

**Malheur National Wildlife Refuge Property
At the Location of the Refuge Buildings**

A Chain of Title report has been provided by AmeriTitle, Burns Oregon, on September 7, 2016. The following analysis of that Chain of Title report is cursory, in that it does not attempt to identify conflicts. Instead, it is only to determine if land was conveyed from the United States into private ownership. And, if so, did it return to federal ownership and was any returned land properly ceded, as par Article I, § 8, clause 17 of the Constitution.

This report is based upon the Chain of Title above mentioned, and is attached as "DOC090716-003.pdf". Paragraphs are referenced to .pdf page numbers, {page#}.

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{1} The first conveyance was from the United States of America, Benjamin Harrison, President, to Charles Marion Harney, in a Land Patent dated September 1, 1890. Comprising, along with other lands, "the South East quarter of the South West quarter and the South half of the South East quarter of Section thirty-five in Township twenty-six South of Range thirty-one East of Willamette Meridian on Oregon".(Book unk., Page 487)

{2} The next conveyance was from Charles M. Harney to Peter French, in an Indenture dated July 31, 1885. Comprising, among other lands, the "SE 1/4 of SW 1/4 and S 1/2 of SE 1/4 Sec 35 T. 26 S, R 31 E." (Book unk., Page 127)

{3} This is followed by a Deed from the Board of Commissioners for the Sale of School, University, and other State Lands, to Samuel Buchlet. Comprising, among other lands, the "South West quarter of the Southwest quarter of Section Thirty-five, Township Twenty-six South, Range Thirty-one East of the Willamette Meridian." (Book unk., Page 56, top)

{4} Then, we have a Deed from of State of Oregon to C. E. Preston, dated April 30, 1890. Comprising, among other lands, "Lots One and Two of Section Thirty-five Township Twenty-six South Range Thirty-one East of the Willamette Meridian." (Book unk., Page 321)

{5} Followed by an Indenture from C. E. Preston to Peter French, dated June 12, 1890. Comprising, among other lands, "Lots One (1) and Two (2) of Section Thirty-five (35) Township Twenty-six (26) South Range Thirty-one(31) East of the Willamette Meridian." (Book unk., Page 322)

{6} Next is an Indenture from Samuel Bucktel and his wife, Mary E., to John M. Sherman, dated October 23, 1894. Comprising, among other lands, "Lots Three (3) and Four (4) and the Southwest quarter of the Southwest quarter of Section Thirty-five (35) Township Twenty-six (26) South Range Thirty-one (31) East of the Willamette Meridian." (Book unk., Page 121)

{7} Indenture from Charles M. Harney to French Glenn Live Stock Company, dated October 13, 1898. Comprising, among other lands, of "The South Half of the South East quarter of Section Thirty Five (35) in Township Twenty Six South of Range Thirty one East." (Book unk., Page 630)

{8} A Deed of Trust between Peter French and J. Leroy Nickel, dated March 2, 1893. Comprising, among other lands, "Lots One (1) and Two (2) of Section Thirty-five (35) in Township Twenty-six (26) South Range Thirty-one(31) East." (Book unk., Page 369)

{9} Indenture from Peter French to French Glenn Live Stock Company, dated January 23, 1894. This appears to convey "all lots, parcels, and tracts of land." (Book unk., Pages 117-118)

{11} Deed from J. Leroy Nickel to French Glenn Live Stock Company, dated August 23, 1898. Comprising, among other lands, In Township 26 South, Range 31 East, "of Section 35, Lots One (1) and Two (2)." (Book unk., Page 521-524)

{15} Government Land Office (GLO) and State of Oregon, list of lands belonging to the State, dated September 10, 1908. Shows SW 1/4 of SW 1/4, Section 35, Township 26 South, Range 31 East, as having been given to the State on October 18, 1888. (Book ink., Page 248)

{16} Indenture from Henry Miller, *et al*, to French Glenn Live Stock Company, dated August 20, 1898. Comprising, among other lands, In Township 26 South, Range 31 East, "of Section 35, Southwest quarter of Southwest quarter." (Book unk., Page 525-537 (530 missing))

{27} Land Grant from United States of America, T. Roosevelt, President, to Louis B. Springer, dated December 31, 1903. Comprising the "West half of the Northeast quarter, the Southeast quarter of the Northeast quarter and the Lots numbered five and six of Section thirty five, in Township twenty six South of Range thirty one East, of Willamette Meridian, South of Malheur lake." (Book unk., Page 175)

{28} Indenture from L. B. Springer to Alva Springer, dated September 12, 1902. Comprising " The West half of the North East quarter and the South East quarter of the North East quarter and Lots Five and Six, of Section numbered Thirty five in Township numbered Twenty Six South or Range Thirty one, East of Willamette. Meridian South of Malheur Lake." (Book unk., Page 357)

{29} Indenture from Flora M. Sherman to French Glenn Live Stock Company, dated July 25, 1906. Comprising " Lots Three (3) and Four (4) of Section Thirty-five (35) in Township Twenty-six South of Range Thirty-one (31) East, Willamette Meridian." (Book unk., Page 591)

{30} Nothing relevant to this property.

{31} Conveyance of Swamplands from United States of America to Oregon, dated October 8, 1894. "Township 26 South, Range 31 East -- ... the lots numbered one and two of section thirty five." (Book unk., Page 303)

{32} Deed from French Glenn Live Stock Company to Henry Ladd Corbett, dated January 7, 1907. Comprising, among other lands, " lots one (1), two (2), three (3), four (4), and South-half of South-half of Section thirty-five (35)." (Book unk., Page 1)

{33} From Henry Ladd Corbett to Harney County Development Company, dated June 3, 1910. Comprising, among other lands, "in Township twenty-six (26) South, Range Thirty-one East, Willamette Meridian:... Lots one (1), two (2), three (3), four (4), and South-half of South-half (S 1/2 of S 1/2) of Section thirty-five (35)." (Book unk., Page 183)

{34} From Harney County Development Company to Blitzen Valley Land Company, dated unknown. Comprising, among other lands, "in Township twenty-six (26) South, Range Thirty-one

East, Willamette Meridian:... Lots one (1), two (2), three (3), four (4), and South-half of South-half (S 1/2 of S 1/2) of Section thirty-five (35)." (Book unk., Page 121) Document incomplete. Signatures, etc., not included -- probably on page 122, which was not included in the Chain of Title.

{35} Blitzen Valley Land Company to East Oregon Live Stock Company, dated January 15, 1916. Comprising, among other lands, "lots 1, 2, 3, 4, and south half of south half of section 35." (Book unk., Page 547) Document incomplete. Signatures, etc., not included -- probably on page 548, which was not included in the Chain of Title.

{36} East Oregon Live Stock Company to William J. Dunn, dated October 1, 1923. Comprising, among other lands, "Southwest quarter of Southwest quarter and Southeast quarter of Southwest quarter in Section Thirty five (35) (Book unk., Pages 222-223)

{38} Duplicate of {41}, though missing page 215.

{39} East Oregon Live Stock Company to United Sates of America, date unknown. Comprising, among other lands, "In Section 35, lots 1, 2, 3, 4, and south half of the southeast quarter." (Book unk., Page 437) Document incomplete. Signatures, etc., not included -- probably on page 438, which was not included in the Chain of Title.

{40} Indenture from Wilber L. Springer to Paul C. Stewart, dated September 3, 1940. Comprising, among other lands, "Lots five (5), six (6), seven (7) and eight (8); Southeast quarter of Northwest quarter; West half of Northeast quarter and Southeast quarter of Northeast quarter, South of Malheur Lake in Section 35, in Township 26 South, Range 31 East of the Willamette Meridian." (Book unk., Page 140)

{41} Grant from United States of America to Paul C. & Ruth Stewart, dated November 9, 1940. Compromising, among other lands, "Lots 5, 6, 7, and 8, the SE 1/4 NW 1/4, S 1/2 NW 1/4 and the NW 1/4 NE 1/4, Section 35, all in Township 26 South, Range 31 East, Willamette Meridian." (Book unk., Page 214-215)

{43} Deed from the Estate of William J. Dunn to Marcus J. & Edna G. Haines, dated May 11, 1948. Comprising, among other lands, the "SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of Section 35." (Book 49, Pages 176-178)

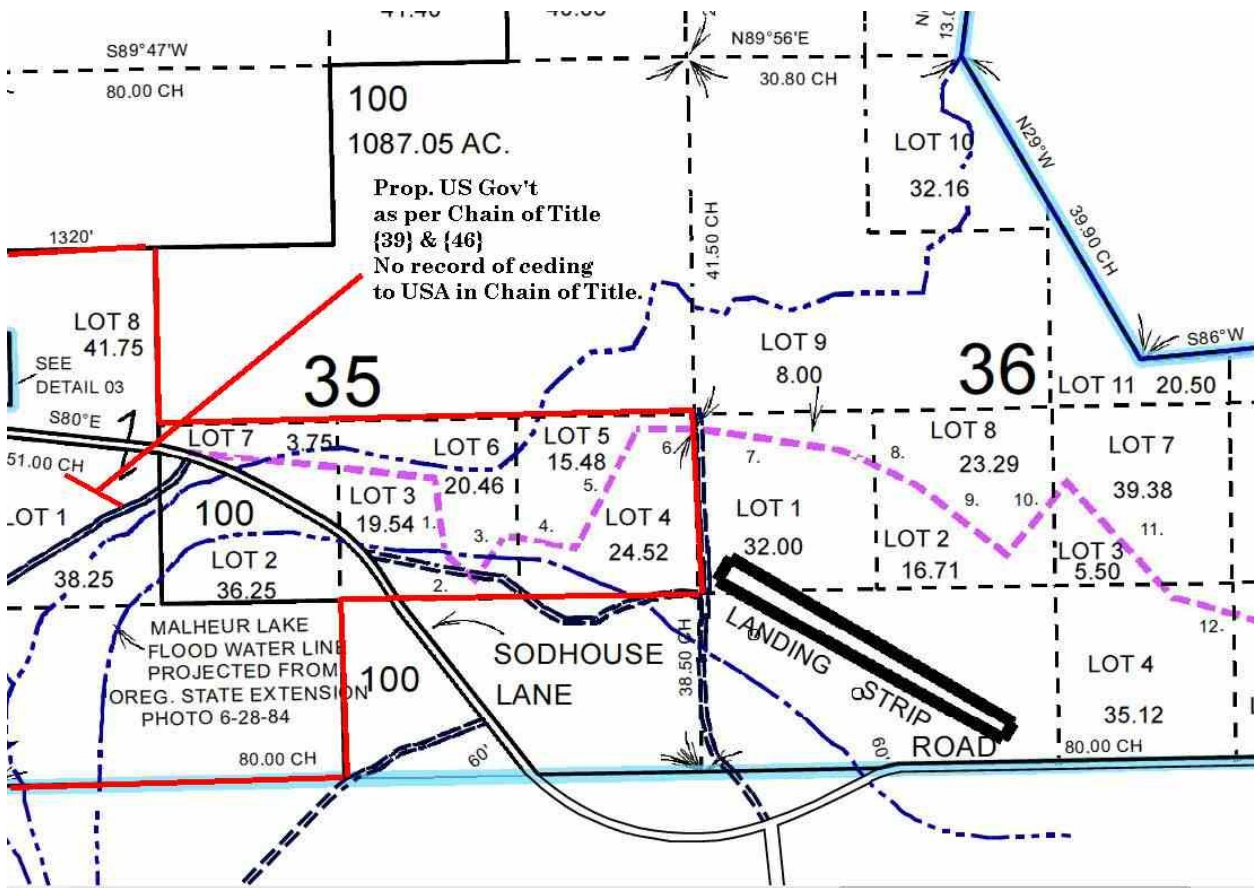
{46} Exchange of lands between United States of America and Marcus J. & Edna G. Haines, dated November 22, 1948. To the United States of America, "in Section thirty-five (35,m Lots one (1) and eight (8)." (Bok 50, Pages 182-186)

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Note: There are a number of irregularities in both ownership and dates, in early conveyances. These were apparently resolved by the end of the 19th century. However, all of the land within the South 1/2 of Section 35 did transfer into private ownership. There were only two conveyance back to the United States of America; instrument {39} by purchase, and instrument {46}, by exchange of equal value.

There is no record of Oregon ceding land or jurisdiction contained in the Chain of Title. If such ceding did exist, it should be in the local county records and would have been included in the Chain of Title.

The following map indicates the results of the primary purpose of this analysis:



Respectfully,

Gary Hunt

September 8, 2016