

# Crook County Journal.

VOL. V.

PRINEVILLE, CROOK COUNTY, OREGON, OCTOBER 31, 1901.

NO. 46

## LYTLE NOT GUILTY

### Jury's Verdict After Being Out 18 Hours.

### Defended Wife's Honor

This, He Says, Was Why He Killed Emmett Eagan, and Jury Must Have Agreed So.

The principal event of this term of Circuit Court was the trial of Andrew D. Lytle for the killing of Emmett Eagan, July 21, near Derham's saw mill. The testimony introduced did not vary materially from that introduced at the preliminary examination, and was to the effect that Eagan attempted to criminally assault Mrs. Lytle during the absence of her husband.

The State presented its side of the case in an able manner and the defense was ably handled, but the jury evidently accepted Mrs. Lytle's testimony as being true, and in doing so, could render but one verdict, as it is an unwritten law that a husband has the right to defend his wife's honor, no matter what the consequences may be. It is to be hoped that all parties are satisfied, as the case was fairly tried before an impartial jury of representative men of the county.

Mrs. Lytle's testimony in substance was that Eagan came to her home on the afternoon of Thursday, July 18, and took liberties with her, and that she tried to get him to leave her alone; he finally left, but returned again that night, and came into her bed room, and taking her from the bed and throwing her upon the floor, attempted to outrage her, but after a struggle that lasted for some time, Eagan left. Her husband returning home Saturday noon, and that night after they had retired, she informed him of Eagan's conduct. Lytle arose and went to the pasture for his horse, but could not catch it until daylight. He then rode to a neighbor's house, borrowed a revolver, and then proceeded to the bunk house of the mill where Eagan was sleeping and opening the door, shot him.

Following is the jury: J H Gray, (foreman), J L Windom, C B Allen, C C Ben, Roy Harvey, W Elliott, W H Foster, J D Harrill, C A Gilchrist, Frank Johnson, J H Demaris, and J C Johnson.

### Incidents of the Trial.

Defendant plead "not guilty" Oct. 22, 9 a. m.

Went to trial Oct. 25, 1:30 p. m. Jury empaneled 5 p. m. same day.

Saturday: State's introduction of evidence and finished 4:30 p. m. same day, and at 7:15 p. m. the defendant took the witness stand; followed by Mrs Lytle and other witnesses for the defence, and all had testified by 8:45.

Monday, Oct. 28 9 to 10:45 a. m. was taken up by the state in introducing rebuttal testimony. W A Bell, for the state, addressed the jury at 11:04 a. m. and spoke in an able manner for 48 minutes. At 1:36 p. m., M E Brink, for the defendant, addressing the jury, spoke for 23 minutes. He was followed by Barnes in a 52 minute argument, received by applause at

the close. Menefee then addressed the jury for 49 minutes in a modest but able manner. The Judge then gave the jury instructions and they filed into the jury room at 4 p. m. and after 18 hours rendered a verdict of not guilty.

Only 27 witnesses out of 44 that were subpoenaed were called.

### Post Items.

From our regular correspondent.

The hay hands are at work again putting up the third crop of alfalfa.

Mr. and Mrs. Will Jesse, of Westfall, are visiting with relatives in this vicinity.

Ed Gillenwater returned from a business trip to Mitchell last week.

Some of our bachelors boys are putting up new houses and others are repairing their old ones. We are to lose some of our neighbors and hope this is a sign that we are to gain some new ones.

Mr. and Mrs. Chas. Spaugh, of Looking Glass, Douglas county, spent the first part of the week visiting with Mrs. Spraug's parents Mr. and Mrs. J. W. Wimer.

J. H. Kelley and family have returned from a recent trip to the valley.

Frank Hughes arrived on Thursday stage from Hoquiam, Washington. Frank spent last winter on the creek and made many friends while here.

Eugene Wimer, accompanied by his wife, returned from Roseburg last Thursday. FROSTY NORTH.

### Price Paragraphs.

From our regular correspondent.

Farmers are still busy putting in their fall crops in this vicinity.

N. B. Moses returned the first of the week from a business trip to Prineville.

Randall Gibson and Charles Bedell were on the Creek recently looking after business affairs.

Charles has returned from Albany, where he went several weeks ago to sell horses. He brought home a disfigured man and a side saddle. Charley we don't quite understand this.

Will Gilchrist and daughter, Mrs. E. Laughlin, passed through here last week enroute to Prineville.

Norris Morgan has built a new house on his homestead.

Hawkins Brothers are again proprietors of the Maury saw mill.

G. T. Boynton, of this section, went to Prineville last week to serve as a jurymen.

L. V. Tice is again a resident of this part of the world.—JUMBO.

A Warner Lake man over in Lake county has sold one hundred tons of stock salt, gathered from the lake marsh this summer. Of course the salt is mixed with dirt and is only fit for stock purpose. During a favorable rain several years ago over six hundred tons were gathered.

A man in California accidentally found a mountain of copper; a bucking broncho uncovered a fortune ledge for the rider in Idaho; a Nevada farmer finds gold in the land he was plowing on the side of a hill, so he shovels it onto "dump boards," hauls it down to the creek and gets \$25 a ton out of it. Is this success from tenacity of purpose, or success from just plain good luck. Tenacity is all right but it needs good luck occasionally as a lubricant or it will break loose.—Ex.

## A SAD ACCIDENT

### Mrs. S. R. Slayton Seriously Injured.

### Hopes for Her Recovery

### Team Frightened by Falling Tree and Backed Off of Grade on Santiam Road.

Last Tuesday about four o'clock as Mr. and Mrs. S. R. Slayton were traveling on their way to the valley about one fourth mile above the Walton ranch they met a team and as the grade is very narrow at that point the teams could not pass. Mr. Slayton got out of his wagon and went to the assistance of the man coming up and together they backed his wagon about forty yards down the grade. Just as they had accomplished their work, a crash was heard and on looking up they saw a tree fall on the hillside above them, and frightened the team and it lunged forward and together with the falling tree frightened Mr. Slayton's team which backed off the grade and rolled into the river something like one hundred feet.

Mrs. Slayton was carried down with the wagon and sustained frightful injuries which may yet prove fatal. As soon as Mr. Slayton saw the team backing up he ran to it, but it was too late to do any good. He followed down the declivity and was at the bottom almost as soon as the team and rescued Mrs. Slayton from the water into which she had fallen, which at that place is quite deep. Mrs. Slayton sustained a broken limb and several flesh wounds. Dr. Lamberson was summoned from Lebanon and set the limb and had Mrs. Slayton removed to Lebanon at once, where she is now. H. Parry was the man met at the point of the accident and who went to their assistance and remained with them until Thursday. Mr. Parry brought news to this place. Ed Slayton went to Lebanon Thursday and is with his parents. Mr. Slayton did not sustain any injuries of a serious nature. One of the horses died the following day and the other is thought to be all right; the wagon was almost a total wreck and the wonder is that Mrs. Slayton was not instantly killed. The doctor said that it was a very serious case but he thought that with careful nursing he could bring her through.

### Tarweed as a Crop.

Tarweed has come to the front as one of California's diversified and valuable products, and under the scientific name of Grindella robusta is being shipped to an eastern patent medicine firm and manufactured into cough medicine. Briggs Argus says: J. W. Thompson, of College City, cut and baled 75 bales of 250 pound each last year and will prepare about the same quantity this year. And thus a market has been established for what has hitherto been considered worthless and a nuisance.

### Bold Train Robber.

What is perhaps one of the boldest train robberies on record occurred on the Southern Pacific near Cottage Grove last Tuesday morning. The robber got away with the contents of five registered mail pouches, which are supposed to have contained several hundred dollars.

A desperate attempt was made to pillage the express car, but this was followed by the resistance of Messenger Charles F. Charles. But one robber was actively engaged. There is evidence, however that another was present, and a theory that three were in the gang. The trouble began when the train had passed safely outside the yard limits of Cottage Grove, and ended within sight of the lights of Eugene, the main part of the train being left within about two miles of Cottage Grove, when it was deemed unsafe to continue the assault on the express car. The Sheriffs of Lane and Douglas Counties were promptly on the hunt. Pinkerton detectives were sent to the scene on the first train from Portland, and a Deputy United States Marshal and three postal inspectors went up from Portland to take part in the search for the robbers. The robber performed in the regulation Jesse James style and carried things with a high hand. After exploding a large amount of dynamite against the express car without results, the engineer was ordered to cut out everything but the mail car and move ahead which he did. The robber left the car near Eugene. No clue has yet been found.

### Burns Oregon Land District.

Of all the Counties in the State of Oregon, which offers unlimited opportunities for the exercise of energy, capital and good business judgment, there is perhaps none where this can be better found than in the County of Harney.

It has water, timber, minerals and oils, and the thousands of acres of rich agricultural lands, which are waiting to be appropriated by living energetic citizens. This country extends north from the Nevada line for one hundred and fifty miles, and is about ninety miles across from east to west.

Within its borders are the Stein Mountains, Malheur, and Harney lakes, and innumerable small streams (which are filled with trout and other fish) and will afford water for irrigation of several million acres of land, as well as furnishing light and power in great amounts. Colonies without number can find a substantial footing in this and surrounding counties in this district, and a small emporium might easily be built up that could sustain itself with but little assistance from outside markets. There are nearly fifty townships of fine timber in the northern part of the district that is practically untouched. Much of this timber is tributary to the Silves River on the south side of the divide, and the head waters of the John Day tap the timber lands in the southern part of Grant County on the divide. The Malheur River also heads in this district and would afford an outlet for the timber on the east. Rich rewards are in store for the capitalists and citizens who settle in the Burns District—Public Land.

## GENERAL NEWS.

### Items of Interest Gathered Here and There

### Some Stolen, Others Not

### Cullings From Our Exchanges

### News Notes of the Week

### Timely Topics

The Judge Advocate General of the Army in his report for the year just ended shows that there were 6,065 trials by general court martial being 600 less than the preceding year.

The L. J. Whitney dog and pony show, which was organized in Spokane last winter and spring, recently went to pieces in the Sound country and was sold out at auction.

Hay throughout the valley is not as plentiful as it was last year, and it is demanding a good price. As most of the ranchers have sold their beef cattle there is no uneasiness over the possibility of a severe winter.—Lakeview Rustler.

Oregon butter, put up in tins last June for export trade, scored 93 1/2 points, at the Pan-American exposition, being one-half point higher than standard fresh butter, and highest point scored for export butter.

According to Sheriff William Frazier, many hundred head of horses have been taken from the ranges of eastern Oregon and other parts of the state, for use in the armies of the world. Just at present the United States Government agents are looking out for about 300 head for use in the Artillery branch.

From the Scientific American we learn that a meteoric shower of shooting stars, equal to the renowned showers of the years 1799, 1883 and 1867, will appear on November 15th of this year. Let all remember the date, for if such a shower of stars falls as predicted it is something to be witnessed of more than ordinary interest.

Sport revelling in excitement that of a buffalo hunt, is scheduled to take place in Washington and Iron counties in Utah, and across the line into Northern Arizona Thursday, when the people of the Canadian district expect to get forth and exterminate as many desert horses as can be rounded up.

Douglas county girls carried right Miss Emma McGowan, a singer at her father's funeral. Miss McGowan undertakes all work thoroughly and is not afraid of soiling her hands, when necessary. The country would be better off if there were more of this kind of young ladies and many "houseplants."

Filling land is becoming an epidemic in Shanabrook North everyone who has a few acres of right is talking of going to the Agency Plains country, and calling it "honest work." The lands are of the very best quality, and upon the producing section cannot be excelled anywhere in the West.—Leader.