

Crook County Journal.

PUBLISHED EVERY THURSDAY BY THE JOURNAL PUBLISHING CO.

COUNTY OFFICIAL PAPER.

The Journal is returned at the post office at Prineville, Ore., for transmission through the U. S. mail as second class matter.

SUBSCRIPTION RATES

IX ADVANCE
ONE YEAR \$5.00
SIX MONTHS \$3.00
THREE MONTHS \$1.50

THURSDAY, OCTOBER 8, 1903.

A TRUISM.

To the observer who has seen actual developments occur, this section presents a future replete with the merry hum of industry of every description.

Stock raising, agriculture, timber and mineral development awaiting the hand of thrift, are all within easy reach.

One who has seen the country pass from a section of exceptionally rich, nutritive grasses, to one of average ranges, will ask, "How?" In the first place by investing the surplus profits derived from home industries in further improving the local conditions.

We do not believe that there is another county in the state that has as few fine homes and well improved farms, to show for the large sums of money loaned as has Crook. This fact is ever evident, and is not confined to homes and farms, but can be seen at a glance in our own little city, the county seat.

Why this condition? This condition is traceable to one thing alone, and that is, "people have come here and abused the opportunities offered by the county as a home building section by making a competence and following this process by moving elsewhere." Surely no section under the sun can offer better inducements for permanent home building than Crook county. The best of climates, pure water, and the above mentioned resources will soon prove a Mecca for an immigration that will surpass anything of the kind ever witnessed in Central Oregon.

HOMESTEAD ENTRIES

In the wake of secretary of the Interior Hitchcock's many recent land rulings which have been criticised generally, comes one concerning homesteads situated in the Walls Walla land district that cannot but have an important bearing on the settlement of government lands where ever taken.

The homestead evil has developed from the purport of the original law until, through perjury of witnesses, it has come to be a graft. In few cases does the claimant comply with the law, and certain sections have been virtually stolen by land companies who secured the desired land through an illegal entry of a paid locator, who in due course of time perjures himself along with other witnesses then the land is patented and sold to the company.

The Walls Walla case concerns homesteads to which patents were issued as long ago as three years, thus showing that the Secretary of Interior considers a patent a small evidence of ownership unless the locator has complied with the law.

Be it said in favor of the homesteads being taken in our section that they are intended for the most part for homes and such locations cannot be legal. However this ruling of Secretary Hitchcock's is a commendable one and if strictly enforced will soon stop entirely illegal homestead entries, and perjured testimony.

NO LABELS ARE NEEDED.

"Albeit," said the sage, "when a man tells me he is strictly honest in every way, then do I turn my eye to a point and watch him with much scrutiny."

And the sage is right. The man who is continually flaunting his honesty in your face is the man upon whom a careful watch should be maintained. He generally has a purpose in view—a close and shrewd business deal which will consume all of the fine points of business acumen and sagacity, with a pinch of the subtle arts, to carry to a successful close.

Honesty does not need a placard. Neither does it require a constant voicing to maintain its position and effects in the brotherhood of mankind. It is easily recognized. The man who carries it in his personality has a companion who speaks for himself and needs no other introduction for it is one of those cardinal virtues which passes at face value and is felt, seen and known without the aid of any human agency.

WHEN THE WORM TURNS.

The exchange editors on the Portland papers anxiously scan even the smallest journal published in Central Oregon, and clip the railroad articles with almost a feverish eagerness. Evidently they realize more forcibly even than do the jobbing men themselves, that should Mr. Mohler give Baker City, Pendleton or The Dalles, the common rate allowed Portland freight from eastern points, a strong competitor would immediately spring up, and Central Oregon's present and prospective trade would be forever lost. Perhaps its this cudgel in the hand of Mr. Mohler that prevents an aggressive campaign for a Central Oregon railroad by Portland capitalists.

Great bodies move slowly but if slothful movements are indicative of size the railroad that strikes this section will be a close second to the Big Four.

WORTH MORE PAY.

The secretary of the Interior has by far the hardest situation in the president's cabinet. While the secretary of War earns glory along with the secretary of the Navy in preparing national defense, the secretary of the Treasury issues bonds and coin to the in-

terest satisfaction of all, the secretary of State gets on his ear for a foreign question, and the secretary of Agriculture dishes out seeds, the secretary of the Interior is being roundly cursed for the way he handles the many complex internal questions coming before his office. Its our opinion that if its worth \$8000 a year to dish out seeds to a constituency it's certainly worth \$80,000 a year to croak forest reserves and receive the kicks resulting.

A Letter From Judge Bradshaw.

Geo. W. Barnes, Prineville, Ore.

Dear Sir:—My attention has been called to an article in the Crook County Journal of Sept. 17, 1903, purporting to give a statement of facts and the decision of the court on the law in the case of the State of Oregon vs Arch McKay, tried at the last term of court for Wheeler county.

I write you because in the article you are reported as saying that my decision was directly opposite to a decision in a similar case which I made several years ago. In the first place, as you know, no such question in point of law, as stated by The Journal, was raised in the McKay case. I never heard of the question until I read it in the Journal. The question raised in the McKay case and the one it went off on, as you know, was as to the sufficiency of the certificate of the county clerk to the paper offered as the copy of the record of the brand of Lyle & Brown, and that I held that the certificate was not in compliance with the statute and therefore not admissible, and that this was the only question I did pass on. As to the other question raised, as to whether or not a brand recorded subsequent to the commission of the offense was admissible while I commented somewhat on it, I did not pass on it, and said at the time I would not, as the other question passed on settled the question so far as that case was concerned, and as I had once passed on that question, and as it was not necessary in the McKay case, I would pass on the question.

Now I submit to you as a fair minded man if this is not the truth, and that it is not true that I made a decision in the McKay case opposite to any former decision of mine. Yours truly, W. L. BRADSHAW.

The Reply.

Prineville, Ore., Oct., 5th, 1903. EX. JOURNAL.—

In your last issue there was a long letter from H. H. Hendricks the leading Attorney of Fossil in reference to the rulings of Judge Bradshaw in the case of the State vs Arch McKay which I would not have noticed, but since then I have received a letter from Judge Bradshaw who holds me personally responsible for some editorials that appeared in your paper some time ago, and I ask you to print a part of the same for the reason that if I have at any time done Judge Bradshaw an injustice I

most certainly want to set him right.

I am very loath to write this, for if a question of veracity should at any time arise between Judge Bradshaw and myself his word will be taken anywhere before mine, but in defense of myself I must say that when we attempted to introduce the records of Lyle & Brown's brand two objections were made against it being received, namely: that it was not properly certified; second that the indictment alleged that the crime was committed in December, 1902, and that the record we were attempting to introduce showed that Lyle & Brown recorded their brand on May 1st, 1903.

The first objection was well taken. The law requires a certified copy of the records, and no other evidence but such certified copy can be received when one undertakes to prove ownership by brand. The clerk's certificate to the paper we had read as near as I can recollect "I hereby certify that I recorded the above instrument on May 1st, 1903 on page 238, of Book L of Brands," when it should have read something like this, "I hereby certify that the above and foregoing is a true copy of the record of the brand of Lyle & Brown etc." This certificate was fatally defective, but in justification of our county clerk I am compelled to say that he followed a printed form that has for a number of years been used in this county without objection.

As to the second objection, I called the attention of the court to a decision that the Judge made here in Prineville on the 8th day of May, 1897, in the case of State vs Wilks and Mulgraf accused of stealing a steer from Howard and Stearns, and the records introduced in that case showed that the brand of this firm had been recorded just four days before the trial while the larceny was alleged to have been committed some four months before. I objected to the introduction of those records for that reason, but the Judge promptly overruled me and my clients went to the penitentiary, and Judge Bradshaw said he recollected that case and his ruling, but it was made in the hurry of the trial and without time to examine into the matter, and that he had serious doubts about the correctness of his ruling and had wished that our Supreme court would pass on that point, and then he went on and stated that his doubts were so serious that if it was necessary for him to decide that point in this case (the McKay case) he would reverse himself.

At the time he made this decision Fred W. Wilson, acting District Attorney had an information in his pocket charging the same Arch McKay with the larceny of cattle from Joe Lister and the record we had at Fossil of the recording of Lister's brand was certified just as the other was, but we could have put that case over until the next term and corrected our certificate, but unfortunately the information showed that in that case the larceny had been committed before the recording of the brand, and after a consultation at Mr. Collier's office, where Fred W. Wilson, Mr. Collier, Willis W. Brown, Joe Lister and myself were present, we canvassed the situation and discussed the Judge's decision and unanimously came to the conclusion that it would be foolish to file that information. If we had had the least hope that the Judge would have adhered to his ruling in the Wilks-Mulgraf case the information would have been filed. I am sorry that any feeling has crept into this case, but for the truth of what I say and have said I refer to the above named persons and the large number of stock men who were in the court room at the time Judge Bradshaw rendered his decision. Respectfully, GEO. W. BARNES.

EXTRA

Battle In Southern Burney.

Two Harney county deputies are dead as a result of a battle with an ex-convict named John Frost alias Harry Egbert, a fugitive burglar, wanted in Douglas county. John G. Saxton an attorney of Burns, acting as a deputy sheriff, with Jack West, of Wild Horse Valley as an aid came upon the desperado, in Wild Horse Valley 135 miles south of Burns, where he and his wife were stopping at the house of Charles Fields.

They were alone and as Saxton and West approached the ex-convict opened fire from behind the corner of the building. West was shot in the back and died shortly afterwards. Following this Egbert entered the house through a window, while Saxton entered through a door. Egbert's wife had fled and what then happened was told by the appearance of things after the battle in the house. The desperado had a rifle while the deputy used a revolver, and with these weapons they kept up a fire at one another through a thin board partition. Saxton was wounded in the right shoulder, but he changed his weapon to his left hand and kept up the battle, the doors being barred. In the meantime West called Saxton from the house to get him a drink of water from a nearby spring, and while doing this he was again fired upon by the convict, who had retreated to an upper story. The shot that killed Saxton entered the breast, ranging downward.

West's body was buried at Wild Horse, while Saxton's remains were taken to Burns.

The Harney County Court has offered a reward of \$500 for Egbert's capture, but the two days start that he has will perhaps make him hard to catch.

John G. Saxton, the numbered deputy, has practiced law in Burns for nearly four years past, and was an upright citizen. He was a member of Battery A, Oregon Volunteer Artillery, in service during the Spanish war, and that he had nerve is demonstrated by the battle, in which he lost his life.

Wall Paper

AT CUT RATE PRICES

- 10c Double Rolls for 5c. 15c Double Rolls for 7c.
20c Double Rolls for 10c. 30c Double Rolls for 15c.
25c Double Rolls for 17c. 40c Double Rolls for 20c.
50c Double Rolls for 25c. INGRAIN 30c.

Prescriptions Cut. Also Patent Medicines. REMEMBER THE LOW PRICE STORE D. P. ADAMSON'S STORE Is The Place

This Space Reserved for J. F. MORRIS

Nothing has ever equalled it. Nothing can ever surpass it. Dr. King's New Discovery For Consumption. A Perfect Cure For All Throat and Lung Troubles. Money back if it fails. Trial Bottles Free.

Subscribe for the Journal.

BAKERY and LUNCH HOUSE Mrs. Nellie Briggs, Prop. A Specialty Made Of Fine Ice Cream... In The Building Formerly Occupied by Mrs. McTaggart

O'Neil Bros.' OYSTER HOUSE E. F. BOGGS, Manager Good Meals and Rooms Miller Building, Prineville, Oregon FISH AND GAME IN SEASON BREAD AND PIES FOR THE TRADE SPECIAL RATES TO BOARDERS

N. A. Tye and Brothers Boys' and Youths' Jack Knife Shoe, A Razor Steel Jack Knife With Every Pair. All Sizes and Widths. Price From \$2.25 to \$2.50 Per Pair. We Also Have A Full Line of Mens' Shoes. Also Ladies, Girls and Babies. CLEARANCE SALE Of our Summer Hats at Cost in order to make room for our New Line of Winter Goods. Files carry contagion into your home. Tanglefoot catches them. N. A. TYE and BROS., Merchants

Blacksmithing That Pleases Is The Kind You Get at J. H. WIGLE'S (Successor to) CORNETT & ELKINS'S A Stock of Farm Machinery also on hand.

You will find BICYCLES of all good makes AT SHIPP'S Ramblers, Imperials, Ideals, and many others. A good line of Bicycle Sundries AT SHIPP'S.

WATTS MARBLE AND GRANITE WORKS Watts & Baker, Props. Marble and Granite Monuments All Kinds of Stone Work FIRST CLASS WORK AT LOWEST PRICES Second Street, The Dalles, Oregon

Prineville-Shaniko Stage Line Daily Between Prineville and Shaniko SCHEDULE Leaves Shaniko 6 p. m. Arrives at Prineville 6 a. m. Leaves Prineville 1 p. m. Arrives at Shaniko 1 a. m. First Class Accommodations

BUY YOUR MILLINERY and... LADIES FURNISHINGS AT MRS. ED. BRADFORD'S Successor to Mrs. Susie Slayton Up-to-date Millinery at less than city prices. Dress Making Parlors in connection.

Big Clearance Sale Owing to the Large Stock of Fall and Winter Goods Constantly arriving, our store room will be overcrowded And In order to Get More Room For the New Goods, we are compelled to throw all Our Present Stock Of Shirt Waists, Straw Hats, Ladies' Goods And Many Other Lines Into ONE BIG BARGAIN SALE THIS SALE WILL CONTINUE UNTIL ALL ARE SOLD. MICHEL & CO.