

Crook County Journal

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County Court September Term

Court met in regular session Sept. 4, 1912. Present H. C. Ellis, judge, presiding; and Commissioners R. H. Bailey and James Rice; T. N. Balfour, sheriff, Warren Brown, county clerk.

O. C. Cardwell et al county road: Now is presented the petition of O. C. Cardwell et al for county road, and as all the legal requirements have been complied with, it is ordered that the board of road viewers meet at the beginning of said proposed road on the 10th day of October, 1912, view, review and survey said proposed road and report thereon at the next term of this court.

S. D. Mustard et al county road: As all the legal requirements have been complied with it is ordered that the board of road viewers meet at the beginning of said proposed road on the 14th day of October, 1912, view, review and survey said proposed road and report thereon at the next term of this court.

E. A. Knotts et al county road: County clerk is ordered to forward all papers relative to said road to the district attorney for his opinion as to their validity.

Papers for the following county roads were ordered sent to the district attorney for his opinion as to their validity:

Frank F. Fesch et al
Ella D. Peterson et al.
J. H. Davis et al.
Henry Bivins et al.
Geo. Monner et al.
Albert Moore et al.
C. D. Preston et al.
C. W. Hunter et al.
Hugh Lister et al.

M. A. Gulick et al, county road: It appearing from the opinion of the district attorney that all papers are regular and in accordance with the statute, it is ordered that the board of viewers meet at the beginning of said proposed road on the 16th day of October, 1912, view, review and survey said proposed road and report thereon at the next term of this court.

R. M. Elder et al county road: Board of road viewers ordered to meet at beginning of said proposed road on the 7th day of October, 1912, view, review and survey said proposed road and report thereon at the next term of this court.

Geo. F. Beckman et al road. Viewers ordered to meet at beginning of said proposed road on the 12th day of October, 1912, view, review and survey said proposed road and report thereon at the next term of court.

Viewers report on the R. G. Sturgeon et al road approved, and said road is declared a public highway.

Viewers' report on the A. O. Walker et al road is approved and the same is declared a public highway.

Petition for county road by R. J. Early et al is continued because of defect in bond by failure of sureties thereon to justify.

Petition of Merle L. Archer et al for county road was continued because of defect in same.

The notice in the E. L. Bates et al road was defective, and the matter was continued.

Petition for county road, by Marie L. Brooks et al is defective. Petitioners failed to recite the beginning or ending of the road. The matter was continued.

Petition of J. G. Edwards et al for county road was continued in order to inquire into a claim for damages.

J. L. Windom et al county road: County clerk ordered to forward all papers to the district attorney for his opinion regarding the matter.

The request of Jesse Hobson to



News Snapshots Of the Week

The hearing of the Rosenthal murder case was begun before Justice Goff in the criminal branch of the supreme court. William J. Flynn, secret service detective and former police commissioner of New York, was engaged to obtain evidence in the underworld graft inquiry. John Wanamaker, former postmaster general, was taken seriously ill following an operation. The power boat Ankle Deep made the best time in the elimination trials for the international races. The sudden illness of the emperor of Germany caused general alarm for his life, and he was forced to postpone several important state visits. Keir Hardie, the English authority on labor questions, came to this country to speak.

vacate certain streets and property in the plat of the south addition to Madras is dismissed, as the same in nowise complies with the requirements of law relative to vacations.

The lease to the county store house in bend was ordered filed.

The bounty on 112 coyote scalps and on 6 bobcat front feet, amounting to \$180, was reported by the county clerk. They were reduced to ashes in accordance with the code.

The following persons were wrongfully assessed for the year 1911 and the county clerk was ordered to credit the sheriff for the same: Jno. E. Lamb, \$6.28; Jno. R. Baylers, \$6.30; C. M. O'Leary, \$37.60.

Obstructions in the old Amity road must be removed and the road opened for travel.

Suggestions about creating county roads: Inasmuch as the number of new roads asked for by the public is increasing at an alarming rate, and in view of the fact that the legal establishment of a county road is a very technical matter, petitioners, whenever possible, are requested to secure the services of an attorney or some one having experience in such matters. It is a very common practice to make an affidavit of posting notices and swear to the same the day that such notices are posted and in nearly every case the signer, as well as the officer administering the oath, swear that said notices remained so posted for a period of 30 days continuously immediately prior to the date set for the hearing on the within petition. Such an affidavit could not be made.

Carelessness as to dates is a frequent cause for disallowance of road petitions. For instance in numerous road petitions presented to the court the notarial certificate shows that the affidavit of posting was sworn to weeks and even months prior to the actual posting of the notices as shown in the body of the affidavit.

Along this line the court begs to quote from a letter of District Attorney Fred W. Wilson as follows: "As I have before stated to the court, the proceedings to establish a county road are very technical, because of the strict decisions which have been rendered by the supreme court of Oregon, and it is something which has to be followed with extreme care. It would be wise if all parties who desire to establish a county highway would employ some competent attorney to prepare the necessary papers and watch all proceedings with reference thereto, and see that the statute is complied with. In that way the papers would come to the court and the district attorney in proper shape, and a great deal of time and delay would be saved. I dislike very much to be compelled to render adverse opinions as to the legality of proceedings for the establishment of county roads when I know that the people peti-

tioning for same are very desirous of having them established, but the law requires me to state whether or not proceedings are legal, and when they are so fatally defective, as in most instances, if not all, which come to me from Crook county, there is but one course left open."

Parties claiming damages should always make their claim to the viewers when viewing out the road in order that a full understanding may be had and a correct report made by said viewers. The parties petitioning for the road should accompany the viewers whenever possible in order to expedite the work and to offer assistance. The court is frequently blamed for the delay or failure to allow petitions when the fault is entirely with the people presenting them.

Viewers' report on the G. G. Groves road et al approved and the same is declared a public highway.

Viewers' report on the W. F. Mason et al road approved and the same is declared a public highway.

Viewers' report on the Peter Erickson et al road approved and the same is declared a public highway.

Viewers' report on the R. A. Harvey et al road approved and the same is declared a public highway.

Viewers' report on the Elmer W. Pershall et al road is approved and in accordance with said report is disallowed.

The report of County Surveyor Rice relative to the survey of the Black Butte road from the Sisters and Fly creek road westward to the Sisters and Metolius river road, was approved and notes and maps ordered recorded.

Construction of Blue Mountain road: Now is presented to the court a communication from the forestry department, and Homer Ross, forest supervisor for the Ochoco National Forest, appearing before this court in person, and it appearing to the court that there will be approximately \$1,200 available by said forestry department for the construction of a new and more feasible road over the mountain between Wheeler and Crook counties, and it further appearing that it is advisable for the county surveyors of Crook and Wheeler counties to cooperate with the forestry department in selecting the most feasible route and it further appearing that said proposed road will cost approximately \$2,500, and that said forestry department is willing to undertake and complete the construction of said road, provided that Crook and Wheeler counties will assist upon said road to the extent approximately of \$600 each, and as Wheeler county has evidenced its willingness to contribute its share, it is therefore considered advisable by this court that under the above conditions and upon the filing of vouchers with this court by said forestry department, and showing fully the

disposition of funds that Crook county allow and reimburse said forestry department its respective part of the cost of said road, provided, however, that when said road is fully completed Crook county's share shall not exceed the maximum sum of \$600.

All fences and obstructions of the C. M. Charlton et al road must be removed. The clerk is directed to notify the road supervisor in each district through which road passes to see that they are removed forthwith.

Watermaster's assistants: Whereas the county court of Crook county by virtue of Sec. 6619, L. O. L. has made order that George Brewster receive \$100 per month, or at the rate of \$5 per day with a maximum of \$100 per month for full time in performing his duties as water master for Crook Co. water district, and whereas, in the opinion of this court said water master is able to attend to all the duties of that office at this time as prescribed by statute, and that said Brewster has, at divers times, employed assistants to aid him in the discharge of his duties, and that neither said water master nor the division superintendent has indicated that said assistants were appointed "in cases of emergency," it is ordered by the court that the payments of the bills of C. S. Sorenson for \$76 for July and of Ray Brewster for \$40 for August, be continued until the emergency necessitating the employment of such assistants be shown.

The Pioneer Telegraph and Telephone Co. was notified to repair and put in safe condition and thereafter to maintain all its poles, wires and other property along or upon the county road or public highways between Prineville and La Pine, and in case of failure to forthwith make repairs, said county, acting through its road supervisors or other proper officials, will take the necessary means to remove such dangerous materials or obstructions as will in anywise interfere with travel.

The viewers' report on the Coleman road approved and said road is declared a public highway.

Mrs. Harriet Brown was wrongfully taxed in the sum of \$109.50. The clerk is ordered to draw warrant on the general fund in payment of such wrongful assessment.

Dick Vandervent was wrongfully taxed in the sum of \$59.31 on certain property and by mistake had paid the same. The clerk was ordered to draw a warrant on general fund in favor of Dick Vandervent, being the amount of wrongful assessment.

Trail Crossing bridge report: A complete and detailed statement on Trail Crossing bridge, verified by G. E. Woodward, superintendent, was received and ordered filed for public inspection. Said bridge was con-

structed and erected strictly according to contract, plans and specifications heretofore approved. Said bridge is accepted by the court on behalf of Crook county.

Lookout Mountain Telephone Co. was granted a franchise to construct, operate and maintain a telephone line over the county road as follows: Commencing at the east city limits of Prineville on east Fourth street, thence east to the line of Oliver Powell's land, thence north to county road on Ochoco creek, thence along said county road to forest range station in section 34, tp. 13 south, range 19 east; also commencing where above described line intersects with Johnson creek road, thence northerly along said road to section 24, tp. 14 south, range 16 east; also commence where first above described line intersects with the Mill creek road, thence northerly along said mill creek road to section 20, tp. 13 south, range 18 east.

Steidl & Tweet were granted franchises for an electric light and power system, for a water system and for an electric street railway system in Bend Park and First and Second additions to Bend Park, with the usual restrictions and reservations reserved to the county.

J. H. Haner petitioned the court to assign the A. P. Donohue timber cruising contract to him, said Donohue assigning to J. H. Haner all his interests in said contract. Upon consideration it was ordered by a majority of the court that the assignment of said award and accepted bid bid of A. P. Donohue to J. H. Haner be ratified and that further action thereon be continued. At this time H. C. Ellis, county judge, states that he is opposed to the ratification or approval of such or any assignment.

The following bills were ordered paid:

G. A. Gustafson, salary	\$120 00
J. W. Smith	100 00
E. L. Coe, salary and postage	286 38
J. W. Smith, trip to Corvallis	125 30
Clifton & Cornett, mds	4 85
Wright Bros, kalsomining, etc	150 40
P. L. & W. Co.	109 95
H. H. Clev, cash for wood	197 00
Crook County Journal, stationery	8 00
Peter Hallmeyer, plastering	41 00
Vira Cyrus, paper	2 25
J. H. DeLore, fuel	193 00
GENERAL FUND	
C. D. Rice, work in sheriff's office	180 00
Lynech & Roberts, mds for road camp	614 53
P. L. & W. Co.	136 20
T. N. Balfour, board for prisoners	172 21
T. N. Balfour, livery	38 50
A. H. Kennedy, justice fees	11 50
W. G. Woodward, juror fees	1 00
J. P. Cudde	1 00
R. L. Kitching	1 00
R. B. Cross	1 00
A. T. Yancey	1 00
Harry Hudson	1 00
Don Cowley, witness	11 50
Ed Gonsa	11 50
John McLennon	11 50
Emmer McCallum	11 50
Clyde Grater	11 50
J. C. Hrogan	11 50
Clyde McKay, expense fire patrol	86 70
Coast Cultivator & Flume Co., culverts	2919 00
W. R. Davidson, juror	1 00
Tam-s-lum Lumber Co., bal, account	9 00
G. E. Woodward, bridge inspector	105 55
Vau M. Morse, hauling	29 49
H. P. Balknapp, county physician	125 85
Rose City Sanitarium, care Mrs. Welch	45 00

Dr. Brooks, operation, Mrs. Welch	100 00
Wm H Hess, auto hire, pauper	25 00
H. G. Jones, horse feed	25 00
Fred A. Rice, surveying fees	247 50
Bend Milling & Warehouse Co., scrapers	27 00
Metolius Drug Co., mds	2 40
J. H. Jackson, justice fees	5 00
John Robinson, constable fees	5 00
E. H. Smith, repairing jail beds	3 00
J. C. Thorp, justice fees	5 15
A. C. Lucas, constable fees	6 00
J. H. Nichols, witness	2 00
F. T. Swisher, witness	2 50
H. G. Jones, witness	104 00
G. W. Wells, witness	104 00
Peter Monson, chairman	2 00
J. H. Stewart, marker	2 00
Peter Erickson, flagman	2 00
C. C. Dunham, axman	2 00
J. H. Harvey, flagman	2 00
Albin Peterson, axman	2 00
N. F. Olson, chairman	2 00
C. S. Soudiquit	2 00
L. Arcey, marker	2 00
F. L. Rice, chairman	40 00
Frank Rice	40 00
W. S. Harvey	4 00
R. A. Harvey	2 00
Ulrich Bari, axman	2 00
G. F. Gates, chairman	2 00
N. W. Morriette, axman	2 00
C. A. Wall, marker	6 00
L. C. Glover, marker	6 00
Glass & Prudhomme, mds	3 84
J. M. Lawrence, justice fees	11 50
C. D. Brown, special constable	1 50
Dolly Hodges, work in assessors office	35 00
J. P. Delaney	208 00
Sears Lee	76 00
Taylor & Taylor, water	3 00
Baldwin Sheep Co., mds	53 85
H. H. Clev, salary	100 00
H. H. Clev, cash paid out	46 50
W. J. Smith, wood	99 75
Mrs. R. E. Gray, work in supt. office	11 00
Ivone Barnes	11 00
Crook Co. Journal, printing and pub	77 35
A. Wilson, hauling	4 00
Pacific Ink & Printing Co., type ribbons	9 00
J. A. Wilcox, spl. dep. city fees	15 00
Warren Brown, cash paid out	25 00
J. L. Stevens, Jr., auto hire	25 00
W. C. Hollinshead, constable fees	4 10
W. G. Fordham, justice fees	3 10
John Monroe, witness	1 00
H. J. Birdsall, witness	1 00
W. H. Wirtz, official exp.	20 80
Williams & Crandall rubber boots	5 06
A. T. Shaver drilling well	250 00
O. G. Colver, reg. voters	50
D. A. Bowman, act. coroner	5 00
J. J. Witt, juror	1 00
C. L. Dennison, juror	1 00
F. T. Noble, juror	1 00
Robert Smith, juror	1 00
E. H. Howell, juror	1 00
F. M. Zumwalt, juror	1 00
August Arneson witness	1 00
Anthony Roach	1 00
C. L. Gist	1 00
John Dennis	1 00
J. P. Duckett	1 00
Bushong & Co., mds	127 50
Bend Hdq. Co., mds	1104 53
The Bend Co., mds	90 90
B. McCaffery, care Jones	170 00
Beall & Co., plows	1700 29
Coast Bridge Co., bridges, etc	15 00 29
Warren Brown, cash paid out	55 35
Pioneer Tel & Tel Co.	54 15
Geo. Brewster, water master	180 61
Matt Kulesch, pass fare	2 00
Horne Hospital, care Co. charges	257 50
R. L. Jordan, extra clerk hire, etc.	32 50
W. P. Adams & Co., mds	21 55
Templeton & Son, mds	22 00
E. G. Hodson, services to date	24 80
T. N. Balfour, cash paid out	4 00
Warren Brown, extra clerk hire	200 00
T. J. Minger, mds and labor	58 45
Hood & Harrison, teaming	178 00
Frank Ekins, del. due delinquent taxes	28 75
Dave Grimes, road work Dist 7	16 50
Wm. Farrell	9 00
P. T. Monroe	10 00
M. J. Johnson	12 00
J. W. Witt	5 00
H. V. Koch	15 00
R. V. Jenkins	6 00
M. F. Hawthorne	2 25
L. H. Root	28 00
D. Naeo	20 00
W. E. Claypool	32 50
R. M. Elmer	135 19
F. W. Smith	80 22
Shurtz Bros, road work at Redmond	303 00
E. A. Ford, institute fund	262 00
R. H. Bailey, com'r fees	40 00
James Rice, com'r fees	40 00
R. L. Jordan, for road work	300 00
R. L. Jordan	300 00

Land Law in Great Favor.

"It is my opinion that under the operation of the Borah three-year homestead law the number of final proofs that will be offered in the next 12 months will increase fully 50,000," said Fred Dennett, Commissioner of the General Land Office, who passed yesterday in Portland, preceding last night to California.

"There are now pending before the General Land office about 300,000 homestead entries. In these cases the entrymen can avail themselves of the Borah law in making final proof. Notices of intention to make final proof are coming in rapidly from all sections of the country.

"The law is immensely popular with the settlers, and it means a great deal to those states in which public land is located. By reducing from five to three years the length of residence required before final proof can be made, thousands of entrymen will be in a position immediately to proceed with completing final proof. The benefit to the different states comes in the consideration that these lands will all the sooner be developed and add to the county's resources."