

SANDY BEND JUSTICE.

A Setback In the Case of Bill Wheeler and Tom Stokes.

HIGHER COURT TAKES ACTION.

Reverses Decision of Judge Hoke and Orders a New Trial—Fong Lee and Poke Smith in a Mixup Over an Unsatisfactory Laundered Shirt.

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"Is there any longer any west?" plaintively asked Judge Hoke of Sandy Bend as he opened his court the other morning with the air of a man who had been dealt a heavy blow. "Is there any longer any west or any manhood hovering over this portion of the great United States? Has it come to that a gun is only to be used to shoot jack rabbits? Have we got to call a bluffer's bluff by halting him into court on a charge of using violent language?"

"Two or three years ago I thought I saw evidence of what they call civilization creeping in upon this town of Sandy Bend, but I refused to believe my own senses. I thought it might come to that we would some day have to wear paper collars and eat ice cream, but that the time would



come when a man wearing two guns and a knife would holler for justice instead of using his tools no man could have made me believe. I've got to believe it now, for I have the evidence right before my eyes.

"My friends, over there sits Bill Wheeler, and over here sits Tom Stokes. You all remember the case. Bill Wheeler was a sort of a terror around here for a year or so. He was never tired of reading over the list of bad men he had wiped out. He held this town in awe of him. No matter what we said behind his back, we was Saturday school children to his face. We wondered if he had the sand he claimed to have, but none of us cared to experiment. We let him swagger around and run the town. Tears spring to my eyes when I think of it.

"Take a look at Tom Stokes. You might travel a hundred miles and not find another such humble-looking kuss. He's got the face of a kid. He's as humble as a lamb caught in the bushes. Yet all know him too. He's been hanging around this town for years. He's never had an opinion on any subject. He's always wanted to agree with the majority. He's been thumbed and booted more times than he's got hairs on his head. Nobody would have wasted a cartridge to remove Tom Stokes. But he died of sickness they wouldn't have dug a grave over two feet deep for him.

"A few months ago our Bill Wheeler got mighty for other worlds to come. He got too big for Sandy Bend. He wanted to find a crowd in which some one would call him a liar. In fact, he got dog lonesome to be a bad man all through, and so he pulls up stakes and heads for Golden Hill. He had guns strapped to him. He was mounted on an ambulating cayuse. He held his head high. He had money in his pocket. We turned out and gave him a farewell, and the last we saw of him he was disappearing gayly over the hills.

"And what happened him? Twenty miles away he meets Tom Stokes. It was still broad daylight. He was still feeling that he wanted some critter to look cross eyed at him. He had them same guns at his belt. Tom comes along with an old pistol without hammer or trigger and consequently without a cartridge in it, and he yells out 'Hands up!' at our bad man.

"Gentlemen, does the proud and haughty Bill Wheeler ride onward after one contemptuous glance at Tom and his bogus gun?"

"Does he reach keenerly behind him and draw a gun and send the humble soul of the humble Tom flying to the four winds of earth?"

"He he d-d-d-d. Excuse this emotion, but he don't. What does he do? Well, it was brought out on the trial. He climbs right down and begs for his life like a ten-year-old boy and lets Tom strip him to the hide and take his cayuse besides. You don't want to believe it, but you've got to. He has owned up to it. Tom rides off with a grin, and then Bill hoots it back to Sandy Bend and hunts me up to say that he's been robbed and wants justice. When he told me the story in the Red Dog saloon, of which place it

is well known I am proprietor, my knees wobbled with weakness and my breath came in gasps. May none of you ever have the feelings that came over me. I talked and talked, but still Bill howled for justice.

"Well, I had to issue a warrant, and after two or three days Tom Stokes was arrested and brought in. He denied nothing. He stood pat on the legends of the great west. I stood pat with him. I sentenced Bill Wheeler to 10 months in jail for allowing himself to be robbed in that manner, and I told Tom to go and sin no more. I didn't contend it was law, but justice. It was justice to the record the west has made and is seeking to uphold. He went off to jail, but got a lawyer to appeal his case, and the higher court has reversed it on the trial. I am directed to give him a new trial. Am I going to do it? The man among you who thinks so don't know Judge Hoke. Judge Hoke can resist, but he can't be driv. He may be here to uphold the law, but he's also here as the guardian of the rights of man. He'll ladle out law when he thinks law will hit the case in hand; when he don't think so he'll ladle out justice.

"Tom Stokes, you can walk out as before, and if I was you I'd hit another climate for awhile. Bill Wheeler, you can also take your departure. There will be no new trial for you. You will have to pass through a crowd outside, and if you don't like the remarks and other things hurled at you as you go no one is to blame but yourself. Sandy Bend won't never nestle up to you again, and my advice to you is to keep away from here in the future.

"We have one other case on the docket. It is Poke Smith versus Fong Lee. Poke has never been classed as a bad man. Most of us have sized him up as a critter that wouldn't fight unless he had to and would then shed a bit of blood. He has always carried guns, but he had no notches cut in the stocks as tally marks. Nobody cared to elbow him, and nobody took him for a person. My own private opinion was that he'd show sand if the time ever came.

Poke Eadly Used Up.

"Well, the time came yesterday. He had a shirt up in Fong Lee's laundry. He went up to get it, and there was some dispute about the quantity of gravel stones and burrs that had been chubbed out of it previous to washing; also as to whether Fong wasn't responsible for some of the new rips and holes. At any rate, Poke started to take the shirt away without paying anything, and there was a row. Poke had his guns. I don't claim that he should have done any shooting, but I do contend that he ought to have used them to get out of the affair with dignity. Did he do so? When his yells had drawn a crowd he was found buried under a heap of unwashed shirts, and Fong Lee had them shooting irons in his possession and has got them yet. As soon as Poke could dig his way out he hustled down to the Red Dog and me and hollered for justice. Didn't want to go back with the gun. Offered to lend him and have it out with the heathen, but just wanted justice.

"When justice is demanded in this court, justice shall be had. I shall fine Fong Lee \$2 and costs for having a pair of spirit eyes on him, and he can keep the two guns and the shirt he took away from the plaintiff. Poke Smith is free to walk out and show himself to his friends around town, and if he isn't patted on the back and called a hero maybe he can figure out why.

"Don't let it go out that this court either favors the Chinaman or is opposed to him. What this court favors is a man getting his clean shirt when he goes after it, and if he hasn't the sand to do it it's simply a question of what they call lapus Halmu, and the Chinese have nothing to do with it. That's all. Court's adjourned."

A Double Disappointment.



"He-I suppose, then, we may as well break the engagement and say we have both been disappointed in love."

"She-There seems to be no other conclusion. Now I thought I had money, and I certainly thought you had—Buddy Moore American."

"Too Much For Him. Giles-The man who makes those moving pictures tamped up against his first failure today. Giles-How was that? Miles-He tried to make a moving picture of two men playing a game of chess. Chicago News."

"Servant Girl Problem Explained. We couldn't keep Josie Or Bertha or Rosie. We didn't suit Mabel or Nell. The problem that vexed us So madly perplexed us We sought an apartment hotel. The problem was ended The night we attended The season's success on Broadway. One look at the chorus Of ladies before us Explained where the trouble all lay. For kitchen bred Josie And Nellie and Rosie Do stunts in a pony ballet. While Bertha and Mabel. Who waited on table. Are -feel skirt dancers today. -Puck."

NOTICE OF ELECTION.

Be it resolved, by the city council of the city of Medford, Oregon, the mayor approving, that there be and is hereby ordered a general election in said city to be held on Tuesday, January 12, 1909, for the election of:

A mayor for the term of two years. A councilman from the First ward for the term of two years.

A councilman from the Second ward for the term of two years.

A councilman from the Third ward for the term of two years.

And such other measures as shall be lawfully submitted at said election.

The following polling places, judges and clerks are hereby designated for the several respective wards:

First ward—Polling place, Commercial club, room 3; judge W. H. French;

judge and clerk, Chas. W. Davis; judge and clerk, A. C. Hubbard.

Second ward—Polling place, Hotel Nash sample room; judge, John S. Orth; judge and clerk, John Summerville; judge and clerk, Wm. Ulrich.

Third ward—Polling place, City Hall; judge, G. L. Schermerhorn; judge and clerk, Scott Davis; judge and clerk, H. A. Thieroff.

The foregoing resolution was passed by the city council December 26th, 1908, by the following vote, to-wit: Wortman aye, Merriek aye, Elfert aye, Trowbridge aye, Olwell absent, Hafer absent.

Approved: J. F. REDDY, Mayor.

Attest: BENJ. M. COLLINS, Recorder.

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A Map of Jackson County

The Tribune and Southern Oregonian is having made at great expense a fine, colored, lithographed map of Jackson county. This map will show all cities, towns and villages, rivers and waterways, section and survey lines, railroads and projected railroads, wagon roads, forest reserve boundaries, election precincts and other data needed by everyone. All townships shown in colors. This up-to-date map will be ready for distribution some time in December. It will be sold only through The Tribune and Southern Oregonian. This will be your only chance to secure a good map of Jackson county, as all map editions are out of print and plates were destroyed in the San Francisco fire, necessitating new plates made at an enormous expense. Further details later. Ready soon.

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