden & Geary, and H. Volp, physicians and surgeons; Parrish & Rembold, Biggs & Biggs, Williams & Fitz Gerald, John G. Saxton, George Sizemore, A. W. Gowan, C. S. Sweek and Charles L. Leonard, attorneys.

There are also the flouring mill of Joseph Sturdevant and four saw mills and two shingle mills in the country surrounding the town.

Burns has three churches, the Presbyterian, Baptist and Catholic, all supplied with commodious frame or stone edifices and settled pastors. All the leading fraternal and some of the less known secret orders are represented, some of them by flourishing lodges.

The educational interests of the town are conserved by an excellent public school, employing five teachers, and well attended. There is also a well equipped business college in Burns, maintained by a joint stock company of local business men.

HARNEY.

The old fort from which this pleasantly situated little town received its name has been referred to in the former chapter. It was located about two miles from the site of the Harney of the present, on Rattlesnake creek. The fort has done its work and not a vestige of it remains at this day, for the soldier, whose habitation it once was, has done his work and



SCHOOL HOUSE, HARNEY CITY.

in his place has come the farmer, the stockman and the merchant.

One of the results of this supercession of the military by the civil is the town of Harney, whose first business establishment was instituted the summer of 1885 by Thomas Bain. At this time the land which was to form the site of the town was held by one Robert Ivers, under the pre-emption laws of the United States. Mr. Bain paid him for lots on the property, taking some kind of an obligation that title should be furnished as soon as Ivers received his patent from the government. The same year a saloon was built by Samuel Overlander and Herman Lawen, and a hotel and livery stable by N. Fisk. Several dwellings were also erected, no doubt in the expectation that Mr. Ivers would convey title to the lots whereon they stood as soon as he was able to do so. During the next summer Stewart Brothers put in a flour and feed store, and one other business was established, of a decidedly temporary character, however.

So far all was harmonious, but in 1886 Ben Brown, J. C. Buckland and Jasper Davis determined to build a rival town on a site near by. Brown put in a general merchandise establishment, Davis moved a small stock of goods from Harney and opened a store in the new town and Buckland built a hotel and feed stable. A saloon was started by a man named Coatsworth, in 1887.

Now came a battle for supremacy. Mr. Ivers seems to have decided with the new town, for he conveyed one-third of his own site to Ben Brown and one-third to John Ainsley, retaining the remaining third for himself. This evidently made it possible for the new town to put a stop to the growth of its rival or kill it entirely. But the indignation of the friends of Harney proper was thoroughly aroused by this procedure. They determined to checkmate the adversary if possible and they found their opportunity in the fact that Ivers had violated the law in obligating himself to convey the land

before final proof had been made and patent had issued. Suit was begun, Henry Lyons filing the complaint at the instance of Mr. Bain. The case was carried to the secretary of the interior, who decided against Ivers, holding his title void, and all transfers under it. Mr. Bain then had the land declared a government town site so that any person wishing to settle in the place and erect a building might have two lots for the cost of filing and final proof. To further work the discomfiture of his adversaries, he secured indirectly a third interest in their town site. The result was that the opposition town ceased to grow and soon its business houses were removed to Harney or allowed to stand idle. When the post-office was removed from old Fort Harney it was established in the lower town, but after Cleveland's election T. B. James was appointed postmaster, and by him the postoffice was taken to the present town.

According to a Burns newspaper, the business men of the town in 1888 were Victor J. Miller, attorney at law; Jasper Davis, general merchant; J. C. Buckland, hotel keeper and liveryman; J. H. Loggan, store keeper for W. J. Snodgrass, and deputy postmaster; Lessing & Coatsworth, saloon men; Van S. Curtis, blacksmith and wagon maker; E. H. King, sawmill man on Rattlesnake creek.

As before stated, Harney was designated as temporary county seat by the act which created Harney county, and it made a desperate struggle to retain the honors and advantages accruing to the county's official center. It failed, however, though many of its citizens still believe in the justice of their cause in that contest and feel that the county seat was not fairly won by Burns.

Since its defeat in the struggle Harney has not grown rapidly, indeed it is hardly as lively a town as it was twelve years ago. It has had several fires which have done considerable damage, but never a general conflagration. In 1894 a lamp exploded in the Pacific Hotel, and

several buildings were destroyed in consequence. The next year Waldenberg's and Price Wither's stores were burned, also Buckland's and George Tregaskes' saloons and Snodgrass' livery barn. Louis Waldenberg, Jr., built a store in the place of his uncle's destroyed one; a saloon was moved on to Buckland's lot, and another was put on the site of the destroyed livery barn, so that Price Wither's store was the only business not replaced in some way.

A business register of the town at present would include the general merchandise stores of Fred Haines and Seth Bower & Company; the blacksmith shops of Seth Bower and Charles Crawford; the Hotel Harney, owned by William Russell, and the Tremont, owned by Charles Roper; the carpenter shop of R. Everett; and the saloon of Charles Rand.

Two years ago a fine city hall was built and last summer a beautiful and commodious schoolhouse. These, with the few residences, constitute about the only developments which have taken place since the buildings which replaced those destroyed by fire were finished.

An excellent graded school is maintained in Harney and there is a church building belonging to the Presbyterian denomination, in which both the Burns preachers hold services.

LAWEN.

This is a small town in the Malheur lake country. It has several business establishments and is growing steadily. Its population, according to the last census, was 27. Other villages and settlements, in which postoffices have been started are Andrews, Crane, Denio, Diamond, Egli, Narrows, Riley, Shirk, Silvies, Smith, Van and Venator.

DREWSEY.

Situated near the southern boundary of what was the Malheur Indian reservation, in

the center of a stock raising and agricultural community of no little importance, is Drewsey, one of the four chief towns of Harney county. Its inception is coeval with the opening of the reservation, and to the influx of people resulting from the removal of the red men its owes its existence. Messrs. E. E. Perrington and A. Robbins were the first to take advantage of the opportunity for profitable trade incident to the new regime. They opened a general merchandise store in 1883. The same year a post-office was established, with Mr. Perrington as postmaster. Next came S. T. Childs, the first village blacksmith, and in 1884 was established the first saloon. During the fall of that year McAfee & Bales built a hotel, a saloon and a livery stable. They succeeded to the business interests of the pioneer vendor of liquors, who shot a man in a quarrel and was compelled to become a fugitive from justice. Hardly was the hotel of McAfee & Bales completed when it fell a victim to the fire demon. Thomas Howard resolved to avail himself of the opportunity afforded by this accident to establish a profitable business, so he erected what became known as the Elkhorn hotel. In 1885 a man named Lessing started another store; Al Jones became the saloon man of the town in place of McAfee & Bales, retired, and Joseph Bales, of this firm, put up another hotel, which, in 1888, was purchased by Thomas Howard and moved away.

After the impetus given to the building of the town by the settlement of the reservation had spent its force, the growth of Drewsey was at an end until 1897, in which year A. I. Johnson & Brother built a general merchandise store, M. M. McDonald and William Altnow a saloon, and Annie Robertson the City hotel. New structures have been erected at different times since, among them the I. O. O. F. hall, built in 1899. At the time of the writer's visit, in the fall of 1902, evidences were not wanting that a healthy development was in progress.

Though there has never been a general conflagration in Drewsey, fire has on several occasions wrought its work of destruction, the last business building to fall before its fury being the old Elkhorn hotel.

A register of the present business houses of the town would include the Bartlett Hotel; the City Hotel, owned by J. W. Ward; general merchandise stores, J. D. Daly and A. I. Johnson & Brother; livery stables, Williams & Drewett and J. A. Bartlett, that of the latter having been erected this summer; saloons, J. A. Weatherly and E. Olson; blacksmith shops, Jesse Brunner and R. B. Johnson; a money order postoffice, H. J. Clark, postmistress. Near

the town is a grist mill, which was built in 1896, and is said to be supplied with good, modern machinery. Though designed for water power, it was run by steam one fall. Owing to some complications about the ditch in which it was intended to convey the water to the mill, the plant has been idle for several years, but the property is thought to have recently passed into the hands of A. W. Gowan, of Burns, who is considering the advisability of putting it in operation again. Should he do so a great impetus will be given to the wheat raising industry of the country contiguous to Drewsey.