

Crook County Journal

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NO. 11

Oregon Historical Society
City Hall

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**But Until Then You Can Get
The Following:**

All Heavy Outing Flannels, regular 12 1/2c to 15c values, now.....	9 1/2c	Ladies' Fine Finished Union Suits, regular \$2.00 values, now.....	\$1.57
Fleishers Shetland Floss, regular 10c value now.....	7 1/2c	Men's Fine Suspenders, regular 35c values now.....	19c
Ladies' Regular \$3.75 Dress Skirts, special now at.....	\$2.55	Men's Hand Finished Suspenders, regular 75c values, now.....	46c
Ladies' Regular \$5.50 Dress Skirts, special now at.....	\$4.69	Men's Fine Dress Pants, regular \$5.00 values now.....	\$3.25
Ladies' Regular \$7.50 Dress Skirts, special now at.....	\$5.49	Men's Heavy Overcoats, regular \$15.00 values now.....	\$9.25
Ladies' Fine Finished Union Suits, regular \$1.00 values, now.....	69c	Boy's Fine Suits, 4 years to 8 years, regular \$3.50 values, now.....	\$2.29
Ladies' Fine Finished Union Suits, regular \$1.50 values, now.....	\$1.22	Child's Nazareth Waists, now.....	21c

These are but a few of the many hundreds of specialties to be found at

C. W. ELKINS

MAIN STREET, PRINEVILLE, OREGON

We are now conducting a general Clearance Sale, great reductions are being made on all of our lines of Dry Goods, Ladies' and Gent's Furnishings, Notions, etc. The following prices on shoes will be maintained until the arrival of our New Spring Stock.

\$2.25 Ladies' Shoes for	1.50	50c Misses' and Children's Shoes for.....	25c	\$2.00 Misses' and Children's Shoes for.....	\$1.10
\$2.75 Ladies' Shoes for	1.65	90c Misses' and Children's Shoes for.....	60c	\$2.25 Misses' and Children's Shoes for.....	\$1.25
\$3.00 Ladies' Shoes for	1.75	\$1.00 Misses' and Children's Shoes for.....	60c	\$2.50 Misses' and Children's Shoes for.....	\$1.50
\$3.25 Ladies' Shoes for	1.85	\$1.50 Misses, and Children's Shoes for.....	85c	\$2.75 Misses' and Children's Shoes for.....	\$1.65
\$3.50 Ladies' Shoes for	2.00				
\$4.25 Ladies' Shoes for	2.50				
\$4.50 Ladies' Shoes for	2.65				
\$5.00 Ladies' Shoes for	2.75				

CLAYPOOL BROS.

PRINEVILLE, OREGON

Shaniko Warehouse Co.

Shaniko, Oregon

General Storage, Forwarding
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Dealers in Blacksmith Coal, Flour, Barbed Wire, Nails, Cement, Lime, Coal Oil, Plaster, Sulphur, Wool and Grain, Sacks and Twine, Grain and Feed. Agents for Wasco Warehouse Milling Co's. "White River" and "Dalles Patent" Flour. Highest price paid for Hides and Pelts.

Special Attention is paid to Wool Grading and Baling for Eastern Shipments.

Stock Yards with all the latest and best facilities for Handling Stock.

Mark Your Goods in Care of
"S. W. Co."

Fancy Poultry

We have thirty Bro. Leghorn hens which we are mating with Single-Comb Buff Orpington males; the latter purchased from Harris Poultry Co., Clay Center, Neb. We will sell one setting (14 eggs) for \$1.00. Orders filled in rotation. FRANK FOREST, 2-21-1m Prineville, Or.

Thoroughbred Poland China Boar For Service.

Black Langshans, Stock and Eggs for sale. E. C. PARK, Redmond, Oregon.

Department of the Interior,
Notice for Publication,
January 24, 1907.
Notice is hereby given that Perry Walter Newbill, of Grizzly, Oregon, has filed notice of his intention to make final commutation proof in support of his claim, viz: Homestead Entry No. 14815 made Nov. 23, 1905, for the SW 1/4, SW 1/4, SW 1/4, SE 1/4 of Section 22, Tp. 12 South, Range 15 E., Lot 2 and SW 1/4, NE 1/4, of Section 5, Township 13 South, Range 15 E., W. M., and that said proof will be made before the County Clerk, at Prineville, Oregon, on March 8th, 1907.
He names the following witnesses to prove his continuous residence upon, and cultivation of the land, viz: Henry Montgomery, F. Chitwood, Joseph Smith, James M. Henkle, all of Grizzly, Oregon. MICHAEL T. NOLAN, 1-31p Register.

RESERVE GRAZING

To Pay or Not to Pay
the Question.

AUTHORITIES DIFFER

Senator Fulton Stands Pat—Court
Decisions on the Matter
Conflicting.

A great deal of interest is being taken by the stockmen of Crook county in the position taken by Senator Fulton on the question of forest grazing. In a letter to J. D. Combs of John Day, Or., the senator says:
Washington, D. C., Feb. 4, 1907.
Mr. J. D. Combs, John Day, Oregon.—My Dear Mr. Combs: I have your letter of the 28th ult. I, as you probably are aware, have been opposed to the management of the forest reserves in the manner it is being conducted and have tried to get some backing from the stock organizations. But every time Mr. Pinchot goes out and meets the stockgrowers they seem to endorse his plans. Now, had there been the right sort of a campaign made by the stockmen against charging for pasturage in the forest reserves, that policy would have been defeated. I went out against it at once, but could not get the stockmen to back me up. However, it may be that this policy serves their interests the best.

Now, so far as the forestry officials not permitting you to turn your stock out or to enter upon the forest reserve before June, or any other time, is concerned, that is all nonsense. There is no law against turning stock on the reserves at any time. The only thing they could do would be to drive them off. If I were living right adjacent to a reserve, I should not hesitate to turn my cattle out on the reserve, and if they should go on the reserve it would be no offense against the law. In other words, there is no law making it a crime for cattle to be turned out in the vicinity of, or indeed to be driven upon a forest reserve. If any official tells you that he will have you arrested if your stock is turned out or goes upon the reserve, I wish you would give me his name and position. He is simply telling you a falsehood and probably knows it. You tell people that they need have no fear at all about turning their stock out, that there is no law against it, even though the stock do go upon the reserves. Of course the forest rangers can drive the stock off the reserve, but that is all they can do. They cannot arrest the stock, impound them, or charge the owner anything because of their being upon the reserve. All they can do is to drive them off. Sincerely yours, C. W. FULTON.
Before acting on the senator's suggestions we would advise those running cattle and sheep to send for "The Use Book" issued by the Department of Agriculture. It contains regulations and instructions for the use of the national forest reserves, and may be had for the asking by applying to Forest Supervisor Ireland at Prineville. From this book you may learn just what to expect if you violate any of the rules laid down by the Secretary of Agriculture for the instructions to forest officers are made very specific. You will also find the court decisions given in cases where violators of these rules were punished and where the cases were taken to the courts for final adjudication. It is true that the Supreme Court of the United States has not passed on the matter and until it does there will always be doubts expressed as to whether the Secretary has exceed-

ed his powers as an administrative officer or not. It is the contention of many that he has usurped legislative functions in carrying out the provisions of an act of congress for the protection of our forest reserves. But unless you have the money to fight the question through the courts it is the part of wisdom to comply with the rules. Senator Fulton's contention that "so far as the forestry officials not permitting you to turn your stock out or to enter upon the forest reserve before June, or any other time, is concerned, that is all nonsense. There is no law against turning stock on the reserves at any time. The only thing they could do would be to drive them off. If I were living right adjacent to a reserve, I should not hesitate to turn my cattle out on the reserve, and if they should go on the reserve it would be no offense against the law. In other words, there is no law making it a crime for cattle to be turned out in the vicinity of, or indeed to be driven upon a forest reserve."

The senator is right when he says that there is no "law" regarding these matters, but instead of law you have "rules" that have the force of law and are just as binding until the Supreme court of the land declares otherwise. If anyone should attempt to carry out the purport of the senator's letter he would bump up against "Regulation 50" of the reserve rules which says "That persons owning cattle and horses which regularly graze on ranges located along the boundary line and only partially included within a forest reserve may be granted permits for such portion of their stock as the circumstances appear to justify, but may be required TO HERD OR SO HANDLE THEIR STOCK AS TO PREVENT TRESPASSING by that portion for which a permit is not granted, and to sign a supplemental agreement to that effect."

Now, the above rule is intended to cover a case where the owner of stock got a permit for only a portion of his herd as the overcrowded condition of the range in that particular locality would not permit of the whole band going on the reserve. The owner would be required to split his flock and herd off that portion not covered by the permit. If he did not the instructions to the forest officer direct him as follows: "Persons who allow their stock to drift and graze on the forest reserves without a permit, whether they do so intentionally or otherwise, will be regarded as trespassers and will lose all right to privileges of any kind under sale or permit upon forest reserves. Any person who without a permit intentionally drives stock not under permit or allows it to drift on a forest reserve will be liable to prosecution for trespass and suit for damages."

From the foregoing it is very plain that a man must either get a permit or keep off the reservation, otherwise he will find himself a defendant in a suit with the United States government. If he fought the case through the lower courts he would still have to overthrow the decision of the United States Circuit Court of Appeals. In the case of Dastervignes et al. vs. United States, Circuit Court of Appeals, Ninth Circuit, March 2, 1903. (122 Fed. Rep. 30) Constitutional law, the delegation of legislative power and the validity of the act authorizing regulations for forest reservations were brought in question. The decision of the court was that "the provisions of the sundry civil appropriation act of June 4, 1897, relating to forest reservations which authorizes the Secretary of Agriculture to 'make such rules and regulation and to establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction,' and which itself prescribes the penalty for violation of such regulations, is not unconstitutional as delegating legislative power to an administrative officer, but is a valid delegation of power to make administrative regulations in re-

lation to details necessary to carry out the purpose of the act."

In an opinion given by John K. Richards, solicitor-general of the United States, and approved by John W. Gregg, attorney-general of the United States, handed down November 17, 1898, in reference to the Secretary's power to make said regulations says that "by this law the control of the occupancy and use of these reservations is handed over to the Secretary for the purpose of preserving the forests thereon, and any occupancy or use in violation of the rules and regulations adopted by him is made punishable criminally."

Thus far the Secretary has the best of it in the courts and before any stockman undertakes to transgress the rules let him have a well-filled purse for you can depend upon the forest officers carrying out their instructions.

Redmond Items.

Redmond, Ore., Feb. 25, 1907.
Carl N. Ehret, secretary of Redmond Cemetery Association, announces that the association is ready to receive the subscriptions that were pledged some time since and that the money is needed to meet bills for clearing, fencing, and other expenses.

Seed for the garden huckleberry which attracted so much attention at the fair last fall can be procured of the John A. Salzer Seed Company, La Crosse, Wisconsin, at 10 cents a package. Mr. McClay, who raised those on exhibition, says that the roots are still alive. In that case it seems to be necessary to plant only once.

Mrs. O. H. Long is reported as being sick.

Mrs. Reed is much better than at writing time last week.

Friend Shattuck of Powell Buttes, stopped in town Friday on his way home from Bend.

Traveling men can get in all the way from Portland, as was the case Saturday, but it takes your Uncle Samuel a long time to get letters here from the outside world.

Mr. Simons is all torn up and packed and ready to move, but does not know whether to go to Madras or Shaniko. He has a position with the B. M. S. Stage Company.

In addition to discussions of general interest to farmers to be given at the next meeting of the Settlers' Association, there will be an election of members of the board of directors for the Redmond Fair for the ensuing year. Turn out now, settlers, and begin boosting for the biggest fair ever held in Crook county.

B. A. Kendall reports that relatives started from North Dakota on January 15 and are probably at The Dalles awaiting the resumption of intercourse between the inner and outer worlds.

Mr. Stanley of the D. I. & P. Co., is expected in before long. It is hoped to have a called meeting of the Settlers' Association while he is here to discuss topics of mutual interest.

Mr. Landes had a horse quite badly injured in a wire fence last week.

New phones have been put in at Redmond lately. Yours truly,
E. C. PARK.

Nolan Removed.

News was received in this city on Monday last that Michael T. Nolan, Register of the Land Office, had been removed from office by the President. The advice came from the Commissioner of the General Land Office to Miss Anne M. Lang, Receiver of the office, announcing Mr. Nolan's removal, and that he had been instructed to turn over all government property in his possession to her. Thus the office of register is vacant until an appointment is made. Upon inquiry at the Land Office, Miss Lang declines to discuss the matter of Mr. Nolan's removal, but said that all business requiring the action of both officers must await the filling of the vacancy; and, while the office is kept open for the purpose of furnishing general information, no action can be taken upon applications to contest or enter lands. Applications of these two classes and all other applications requiring joint action of both officers which may be presented during vacancy will be received, the time of presentation noted thereon, and upon the resumption will be disposed of in their order. Up to last night Mr. Nolan, who has been absent from the city since Saturday, had not returned.—The Dalles Optimist.

THE ORDER MODIFIED

Demands of Settlers
Satisfied.

TIMBERMEN PLEASD

No Special Examination Necessary
Except Under Suspicious
Circumstances.

(Oregonian Feb. 15.)

Senator Fulton today received from the President a copy of an order which he had just issued, virtually revoking the order of Secretary Hitchcock suspending all public land entries until they can be examined on the ground by special agents. The President has so amended the order of Mr. Hitchcock that homestead and timber entries may now pass to patent when the entrymen have complied with the law and submitted proof thereof, no examination being necessary. In fact, the President's order requires examination by special agents only when there is something suspicious about an entry which might indicate fraud, or where a homesteader is seeking to commute.

This modification is in line with the suggestion made to the President by Mr. Fulton earlier in the week, and entirely removes the objections that have come from homesteaders and timber entrymen in Oregon.

The President's order states that no examination by a special agent shall be required in the following classes of entries:

- 1—Final five year homestead entries heretofore made, where proof is satisfactory and complete.
- 2—Final certificates and receipts in final five-year homestead proofs heretofore or hereafter made, when proof is satisfactory and complete.
- 3—Homestead entries commuted on ceded inland lands on which annual payments are required.
- 4—Entries where the claimants' compliance with the law has been established by contest or other regular adverse proceedings.
- 5—Entries confirmed which may have been confirmed by virtue of any act of Congress.
- 6—Selections and entries in which no residence or improvement is required by law when land embraced therein is situated in nonmineral localities as shown by records of the Geological Survey, when the character has been fixed by investigation and classification made in accordance with law.
- 7—Reissuance of patents because of some clerical error occurring in patents heretofore issued.
- 8—Military bounty land warrants and other similar warrants when request for proof has been made.

The only possibility of a holdup of timber entries pending by special agent would be where timber lands are situated in "mineral localities" referred to in section 6 above.

Mr. Fulton is entirely satisfied with the modified order and believes it will meet every demand of settlers in Oregon.

The Royal Insurance Co., of Liverpool, England, enjoys the distinction of being listed among the companies—there were but six of them—which settled claims in the San Francisco conflagration at 100 cents on the dollar as adjusted. Assets over sixty million and an annual income of more than fifteen million. It pays to insure where you know your losses will be paid. The Royal gives such insurance; J. E. Stewart & Co., are their Prineville agents. 2-7t

When in Prineville don't forget to call at the Cash Grocery for all good things to eat, at bed rock prices. Millinery goods at actual cost until spring stock arrives.

T. F. McALLESTER.
J. E. Stewart & Co., have a few Buggies and Hacks left on which they are making very low prices.