

Crook County Journal

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NO. 45

*Oregon Historical Society
City Hall*

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or boy, man or woman, is quickly out of pain if Bucklen's Arnica Salve is applied promptly. G. J. Welch, of Tekonsha, Mich., says: "I use it in my family for cuts, sores and all skin injuries, and find it perfect." Quickest Pile cure known. Best healing salve made. 25c at D. P. Adams & Co., and Templeton & Son's drugstore.

SHEPHERD TO HANG

On the 30th Day of November.

SEVEN YEARS FOR

Hogg and Adams — Fitzgerald Found Not Guilty — Court Notes.

The death sentence has been passed upon Fred A. Shepherd.

It was a solemn meeting at the court house last evening. Everybody knew from the verdict returned by the jury that the first death sentence in the annals of Crook county would follow and many gathered in the court room to hear the solemn words pronounced. A motion for a new trial was denied and Judge Frazer ordered Shepherd to stand up and receive his sentence. The prisoner was asked if he had anything to say why sentence should not be pronounced at this time, and not making any response the judge ordered that he be taken within twenty days to Salem and delivered to the superintendent of the penitentiary, and on the 30th day of November, of this year, the superintendent shall take you to the court yard of the penitentiary and hang you by the neck until you are dead, and may the Father of us all have mercy on your soul.

No crime in the history of Crook county has excited such intense interest as that of Fred A. Shepherd for the murder of B. F. Zell. It was a succession of crimes. Expectation was wrought up to such a high pitch that when the case was called Monday the court room was jammed with an eager and expectant crowd.

After finishing a civil case Monday morning the Shepherd murder case was called. The jury was secured in an incredibly short space of time—a little more than an hour was consumed—and before the noon hour the case was well under way. District Attorney Menefee outlined the case for the prosecution and Attorney Barnes for the defense.

The testimony showed the facts in the case to be just about as published in the Journal at the time the crime was committed. That on the morning of September 24th Shepherd, with a gun in his hands, appeared at the back door of the Zell house and at the point of the weapon ordered Mr. Zell to throw up his hands, and at the same time threw Mrs. Zell a rope with which to tie him. Instead of doing as commanded Mr. and Mrs. Zell jumped out of bed and ran out of the front door, going in the direction of the barn. Shepherd followed and when a few feet from the house fired at the fleeing couple. This shot did not take effect and Zell and wife continued their flight. They passed through the driveway of the barn with Shepherd in close pursuit. In running through Zell yelled to a man named Jein Bjorndal, better known as "Dakota," who was sleeping there, that "he (Shepherd) was after them." Dakota was awakened by the first shot and saw two figures dressed in white running through the barn pursued by a man dressed in dark colored clothes. He could not tell who they were but knew Mr. Zell by his voice. When they passed through the barn Dakota heard another shot fired. This was the fatal shot. Mrs. Zell then testified that Shepherd caught her, took her to the house and assaulted her. It was agreed by both sides to the case that they would accept Mrs. Zell's sworn statement of the facts and save her the ordeal of reciting them on the witness stand. As soon as she could get away from Shepherd at the house she

went in search of her husband. She found him dead where he had been shot at the barn. She then screamed for Dakota to get help. Mrs. Zell tried to get the body of her husband to the house but could not alone. She finally persuaded Shepherd to help her and together they carried it to the house. Mrs. Zell asked Shepherd to go for help but he refused, saying they would hang him. Shepherd still carried the gun and Mrs. Zell was afraid of her own life. By resorting to the subterfuge of making Shepherd believe that they would lay the murder on Dakota Mrs. Zell was permitted to go for help. She got on her pony and started for the home of Mr. Wilson, who lives in the neighborhood. Meantime Dakota had aroused a ditch camp some two miles away, and several men were at the Zell house by the time Mrs. Zell got back. Shepherd's arrest followed.

Shepherd was tried for his life on the plea of insanity. His conduct from the time of his arrest and throughout the two days' trial was a puzzle to everybody. Shepherd is a young man between 23 and 24 years of age, medium sized and weighs about 150 pounds. His features are not ill-favored and do not indicate that he is a man of depraved instincts. His complexion is dark and swarthy and was not affected by his confinement nor by the fearful charge under which he was held. A slight mustache adorned his upper lip. His personal appearance at the trial would not bear out the fearful crimes laid at his door. At the selection of the jury and during the wrangling of the lawyers as to qualifications he was the most unconcerned man in the room. He was chewing gum incessantly and when a sharp exchange of words would take place between the attorneys he would grin and wink at his friends in the audience. Nor did he lose his composure during the trial. Whether he realized the enormity of his offense or not was a conjecture. Doctors examined him as to his sanity and all pronounced him sane. Witnesses were brought from his old home in Linn county and they testified that he was always known as a weak-minded boy. He was easily led and as he grew up seemed to grow worse. It developed from the testimony that while he was not considered bright his weakness was on the woman question. His attorneys made a good fight but they could not overcome the preponderance of evidence. The jury was given the case after supper Tuesday evening and in about thirty minutes returned a verdict of guilty of murder in the first degree.

The State of Oregon vs. William Hogg, James Adams and Ira Fitzgerald, charged with stealing a calf, and also charged with stealing a horse, was tried last week. Ira Fitzgerald, who was charged with being an accomplice of Hogg and Adams, demanded a separate hearing. This was granted and he was found not guilty and was ordered discharged from custody. Hogg and Adams were convicted on both charges and were sentenced to seven years each; three for stealing the calf and four on the charge of stealing a horse.

The State of Oregon vs. John F. Dell, charged with murder in the second degree for the killing of William Pugh last May, was called Saturday. The jury found Dell guilty of manslaughter. The judge in passing sentence upon Dell was visibly affected. "Laws are expressed in general terms," said the judge, "and do not fit every case. Your case is peculiar and would need a special law to cover it. I do not believe you are guilty of any crime, but it is my duty under the law to impose sentence upon you. I therefore sentence you to one year in the penitentiary and to pay a fine of \$1." This is the minimum sentence under the law for manslaughter. The judge told the prisoner that if his friends saw fit to get up a petition for a pardon he would join in the request to the governor.

charged with assault with a dangerous weapon upon one A. Ad Keller of The Dalles, was continued until next term.

State of Oregon vs. Oliver Erickson, who lives on Bear creek, charged with stealing a horse belonging to William S. Gibson, was continued for the term.

CIVIL CASES.

H F Dietzel vs S P Conroy et al. Cause for hearing upon demurrer. Submitted without argument. Demurrer overruled.

Edith Ferguson vs Samuel J Ferguson. Decree granted.

Anthony Ahlstrom vs D I & P Co. Dismissed with consent of both parties.

E Dorgan et al vs Edwin O Hyde. Continued for the term.

E Dorgan et al vs Lizzie E Hyde. On motion of plaintiff's attorney the case was dismissed.

E Dorgan et al vs Walter S Hyde. Case dismissed.

E Dorgan et al vs A W Boone. Case dismissed.

E Dorgan et al vs J W Boone. Case dismissed.

E Dorgan et al vs J F Spinning. Case dismissed.

E Dorgan et al vs Marie Spinning. Case dismissed.

E Dorgan et al vs Mary J Powell. Case dismissed.

E Dorgan et al vs Elnora C King. Case dismissed.

E Dorgan et al vs Etta M Clark. Case dismissed.

E Dorgan et al vs S M Bailey. Case dismissed.

E Dorgan et al vs Minnie M Whitsett. Case dismissed.

E Dorgan et al vs Oscar C Hyde. Case dismissed.

Shaniko Warehouse Co. vs O G Collier. Judgment by default.

D I & P Co vs Corwin H Barnett. Summons quashed and set aside.

D I & P Co vs Sarah E Barnett. Summons quashed and set aside.

James Cram vs Ella Cram. Case referred to D L Dufur to take testimony and report same to this court.

Rock Island Plow Co. vs Will Wurzweiler and Arthur Hodges. Defendants allowed to withdraw demurrer and file a plea in abatement.

L M Douglas vs L E Douglas. Judgment by default in favor of plaintiff.

Pilot Butte Development Co vs L H Dorrance. Motion to dismiss denied.

E O Hyde vs Naomi Salomon. Non-Suited.

A Ad Keller vs A P Dawson. The defendant given until after the trial of his criminal charge to file his answer.

Pilot Butte Development Co vs S H Dorrance. Motion to withdraw demurrer allowed.

D McMillan and J D Honeyman vs E F Batten, A M Drake and A L Goodwillie. Jury instructed by the court to bring in verdict in favor of plaintiff for the sum of \$1250 with interest.

H F Dietzel vs S P Conroy and the Madras Milling and Mercantile Co. Judgment by default in favor of plaintiff for \$6252.76.

Crook County at Pendleton Fair.

J. N. B. Gerking, the well known pioneer of Athena, is at the fair with a choice exhibit of wheat, alfalfa and timothy from the irrigated district near Bend, Crook county, where he now owns a large tract of irrigated land, and where he resides most of the time.

Mr. Gerking has an attractive exhibit on the Umatilly county pyramid in the east end of the pavilion. Oats over six feet in height are on exhibit, wheat four feet high which yielded from 25 to 40 bushels per acre and timothy four feet high, are displayed by Mr. Gerking.

These products grew upon raw land and were irrigated but twice during the season, but made excellent growth and yielded well. Mr. Gerking is well pleased with Crook county and will farm extensively there from this time.—East Oregonian.

The best, lightest running and cheapest sewing machine is found at A. H. Lippman & Co's

The State of Oregon vs. Dawson,

WANTED FOR HORSESTEALING

Gave the Officers the Slip.

A DARING ESCAPE.

True Bills Found at this Term of Court Against Chester Gorge.

Chester Gorge is a man that is badly wanted by Sheriff Elkins. He has been stealing horses in Crook county by the wholesale and the sheriff located his man in Grant county. On October 17th Sheriff Ambrose of Grant county was telephoned to arrest Gorge. Gorge was found at John Day and was placed in charge of a deputy who started at once to bring him to Prineville. On the 18th while at Dayville the prisoner was allowed to see his parents for a few minutes. Proceeding on their way to a place seven miles below Dayville a man on horseback and leading another horse already saddled overtook the deputy and his prisoner. Gorge then thrust a pistol under the nose of the deputy sheriff and held him up. The deputy was relieved of \$30, Gorge remarking at the same time that it was county money and that the officer didn't need it. The deputy was then ordered to get out of the buggy and was told the direction of a farm house where could stay all night. The man with the horses took the rig back to Dayville and then struck out for parts unknown. This was the last seen of Gorge or his rescuer. It is well known that Gorge is a desperate man and the wonder is that the officer allowed him out of his sight. As soon as Gorge got into the house to see his folks he had no trouble in getting the revolver that he used in holding up the deputy sheriff. No blame is attached to Sheriff Ambrose, who is known as a capable officer, but the deputy is censured for his carelessness. Sheriff Elkins is much disappointed at the frustration of his carefully laid plans to bring a noted horsethief to justice. He had hoped to be able to take him to Salem after this term of court. The Grant county officers have been instructed to spare no expense in capturing Gorge.

CROOK COUNTY MINERALS.

The exhibit of Crook county minerals deserves more than a passing mention. Ores of gold, silver, copper and lead, zinc and antimony were shown, as also nuggets of placer gold from the Ochoco deposits, coal from the Hay Creek measures and from the Ochoco, with various hydro-carbon compounds, including asphaltum from various parts of the county.

The gold and silver ores from Ashwood and Howard are as rich as can be found in any part of the globe and the veins are strong and deep-seated. Through the southern and south-eastern portion of the county occur mineral belts deserving attention and it would be well if some interest were taken by the people who reside in those sections.

Mr. Thronson, who was in charge of the exhibit, wishes to state that he will gladly examine and test any ores sent him from anywhere in the county, free of charge, in the hope of stimulating an active interest in these resources of this county. He has given the instructive portion of this collection to the high school of Crook county and will add to it from his working cabinet, and by this means the school will be provided with a working series of ores, rocks and minerals, which have been gathered from all quarters of the globe, and which will be a valuable aid to all interested along this line.

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800 Pieces Granite and Tinware, Many Pieces worth 35cents. Special at 12¹/₂c ea

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