

LEGAL BATTLE OVER BIG RANGE

A. G. Butterfield, Sheepman, Convicted of Using Cattle Range.

Weiser, June 29.—In the district court of Washington county, Judge Edward Bryan presiding the jury late Tuesday night brought in a verdict of guilty in the case of the state versus A. G. Butterfield, the big sheepman thus being convicted on the charge of herding and grazing sheep upon a range previously occupied by cattle. This widely known breeder of pure bred sheep some time ago was convicted upon the same charge in the probate court of this county from which he took an appeal to the district court where he was again convicted through the action taken by the jury after a hotly contested trial. It is rumored Mr. Butterfield will appeal to the supreme court of this state to test out the construction of the statute as it applies to the range in Washington county.

This controversy is over the construction of section 6872 of the Idaho revised codes. This section was held constitutional by the Idaho supreme court in the case of the state of Idaho versus Horne, decided in October 1915.

Section 6872 reads as follows: "Any person owning or having charge of sheep, who herds, grazes, or pastures the same, or permits or suffers the same to be herded, grazed or pastured, on any cattle range previously occupied by cattle, or upon any range usually occupied by any cattle grower, either as a spring, summer or winter range for his cattle, is guilty of a misdemeanor; but the priority of possessory right between cattle and sheep owners to any range, is determined by the priority in the usual and customary use of such range, either as a cattle or sheep range."

The case against A. G. Butterfield is the result of a long standing conflict between the cattlemen and sheep men as to the priority and right as to the range. The range in question in this particular case extends along the breaks of the Snake river commencing at a point 19 miles west of Weiser and extending north a distance of about 16 miles. This range covers an area of about eight miles wide and 15 miles long. In this area are found Warm Springs creek, Hog creek, Grouse creek, Little Rock creek and Big Rock creek.

This range was used for grazing horses and cattle since the early seventies. It is the outlet for the farmers in the Weiser flat west of Weiser. About 50 farmers in the Weiser flat and about 20 homesteaders are interested in this as a cattle range. It was one of the best cattle and horse ranges in western Idaho for many years.

It is said sheep in small numbers began to be put on this range in 1885. In later years large numbers of sheep were run over this range and grazed there in the spring, on the way to the higher mountains. In the fall the sheep were brought back and grazed on this range. This program is said to have been followed by the sheepmen year after year. It is reliably reported that 40,000 to 60,000 sheep have been put on this range in recent years. It is said that as a consequence of so many sheep grazing there this range is practically destroyed for the cattle and horses owned by the 50 or more small farmers.

The case of the state against Butterfield arose over the latter putting sheep on this range this spring, resulting in the conviction of the defendant on a misdemeanor charge.

The conflict between the sheepmen and cattlemen in this county has become so acute that either the sheep must be withdrawn from this and some other ranges, or the small cattle growers in the valleys must go out of business. It is said the sheep interests here are combined in their opposition to being pushed off the range in this controversy. It is reported there are about a dozen flockmasters who in the past have been putting sheep on this range to graze.

This case is being watched with great interest by the sheep and cattle men of this entire section of Idaho. Prosecuting Attorney James Harris and Lot L. Fellham were counsel for the state. Ed. R. Coulter of Weiser and A. A. Fraser of Boise are the defendant's counsel.

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PORTLAND LIVE STOCK MARKET REPORT

(From Monday's Reporter.)

Quite a liberal offering of cattle here Friday. About 200 head, mostly of thin and feeder variety. All stuff found good asle, as there was a good demand from feeder buyers. Saturday, with 200 head on the market, was on the same basis as the day previous. Quality of stuff was all of medium and poor type.

Receipts for the week were much lighter than the week previous. A few head over a thousand were received. The total for the month was 6463 head, against 5050 head last year. Prices during the week were on about the same basis as the week before, although an improvement could be noticed toward the close of the week.

Today's cattle trade is showing up very well. The choice grades of stuff are 25c higher. Buyers were all anxious for good quality offerings. Some very good stuff on market today. Medium grades of cattle are selling on a steady basis.

Steers.

About 400 head on the market Friday and Saturday. A good week-end run. An improvement was in evidence in the general trend of the trade. Some choice offerings sold at \$8.00, with other loads from \$7.00 to \$7.50. There was also a good demand for choice feeder steers selling from \$5.60 to \$6.75.

Today's steers made a good showing for the choice offerings. Prices were 25c higher. A few head sold at \$8.50, with other loads selling up to \$8.20. The medium and poor grades selling on a steady basis with close of last week.

The bulk of steers sold a week ago at \$6.25 to \$6.75; a month ago at \$8.00; a year ago at \$6.75 to \$7.25; two years ago at \$7.00 to \$7.50; three years ago at \$8.00 to \$8.45; four years ago at \$6.55 to \$7.00.

Cows and Heifers.

Some very good stuff on week-end market which sold \$6.25 to \$6.50 for quite a bunch. Poor and medium grades aer selling steady.

Cows and heifers today are selling steady with last week. Best quality offerings selling from \$6.00 to \$6.50. Other grades from \$3.50 to \$5.00. A load of cows sold at \$7.00.

The bulk of cows sold a week ago at \$5.75 to \$6.25, a month ago at \$6.50 to \$6.65; a year ago at \$6.00 to \$6.25; two years ago at \$6.00 to \$6.50; three years ago at \$6.50 to \$7.25; four years ago at \$5.55 to \$6.20.

Hogs.

With a liberal run of hogs here Friday, prices were again advanced 10c. Tops sold at \$8.25, with the bulk going from \$8.25 to \$8.30. Saturday's market was steady, with the day previous, 400 head were on the market and were of good quality. Prices closed the week generally 20c higher than last week. Receipts of hogs last week were much lighter than for some time, 5100 head were received; 28,045 head were received during Jun against 20,368 last year, showing an increase of 7677 for the month.

Today's hog market opened up very strong. First sales showed from 15 to 25 cents over close of last week. Quality, as a rule, is very excellent. Tops are bringing \$8.60, which is about 25c higher. Bulk of sales are being made around \$8.50 to \$8.55. Pigs are meeting with a pretty fair demand at an advance of about a quarter. The market this morning was very active and all offerings were sold long before noon.

The bulk of hogs sold a week ago at \$8.15 to \$8.25; a month ago at \$8.70 to \$8.85; a year ago at \$7.25 to \$7.75; two years ago at \$7.85 to \$8.05; three years ago at \$9.00 to \$9.15; four years ago at \$7.85 to \$8.00.

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