

Crook County Journal

COUNTY OFFICIAL PAPER FOR CROOK COUNTY

CITY OFFICIAL PAPER FOR CITY OF PRINEVILLE

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PRINEVILLE, CROOK COUNTY, OREGON, AUGUST 16, 1917

NO. 40

SIX MEN ARE SUED FOR \$50,000 BY SPRINGER

RUSSELL, STANTON, JOHNSON, YANCEY, UPTON, AND BYRD

PUBLICATION OF ARTICLE CAUSE

Article The Journal Refused to Print is Cause of Action—Was Printed in The Enterprise

Another chapter was opened in the political history of Crook County Saturday when Judge G. Springer served through the Sheriff of Crook County, papers in a \$50,000 libel suit against the five men who signed an article which was printed in the Enterprise of its issue of May 24 of this year.

The defendants in this action are G. H. Russell, J. W. Stanton, B. F. Johnson, S. W. Yancey, J. H. Upton and A. M. Byrd. Russell, Stanton, and Yancey are prominent ranchers and stockmen, Johnson is local representative of the Oregon & Western Colonization Company, Upton a local attorney and Byrd is publisher of the Central Oregon Enterprise.

Sections contained in the complaint, which covers nine typewritten pages, and which will give our readers an idea of the nature of the charges are herewith reproduced.

Attorneys for Judge Springer are N. G. Wallace of this city and Stapleton, Conley & Stapleton of Portland.

The case, should there be no delays will perhaps be tried at the September term of circuit court.

The complaint says in part:

That on and prior to the 19th day of May, 1917, the defendants, G. H. Russell, J. W. Stanton, B. F. Johnson, S. W. Yancey and J. H. Upton, had entered upon a conspiracy against this plaintiff, which conspiracy had for its objects and purposes the recalling of the plaintiff from his said office of County Judge and as a member of the County Board of Commissioners and the County Court and of depriving the plaintiff of the honors and emoluments of said office and, as a part of said conspiracy and to enable them to more effectually carry out these said purposes, they agreed, conspired, connived, and confederated together to manufacture, compile, write, publish, and circulate in said County and State false, scandalous, slanderous, libelous, and defamatory reports and matter of and concerning the plaintiff for the purpose and with the intent and object of thereby to subject and expose plaintiff to hatred, contempt, ridicule, and obliquity and to deprive him of the benefit of public confidence and social intercourse, and to injure him in the pursuit of his duties as a public official of said County and State, and to deprive him of his said public office in said County and, by such means and methods, to procure the names of legal voters of said County to a Petition asking for the recall of plaintiff in sufficient numbers to enable the recall of plaintiff to be submitted to the voters of said county.

That, in furtherance of said conspiracy and for the objects and purposes and with the intent aforesaid, the said defendants did on the 19th day of May, 1917, purposely, designedly, intentionally, and maliciously compose, compile, write, sign, and cause to be published in the Central Oregon Enterprise, a weekly newspaper published and of general circulation in the City of Prineville and County of Crook in the State of Oregon, and, in the issue thereof of date, May 24, 1917, the following words of and concerning the plaintiff in his said office of County Judge and member of the Board of County Commissioners and County Court, to-wit:

(At this place in the complaint the alleged libelous article appears.) That, at the date and time of publication of said false, scandalous, libelous, and defamatory words and matter, the said defendant, A. M.

TEMPLETON RANCH SOLD

Mr. and Mrs. Vanderpool Buy Cantrell Interests in Homestead

The Cantrell interests in the old Templeton ranch a few miles west of Prineville, were purchased by Mr. and Mrs. Med Vanderpool, Monday. The ranch contains 160 acres of bottom land, and the consideration for a half interest was more than \$7500.00.

WEDDING AT HIGH NOON

Charles E. Cole and Miss Cleora Kinder were married at the home of the bride Sunday at twelve o'clock, Dr. J. H. Gervin officiating.

The bride is a daughter of Mr. and Mrs. Clyde Kinder and has lived in Prineville most of her life. Mr. Cole is with the Inland Auto Company.

After the ceremony a sumptuous dinner was served to about forty guests.

Byrd, was the owner and proprietor of said newspaper, and knew of the publication of said matter, and that said issue of said newspaper in which said matter was published was circulated in said County and State.

That said writing and the words and matter therein contained were false, scandalous and defamatory, and were intended to and did convey to the residents, citizens, and voters of said Crook County, State of Oregon, that plaintiff was guilty; (Here is given a list of eighteen exceptions which have been taken by the Judge and his attorneys to statements contained in the above article mentioned.)

That the publication of said scandalous, libelous, and defamatory words and matter caused numerous persons and voters of said Crook County, Oregon, to lose confidence in the plaintiff and in his official integrity, and to believe him to be corrupt, dishonest, and incapable in the discharge of the duties and obligations of his office to such an extent that they have advocated and urged his recall, much to his chagrin, humiliation, and annoyance.

That the wrongful and malicious acts of the defendants, and each of them, have resulted in a damage to this plaintiff in the sum of Fifty Thousand Dollars (\$50,000.00).

Wherefore, plaintiff prays judgment against said defendants, and each of them, for the sum of Fifty Thousand Dollars (\$50,000.00) as damages, and for the costs and disbursements of this action.

N. G. Wallace, Stapleton, Conley & Stapleton, Attorneys for Plaintiff.

WAREHOUSE PLANS READY

McMickle & Bell Will Build Structure 40x160 Feet

McMickle & Bell have completed plans for the construction of a warehouse 40x160 feet, with basement 40x40 feet.

These gentlemen were in Prineville yesterday from Redmond and announce that they are ready to start construction as soon as the commission shows them where their site is situated.

They hope to have the building under way by the first of the month and hope to have it completed before the fall business is under way.

The building will cost between \$7,000 and \$8,000 and will be equipped with a cold storage room 38x14½ on the first floor.

PORTLAND AND SEATTLE MARKETS

Portland.

Wheat—Club \$2.36; bluestem \$2.40; red Russian, \$2.34; forty-fold, \$2.38. Barley—No. 1 feed, \$48 per ton. Hay—Timothy, \$26 per ton; alfalfa, \$22. Butter—Creamery, 40c. Eggs—Ranch, 35c. Wool—Eastern Oregon, 61c; valley, 70c.

Seattle.

Wheat—Bluestem \$2.40; turkey red, \$2.40; forty-fold, \$2.37; club, \$2.36; fifty, \$2.36; red Russian, \$2.35. Barley—\$49 per ton. Butter—43c. Eggs—Ranch, 46c.

The Journal does modern printing on short notice.

OCHOCO DISTRICT PROJECT TO START IN TWENTY DAYS

Twohy Bros. Company, of Portland, Will Start Work on Main Canal and Dam by September 5

Flood Waters for Next Crop Assured. Entire Project to Be Completed by May 1, 1919. \$25,000 Paid on Bond Issue Today

Actual construction will be started on the Ochoco Irrigation District project by September 5, and flood waters for all the lands that are ready for water will be available by or before May 1, 1918.

A contract was entered into by the board of directors for the district at a meeting here today with Twohy Bros. Company, of Portland, for the construction of the main canal for a distance of 15½ miles and the reservoir, the consideration for which is between \$400,000 and \$450,000.

For this work the contractors take bonds at their par value.

The remaining block of \$500,000 worth of bonds was purchased by Clark, Kendall & Company at 90 plus accrued interest, which makes the average price for the issue of \$900,000, 94½ per cent plus.

The contracts specify that the main canal is to be completed and ready for water by May 1 next, and it is unofficially stated that this work will be completed before that date.

The reservoir will be completed by May 1, 1919, and after that date a fixed penalty of \$100 per day is stipulated.

The contract specifies also that the construction of the main canal will be started not later than 20 days from today, which will be September 5.

On this work Twohy Bros. Co., will use a steam shovel and some of the tunnel work will perhaps be sub-contracted at an early date.

A cash deposit was made with the district today in the sum of \$25,000 and the remaining cash consideration is ready on the delivery of the bonds which is to be made not later than fifteen days from date.

The plan of the contractors, we are informed, is to employ all the local men and teams that are available for the works, and no doubt there will be work for all who are in a position to accept it.

The construction of the tail end of the canal, below the 15½ mile post, and all laterals, of which there are many miles, will be done by the board of directors of the district, and as the need for water is great, this work will be started at the earliest possible date.

The main canal is 22 miles in length, and the 6½ mile section that will be constructed by the district has already been surveyed, as have some of the laterals.

The actual placing of the contract which will mean the reclamation of about 22,000 acres of the best land in Oregon was done by Ralph H. Schneeloch of the firm of Clark, Kendall & Company, of Portland, who is entitled to great credit when the condition of the labor, money and material market is considered.

PRINEVILLE BOY IS "SOMEWHERE AT SEA"

Somewhere at Sea

My Dear Dad:—

Would like awfully well to tell you where I am and what ship I am on but for certain reasons will be unable to do so. I am fine and dandy and like the life fine. My first impression of the sea was a blank when I was so darned sea sick I couldn't tell my name, but after I was all over it I didn't mind it at all and by this time I am enjoying every day. I sure like the changes of country and scenery that I have been seeing since we left Frisco. I've gotten four letters from home since I left, which has been about a month and a half, but have before this time been unable to write to any of the folks.

I only hope that you and my sisters are all well and tell them not to worry for I am all O. K. Am in fine shape, have increased in weight several pounds and my clothes are getting too small for me.

I was glad to hear in your letter that the railroad is coming along in good shape and that it will be completed by Fall time, for it will help make the Fair bigger and better than ever.

Now, papa, as I won't be able to tell you the name of my ship so you can address my letters direct to me, you can send them in care of the Postmaster in Frisco and I will get them just as quickly. I probably will get transferred to another ship when I get back and later on may be able to give you my address.

Your son,
O. R. HODGES.

There will be services at the Catholic Church Sunday morning at 10 o'clock.

Born, to Mr. and Mrs. Victor Shawe, of Powell Butte, Tuesday, August 14, a boy.

IMPORTANT MATTERS PRESENTED TO DINERS

The good attendance at the business men's luncheon was commented on Friday at the Prineville Hotel by J. W. Stanchfield, of Seattle, who is here in the interest of the warehouse that is to be built in the near future. Mr. Stanchfield said that the attendance is far greater according to population than the club he belongs to in Seattle with a membership of fourteen hundred. He is very favorably impressed with Prineville and the surrounding country and expects to locate here.

Sergeant Asa W. Battles and Quartermaster's clerk, Norris Bixby, who were home on furlough last week, were guests at the luncheon. Sergeant Battles gave a very interesting description of Fort Columbia where they are stationed and also told something of the manners and customs of army life. He said that the eight Prineville boys at this fort were all in the same company, that being the largest number from one place, with Prairie City and Sumpter next, having three each. The boys are boosting Prineville to a finish, but they say that whatever they do will not half repay the people here for the many kindnesses that have been shown them since they enlisted and left here about four months ago. They especially appreciate the letters and boxes of good things to eat that have been sent quite regularly, not that they do not have plenty to eat, but the little extras from home look very good to them. Prineville is very proud of the creditable showing her boys have made.

Homer Ross reported that the \$5,000 fish fry sent out by the State Fish Commission would arrive in Redmond in a few days and hoped to get enough cars donated to bring them over from the railroad. They are to be distributed in

DEATH OF HENRY SMITH

Was Pioneer of Paulina Country—86 Years of Age

The death of Henry Smith, a pioneer of the Paulina country for many years, occurred at the Smith home 12 miles below Paulina Saturday evening.

Mr. Smith was 86 years of age, and had resided in the same community almost continuously since coming to Oregon.

Funeral services were conducted Sunday evening and burial was had at the Maury cemetery.

HAS NEW STORE BUILDING

J. W. Morgan Is Completing 30x50 Structure at Paulina

J. W. Morgan is completing a new building at Paulina 30x50 feet in size, which will house the Paulina telephone exchange and will also be used for a store.

The building will be used for a dance on the evening of August 24.

streams near Prineville.

Lake M. Bechtell, chairman of the meeting, said the Rod and Gun Club was in process of organization and would be perfected in a short time.

Jay H. Upton expects one hundred and sixty-eight Chinese pheasants within the next few days and will liberate them in the vicinity of Prineville.

E. J. Wilson, of the Crook County Bank, reported that the petitions were being circulated for the Prineville-Mitchell mail route and that the situation looked favorable for the establishment of this much needed route.

R. L. Schee suggested that Prineville citizens cooperate with Mitchell by sending a large delegation to their Fair which is to be held early in September, the exact dates to be announced later.

The luncheon tomorrow will be at the Oregon Hotel.

NEW BUSINESS BUILDING

Will Be Occupied By Pacific Telephone Company Soon

Contractor J. B. Shipp, of Shipp & Perry, is constructing a concrete building on west Fourth street opposite the postoffice, for Mrs. Maling Walker.

The building is 22x30 feet in size, and will be occupied by the Pacific Telephone & Telegraph Company as soon as completed which will be on or before October 1.

The construction price is said to be about \$2500.00. Two other buildings will perhaps be constructed near by in a short time for Mrs. Walker.

RAILWAY WORK PROGRESSING

Contractor E. T. Johnson, who is grading the Prineville railway says the roadbed will be ready for rails by October 15 so far as he can tell now.

Mr. Johnson was in the city yesterday arranging some matters with the city officials who have charge of the construction.

POTATO INSPECTOR HERE

83 Acres Entered For Certified Potato Seed Production

The first inspection for Oregon grown certified seed potatoes was made this week. Pro. J. E. Larson, of Corvallis, the inspector and R. A. Blanchard, county agriculturist, made the first of three inspections in the field.

Twelve men representing the best potato growers entered the work. It is expected that about 83 acres will qualify this season.

Any farmer can enter the work, on payment of one dollar per acre. The inspector then makes three visits, examining the field for variety, type, disease, culture, etc. On successfully completing the requirements the certificate is issued.

Mr. Larson states that Crook and Deschutes counties are the most live, awake and interested section of the state to the importance of the movement.

The following growers have entered the contest: W. C. Arnold, W. M. Ogg, J. O. J-well, J. M. Babcock, J. A. Foss, Redmond; G. E. Stading, L. A. Hunt, Lower Bridge; R. U. Flickenger, Tumalo; S. D. Mustard, G. L. Gibson, G. N. French, R. L. Moore, Powell Butte.

1 KILLED AND 2 INJURED IN ACCIDENT FRIDAY

FREDA LAFOLLETTE AGED 12 WAS VICTIM

MRS. RAY AND DAUGHTER HURT

Funeral Services Held in This City Monday Morning—McKay Grade Scene of Tragedy

Freda Lafollette, aged twelve, daughter of Mr. and Mrs. Poe Lafollette, was instantly killed in a runaway accident on the McKay mountain grade between Prineville and Ashwood Friday afternoon about 1 o'clock.

Her older sister, Mrs. Ira Ray, and Mrs. Ray's daughter, Golda, who were in the back at the time of the accident, were badly injured also but both will recover.

The party was returning from Prineville where they had been visiting with relatives until the morning of the accident.

Returning down the mountain toward Ashwood, one of the tugs became unfastened, and the team started to run.

Miss Lafollette was thrown out of the rig and evidently became entangled in the harness for her head was horribly mangled in its contact with the hard roadway.

All three members of the party were thrown out, and after caring for her little five year old daughter as best she could Mrs. Ray went for assistance, a distance of about twelve miles, leaving the little girl with the body of her aunt.

The distance was covered partly on foot and the remaining distance on one of the horses which Mrs. Ray succeeded in catching some distance from the scene of the accident.

The little girl was left alone from the time of the accident until about 7 o'clock in the evening when help arrived.

The body was taken to Madras by Coroner Ed Mason, of Jefferson county, and later brought to Prineville for burial. Funeral services were held Monday morning.

Mrs. Ray and little daughter are being cared for at Ashwood, and although they were badly injured from bruises and shock, will both recover it is thought.

BRIDGE BID NOT ACCEPTED

Council Defers Action on Construction of Second Street Span

The bid of R. A. Clark for the construction of a cement bridge across the mill race on West Second Street was laid on the table for further consideration by the city council at a special meeting held Tuesday evening.

Mr. Clark submitted the only bid, which was for \$1400.00 with wood railings and \$1585.00 with cement railings.

LAWSON WINS COMMISSION

Washington, Aug. 14.—Commissions awarded to the students at the Fort Logan R. Roots, Ark., officers' training camp, include Douglas Lawson, of Prineville, Ore., captain. He is a son of Thomas Lawson, famous Boston financier.

LOOKING OUT ROAD UP CROOKED RIVER GORGE

A party of eight or ten Prineville men is investigating the feasibility of building a road up Crooked River gorge from the Stearns ranch to Mayfield's ranch, today.

They left at an early hour this morning and will make the trip on horseback with a view of estimating the cost of building a road to care for the traffic from the Paulina and Bear Creek communities.

The Journal \$1.50 per year.