

Crook County Journal

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LOCAL OPTION DIES IN MORROW COUNTY

Circuit Judge Sets Aside Recent Act on the Ground That the Law Was Illegally Enacted.

By a decision of Circuit Judge Ellis, given yesterday afternoon, prohibition in the eight precincts of Morrow county that went dry at the recent election, was set aside on the ground that the law was illegally enacted. The case that was argued yesterday, and upon which the decision was given, was that of the state versus Dan P. Doherty, a saloon keeper of Lexington. Doherty is said to have been running a saloon at Lexington continuously, and was charged with having violated the local option law.

The case for the state was conducted by District Attorney Phelps, while C. E. Redfield, of the firm of Redfield and Van Vactor, appeared for Doherty. The evidence in the case was taken at the recent session of the circuit court held at Heppner, and the time for the arguments postponed until yesterday.

In many ways the case from Morrow county is similar to the Ireland case from Freewater, which was tried here over a month ago. However, in the present case, the only point raised was that the election was not ordered at a regular session of the county court. No issue was made concerning the proper recording of the petition by the county clerk, as was done in the Ireland case.

However, the decision yesterday affects all of Morrow county that went dry, whereas, in this county it applied only to the sub-division of which Freewater was a part. Of the eight precincts that went dry in Morrow county, Lexington and Hardman were the only ones in which saloons were being conducted, lone and Heppner voting wet.

From accounts that have been published the opinion has become prevalent that the decisions of Judge Ellis and Judge Bradshaw on the local option law have been directly opposite. However, this is said to be untrue by local attorneys, for the reason that in the Hood River case, in which Judge Bradshaw upheld the law, the only point raised was as to the constitutionality of the law, and the contention that the law was not regularly enacted was not raised. In the Gilliam county case, in which it has been stated that Judge Bradshaw has overruled the action of the county court it appears that the only thing done was to grant mandamus proceedings to compel the Gilliam county court to canvass the vote and declare the result. This is said to be required whether the law is upheld or not, and cannot be taken as meaning that the law is to be held as legally enacted in that county.—East Oregonian.

CATTLE MARKET REMAINS DULL

Slight Increase of Prices in Grant County—Local Figures Show but Little Advance.

R. N. Stanfield, the Butter creek stockman from near Echo, was in Pendleton last Saturday transacting business. Mr. Stanfield says that there is about 2,000 beef cattle left in the Butter creek district, and that unless the markets are better these animals will be turned out in pasture until June, when they will be turned off for beef. The prices are at present 34 cents a pound, with an occasional sale of 4 cents. The 2,000 cattle left are owned by A. B. Thompson, J. B. Saylor and Mr. Stanfield. Mr. Stanfield has sold nearly 800 head this winter and spring.

Little dipping will be done by the Echo stockmen this spring, as at present there are few indications of disease among the cattle. The treatment of stock last fall has almost completely eradicated the disease, leaving the remainder free from all traces.

Mr. Stanfield says that little seeding to alfalfa will be done in the Butter creek neighborhood, as the lack of snow in the mountains will be apt to leave the creek dry in the summer. Considerable work will be done, however, under the Butter creek extension, as the river will have more water than Butter creek this season.

The Crook county market remains practically stationary, but little buying having been done and at prices which are not considered satisfactory. It is believed, however, that the first heavy sales this year will be followed by an advance in figures.

Over in Grant county conditions are considerably improved over those of last season, and cattle-men in the John Day valley are refusing \$22 per head for two-year-old steers when the price for the same stock last year was only \$19. It is stated there that if present prices rule during the remainder of the season, three year-olds will command \$28 or \$30 per head.

LAKE COUNTY MINES CREATE STIR

Never in the history of Lake county has the mining outlook been better than at the present time, says the Lakeview Herald.

The various kinds of ore found throughout this and surrounding counties give assurance that there lays hidden a vast amount of ore which when discovered will make Interior Oregon famous as a mining district.

Several good prospects have been discovered the last of which is the strike made at Willow Ranch by C. Norton, who spent the past week prospecting in that vicinity. Mr. Norton brought back with him samples of ore that, when assayed by Geo. H. Ayers, went \$223.23 in gold and \$2.70 in silver. Mr. Norton, it is reported, located a six feet wide ledge of this ore on the Kirkpatrick ranch near what is known as Willow Ranch, in California.

In speaking with C. U. Snider of the Willow Ranch prospect he stated that in 1872, 1881 and at various other times gold was found there; that one piece of quartz found there years ago went \$2,000 to the ton, and that colors can be found anywhere just north of Willow Ranch.

The report of Mr. Norton's discovery, has created considerable mining talk in this town, and if the mine should pan out it will no doubt cause a rush into this county.

The cropping of the prospects located by Wm. Hammersley, in Quartz valley assay, according to Mr. Ayres, \$2.17 in gold, and indications are that richer ore will be found under the ground.

The Norton mine at Paisley contains a ledge of ore that assays \$8 to the ton, and Mr. Norton informs us that no further work on the mine will be done until the men who are interested in the prospect can come here and investigate it.

HORSE RUSTLERS CAUGHT AT HEPPNER

Deputy Sheriff Burns of Walla Walla county arrived in Heppner Sunday having trailed a couple of horse thieves from Walla Walla to Heppner. On his arrival there he placed the matter in the hand of Sheriff Shutt, who promptly went to work on the clue and succeeded in locating the criminals on the ranch of Mr. Cupper, seven miles below Monument on the John Day river.

It appears that the thieves, two young men, had stolen seven head of horses, a wagon and a buggy at or near Walla Walla. They were trailed to Echo, where they traded the wagon and from there they came to Heppner and here traded the buggy to Geo. Stevenson for three head of horses, which they drove with their other horses to Monument and put them in a pasture and secured a job from Mr. Cupper.

Deputy Sheriff D. G. Gurdane and the Walla Walla deputy sheriff left late Sunday afternoon for Monument and the Cupper ranch to make the arrest.

The deputy sheriffs returned with the young men, whose names are Charles and Roy Anderson, Tuesday night, experienced no trouble in making the arrest. The prisoners were taken to Walla Walla, where they will be tried.

ROAD COMPANY WILL AGREE

Citizens of Malheur who have been struggling to have the government irrigation project put through, are highly pleased over the announced purpose of Charles Altschul, owner of the Willamette valley and Cascade mountain military wagon road grant lands, to enter into the agreement of the Malheur Water Users' association. J. R. Blackaby of this county says he has been informed by C. E. S. Wood of Portland, attorney for Altschul, that they intend to come into the agreement, and that the talk in the papers about their keeping out is not correct. Mr. Wood says further that his client is endeavoring to get certain concessions from the government in regard to this work, and when there are given they are ready to enter the agreement.

When this land is included nothing remains to prevent the government from proceeding immediately with work, as all other obstructions have been removed. The interests under discussion represent about 33,000 acres of land within the proposed irrigation area, and will be the most important single factor in the enterprise.

PUTER TO FEEL LAW'S CLUTCHES

Indications now are that S. A. D. Puter and his cohorts in extensive land dealings will be called to give account of their alleged fraudulent transactions with the state before the State Circuit Court for this county, says a dispatch from Salem. District Attorney McNary has been looking into the matter quietly, with the result that he has decided to empanel a grand jury to make a thorough investigation. Once started, it is expected that the investigation will open up for review all the state's dealings in lands for a period of a dozen years back, which may uncover some startling transactions and involve many prominent men.

Puter alone has been purchasing land from the state by alleged fraudulent methods, for the past eight or ten years, having been involved in buys aggregating about 50,000 acres. This includes the purchase of approximately 15,000 acres of timber land, situated in this county, in 1903, the title to which now rests in the Abiqua Land Company.

The case the grand jury may be called to investigate is that in which Puter, on February 3 last, attempted to obtain possession of 3200 acres of school land in Klamath County by means of fraudulent applications, secured through the agency of Basil Wagner. This transaction lays Puter open to the charge of conspiracy to defraud the state of land; Basil Wagner to the charge of subornation of perjury, and each of the nine applicants to

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NEW RECORD FOR RAILROAD

Only eight miles of new railroad track was laid in Oregon last year. This was by three railroads, Tracklaying is already in progress on three roads aggregating more than 80 miles, the Great Southern, extending south from the Columbia River to Dufur, a branch of the O. R. & N., from Arlington to Condon, and the portage railroad, and contractors are pitching their camps to begin grading on the Hood River Railroad, which will extend from the town of Hood River for a distance of 17 miles to a point near the junction of the West and Middle Forks of Hood River. In connection with these the projected roads that it is expected will be built this year, and part of which it is decided

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