

Heppner



Gazette.

SEVENTEENTH YEAR

HEPPNER, MORROW COUNTY, OREGON, THURSDAY, NOVEMBER 2, 1899.

NO. 754

PROFESSIONAL CARDS.

C. E. Redfield ATTORNEY AT LAW. Office in First National Bank building. Heppner, Oregon.

Ellis & Phelps ATTORNEYS AT LAW. All business attended to in a prompt and satisfactory manner. Notaries Public and Collectors. Office in Natter's Building. Heppner, Oregon.

J. W. Morrow ATTORNEY AT LAW and U. S. COMMISSIONER. Office in Palace hotel building, Heppner, Or.

A. Mallory, U. S. COMMISSIONER NOTARY PUBLIC. Is authorized to take all kinds of LAND PROOPS and LAND FILINGS. Collections made on reasonable terms. Office at residence on Chase street. Government land script for sale.

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G. B. Hatt Tonsorial Artist Shop, Matlock Corner, Heppner, Oregon.

A. Abrahamsick Merchant Tailor Pioneer Tailor of Heppner. His work first-class and satisfactory. Give him a call - May Street.

Gordon's Feed and Sale Stable Has just been opened to the public and Mr. Gordon, the proprietor, kindly invites his friends to call and try his first-class accommodations. Stable located on west side of Main street between Wm. Scribner's and A. M. Gunn's blacksmith shops. For the ladies-A fine horse and lady's saddle.

LIBERTY MARKET THE OLD SHOP! Is the place to go to get your fine pork and lamb chops, steaks and roasts. Fish Every Friday. Fine sugar-cured hams and bacon. Pure leaf lard, kettle-rendered, old style. Highest cash price paid for fat stock. Book & Mathews.

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Table with 2 columns: HEPPNER TO, MILES, FARE. Rows include Hardman, Monument, Hamilton, Long Creek, Fox Valley, John Day, Canyon City.

ARLINGTON-FOSSIL Stage Line H. BEKD & A. G. OGLVIE Proprietors. FARE FROM ARLINGTON TO Fossil (40 miles) \$5.00 Round trip \$9.00 Mayville (50 miles) 4.00 Round trip 7.00 Condon (30 miles) 3.00 Round trip 6.00 Clem (25 miles) 2.00 Round trip 3.50 Olex (15 miles) 1.50 Round trip 2.50 Stage leaves Arlington every morning (Sunday excepted) at 6 o'clock; is due at Condon at 3 p. m. and arrives at Fossil at 7 p. m. Comfortable covered coaches and careful, experienced drivers.

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Palace Hotel. J. W. MORROW, Proprietor. Strictly First-Class. A Leading Eastern Oregon Hotel. Every Modern Convenience. Drummers' Resort. Stockmen's Headquarters. One of the finest equipped Bars and Clubrooms in the state in connection.... First-Class Sample Rooms. For Business Heppner is one of the Leading Towns of the West.

THE ART OF BREWING Was Perfected by the Production of... HOP GOLD. And now the entire world knows this perfect product As the Star Brewery beer.... On draught at all popular saloons. STAR BREWERY CO. 203 Washington St., Portland, Or.

Good Goods... Fair Prices. T. R. HOWARD'S. Groceries, Provisions, Glassware, Tinware and Furnishing Goods. Staple and Fancy Groceries. Fine Teas and Coffees. T. R. HOWARD, Heppner.

MANSLAUGHTER IS THE VERDICT.

Recommendation for Extreme Mercy Made by Jury in Mims Case.

The East Oregonian of the 27th says: At 9:40 o'clock this morning, the jury in the Mims murder case returned a verdict, for manslaughter, with a recommendation of extreme mercy.

The language of the verdict was: "In the circuit court of Oregon for Umatilla county.

"The state of Oregon vs Elwin L. Mims. "We the trial jury, empaneled to try the above entitled cause, find the defendant, Elwin L. Mims, guilty of manslaughter. We recommend the defendant to the extreme mercy of the court "WILL SCOTT, Foreman."

SENTENCE WILL BE PASSED ON MONDAY. Judge Lowell set Monday, at 2:30 p. m., as the time for passing sentence on Mr. Mims.

In defining manslaughter, the court gave this instruction to the jury Wednesday evening: "If any person shall without malice, express or implied, and without deliberation, upon a sudden heat of passion caused by a provocation apparently sufficient to make the passion irresistible, voluntarily kill another, such person is deemed guilty of manslaughter.

The statute provides penalty for the crime of manslaughter as follows: "Imprisonment in the state penitentiary for a term not less than one year and not exceeding fifteen years, and a fine not exceeding \$500."

Thus, under the statute, the lowest penalty that can be imposed is imprisonment in the penitentiary for a term of one year and a fine of \$1. The highest penalty that can be imposed is fifteen years imprisonment in the penitentiary and a fine of \$500.

HOW THE JURY STOOD. It is given to understand that the jury, when first polled, stood nine for acquittal, and three for conviction of murder.

The verdict brought in was, apparently, a compromise.

It is customary, when the jury goes out to make up their verdict, for the lawyers on the two sides to furnish them with typewritten copies of the verdict they may render. In this instance, they had copies of four verdicts given them:

- One for murder in the first degree. One for murder in the second degree. One for manslaughter. One for acquittal.

The verdict, as returned to the court, and now on file with the county clerk, was typewritten, and, of course, simply stated the first part of the verdict as finally made up:

"We the trial jury, empaneled to try the above entitled cause, find the defendant, Elwin L. Mims, guilty of manslaughter. (Signed) W. M. Scott, Foreman."

Then written in ink just below the foreman's signature, were the words: "We recommend the defendant to the extreme mercy of the court."

It is reasonable to assume that this addition of a recommendation for mercy was made when the compromise was reached, and that the nine who held out for acquittal refused to accept manslaughter "straight," but insisted on scaling it down by recommending mercy.

All the jurymen who had been summoned on special venire, Tom Thompson, U. G. Horn, G. W. Ragg, John Muir, Grant Ehardt, J. D. Penck and J. M. Pointer, were addressed by Judge Lowell, the others, W. M. Scott, A. J. Sample, M. L. Morrison, regular venire jurymen, being retained, as well as Dan Hicks and Charles Brotherton, who were summoned to fill out the regular venire.

The case has been of unusual interest, and has held the undivided attention of the people of this city and county since the beginning of the examination of the ten men summoned to the jurybox on the first day. A total of fifty-seven men were brought in as takers, and out of these were chosen the twelve men who tried the case.

In the actual trial of the case in the circuit court before Judge S. A. Lowell, eight witnesses were subpoenaed, nearly every one of whom were called to the witness stand, and some being called two or three times. There were other witnesses before the grand jury.

The cost of the case will probably be \$200 to the state of Oregon. Witnesses subpoenaed in the case were:

For the state of Oregon: John Russell, I. N. Wickersham, Ed Allen, Dr. F. W. Vincent, Dr. W. G. Cole, E. J. Harton, C. A. Frazier, D. H. Casey, Dkyo Mumford, James Nesgle, Ed Bush, C. J. Smith, T. J. Meas, J. F. Craddock, James Hipp, William Humphrey, Frank Kaleb, Arthur Gibson, H. W. Barcott, J. S. McLean, Dr. J. Nichols, D. S. Hatcher, Sam Endeccott, sr., T. F. Howard, Tom Miskrey, J. Eugene Moore, Peter Carroll, Jon Bryant, James Farley, Frank McGinnis, Homer Campbell, William Athlison, W. J. Robinson, Foster Wells, Tom Montgomery.

For the defense: George Mosker, R. E. Hallock, J. P. McMann, Charles Estes, Camb Wier, Henry Anderson, Paul Davis, Gas Holloway, G. W. Donohue, Dr. H. S. Garfield, Al Hardwick, J. F. Stranhan, John Wansler, O. L. McGinnis, Thos Johnson, Fred Shoe Shoemaker, James Washington, Charles

Muskey, Ruth Strahon, Miss Carter, J. A. Howard, E. P. Dodd, Frank O'Hara, J. L. Cayse, L. N. Davis, W. D. Blitch, J. M. Spence, H. L. Scott, Ross McMahon, B. E. Kennedy, Frank Frazier, Sheriff Blakely, Deputy Sheriff T. D. Taylor, Charles Carter and County Clerk R. S. Barroughs were also called by the defense without having been subpoenaed.

THE MAUSER PISTOL.

A Deadly Weapon That Kills at Five Hundred Yards.

It was scientific, but it was gruesome, and even repulsive, to some who had the courage to see it through. But men must die that men may live, and so a few hundred bullets fired into the anatomy of a man long past the knowing in order to determine what effect similar bullets would have on a man who did know, is alright in the interest of surgical and military science.

Some of the best known doctors of Kansas City tested the deadly Mauser automatic pistol recently, and as a target a cadaver (human corpse) was used. At ranges from 60 yards up to 500 yards it has proved that the Mauser pistol is the most effective and deadly weapon of its kind ever invented, and that up to a maximum range tried it is practically as good in the hands of a marksman as a Krag-Jorgensen, a Lee, or Mauser rifle.

When nothing but flesh resists the passage of the bullet it makes a small round hole where it enters and a hole like cut where it comes out. If bone is in the way it is often shattered into fragments.

The tests were made for the United States government, and the effects of the bullets on human tissue and bone will be reported, with photographs, to the war department.

The pistol with a shoulder attachment, shoots accurately, and will kill at a range of 500 yards. Bullets passed completely through the cadaver at that range. The pistol has been adopted by the German government for its cavalry.

It fires ten shots without re-loading, and can be emptied with accuracy of aim in less than three seconds. The cartridges are 30 calibre, and are propelled by smokeless nitrate powder. The bullets weigh 85 grains each, and have a lead core surrounded by nickel-plated copper jackets. The cartridges to the number of ten are held in a row in a tin clip, and may be placed in the magazine of the pistol quickly, when the trigger is pulled the recoil from the explosion with one motion throws out the empty shell, cocks the hammer again, and throws forward another cartridge from the magazine into the barrel.

Although the pistol was fired hundreds of times it got out of order but once, and then only for a moment. A cartridge choked in the barrel, but was easily forced into place. The recoil throws the empty shell at least three feet into the air. The pistol is a unique and perfect piece of mechanism. Its basic principle is the use of the force of the recoil to reload and recoil it. It is no longer and not so heavy as the ordinary Colt revolver, and shoots further, straighter and harder. The Mauser pistol is kept in a black walnut case which may be readily attached to the pistol's butt, transforming the weapon into a short rifle.

There is nothing intricate about the mechanism; it can be taken apart and put together again in a few minutes. All the parts of the weapon work on eccentricities, and the only screw used in the handle. When the pistol is loaded it is only necessary to take aim and press the trigger rapidly until the ten charges are exploded. It is sighted only at 500 yards, but there is no doubt that it will kill at twice that distance.

The cartridges are packed in tin clips, 40 to the box. If necessary a soldier could easily carry ten of these boxes, giving him 400 rounds to shoot before he would have to fall back. The weapon is loaded from the top, and the magazine directly abays the trigger.

Training Shepherd Dogs.

The natives of New Mexico seem to have an original way of training shepherd dogs. A pup is taken from its mother as soon after birth as possible (the breed or dog is immaterial). The young of a sheep or goat is taken away and the pup is substituted. After the first few days the pup is never fed except just before the flock goes to pasture in the morning and just after the sheep are brought in at night. As soon as he can walk he goes out with the flock and stays with it all day. Whenever he begins to anticipate supper by trying to drive the flock in before sundown he gets punished. After he is about a year old he takes a flock out, guards from other dogs and coyotes during the day and bring them at the proper time at night without supervision. I have tried all kinds of temptation on a dog that was encountered in the hills with his flock, but in spite of all he would remain faithful to his duty driving his flock to a safe distance before venturing to make the acquaintance of my own dog.—J. E. Petterson in Orange Jut Farmer.

A Frightful Blunder.

Will often cause a horrible burn, scald or bruise. Bucklin's Arnica Salve, the best in the world, will kill the pain and promptly heal it. Cures old sores, fever sores, ulcers, boils, felons, corns, all skin eruptions. Best sole cure on earth. Only 25c a box. Cure guaranteed. Sold by Slocum Drug Co.

O. R. & N. TO SET PACE.

Will Reduce Freight Rates to the Port of Portland.

The following is from the Astorian of Saturday last: "The Oregonian some time ago, in commenting on the advantages of Portland over Puget Sound as a shipping point, declared that one engine on the O. R. & N. line could haul as much freight into Portland as four engines could haul over the mountain grades of the Puget sound roads into Tacoma or Seattle. This statement is true and it is one of the main elements which should give either Portland or Astoria nearly the entire outgoing and incoming commerce of the Pacific Northwest. But will the Oregonian explain why Portland doesn't insist upon a reduction of the O. R. & N. rates commensurate with this advantage of its lower operating expenses?"

This shall have a fair answer. Reduction of freight rates over the O. R. & N. from the interior to Portland is a matter which has had and will still have the attention of the management. Such reduction is sure to be made. The question is as to the extent of it, and the time when. The O. R. & N. is spending a very large amount of money in improving its lines and building new ones. It is putting its system in order for large traffic, at low rates. This is the secret of over \$1,000,000 in reducing the curves and otherwise improving the roadbed of its main line, and more than \$2,000,000 in establishing the new cut off along Snake river. It has other large extension and improvement work in hand. Management has not felt, therefore, that it could make reduction of rates at this time, but there is no doubt that it will do so. It is putting its lines in order for this special purpose, so it may make the reduction and yet have a reasonable profit. It is on this basis that the O. R. & N. expects to hold first place in the traffic of the great Columbia basin.

But, of course, no person who is acquainted with railway business expects the O. R. & N. to establish and maintain lower rates to Portland than will be given to Puget sound by the railroads that terminate there. In other words, whatever cut may be made by the O. R. & N. in freight rates on the products of the upper Columbia will be met by the Great Northern and Northern Pacific.

No matter how deep the cut, they will meet it at once. The question whether they can afford to do so will not enter into their calculations, for they will think it necessary to protect this important part of their business, and they will do it. We shall never, therefore, have lower rates to Portland and Astoria than they will make to Puget sound. They will carry without profit, or even at loss, to hold their part of the business and protect their terminals. These roads are great transcontinental lines, and each will use its entire resources to support its system as a whole.

But reduction will come, because the O. R. & N. is preparing its lines so as to be in condition to make the haul cheaper. Cheap and abundant coal is one more thing in which Portland is yet at a disadvantage. But there are good hopes of supplying this need ere long. These problems we shall work out; but it takes time. The Oregonian has no doubt the O. R. & N. will reduce rates when it finds it can afford to do so. But no one has a right to expect that every reduction it may make will not be met at once by the roads that terminate at Puget sound, no matter what the sacrifice to them. The good results will inure mainly to the producers of the interior. We should be glad to carry up these results, but regard must be had to financial condition and various considerations of possibility. The Oregonian would have the reduction made right now if it could. It would be as free with other people's money in this direction as anybody could desire, if it saw a practical way. Long time it has been doing its utmost to induce the O. R. & N. to put very heavy additional sums into improvements and extensions, but the owners of the property have seemed to think they were going as fast as they could afford or prudence would admit. We shall all get there some time, but we fear not soon enough to enable us to "realize" as fast and as fully as we would like upon our real estate. Let us remember, however, that we have something to do ourselves in the matter of building up industry and commerce, and that the railroads can't do it all.—Oregonian.

POST-INTELLIGENCER SOLD.

Its Owners Accept an Offer of \$350,000 for This Paper.

PORTLAND, Oct. 31—While a denial is made that the Post-Intelligencer at Seattle has been sold, there is a well grounded rumor that the paper will pass into other hands within 30 days. It is stated that the Turners, Colonel Eldpath and other capitalists of the state, who own the paper, desire to use a large sum of money and they have determined to sell the Post-Intelligencer. The property has been a good money maker for three years past and it is said that an offer of \$350,000 has been accepted. Who the purchasers are is not known, but it is believed that members of the national republicanism committee are behind the deal.

KILLING DEER IN OREGON.

Ole Olson Who Slaughtered 3,000 For Hides at Large Again.

Oregon is behind the times in respect to game laws, judging from a complication of such laws from every state in the Union and Canada, which Game Warden Quimby has received. Oregon laws are considered very strict, but the sportsman of other places had a much harder time than the Webfoot nimrod.

In Wisconsin the law regarding the killing of deer is peculiar. Every person desiring to hunt for venison must obtain a license, and non-residents have to pay more for the privilege than the natives. Last year 48 licenses were granted to non-residents and the state received \$1188. The number of licenses issued to residents was 11,935, the state gaining \$2895 25. Even though supplied with a legal permit, hunters cannot kill more than deer two in a season, or but one doe or one fawn.

Conditions are vastly different in this state and hunters would rise in arms against such an ovation, were it merely suggested.

There have been a number of hunters of late who have literally slaughtered deer by the wholesale. A notable example of this unnecessary massacre occurred last year. A man named Ole Olson, with a party of seven men, went to Douglas county and killed 3,000 deer. These animals were destroyed merely for the hides, the meat being left to be devoured by wild animals or decay.

Olson and his companions were expert shots and when they came upon a band of a dozen deer they invariably succeeded in securing at least 10. The hides were shipped to Portland. This summer Olson continued to do business until stopped by the game warden. When the official called at the camp he found several hundred tons of hides stored away ready for shipment. The law now prohibits the sale, barter or exchange of such hides.

The man Olson was duly arrested and no difficulty was experienced in securing his conviction. The court found him guilty and imposed a fine of \$300. Olson either could not or would not pay the fine, so he was sentenced to 150 days in jail at Roseburg. He served about 40 days of his sentence and was set to work breaking rock with the chaingang, until one fine day he made a break for liberty and escaped to the mountains. He is there yet, so far as the authorities know.

Cases similar to Olson's have come under the observation of Game Warden Quimby and efforts have been made to enforce the law. The promiscuous slaughter of deer, in such numbers as Olson and his party were accustomed to doing, will soon deplete the forests and mountains of Oregon of such game. It is hardly probable, however, that any attempt will be made to license hunters as in Wisconsin, or limit the number of deer to two, although a reasonable limit may be agreed upon before next season.

Fitz Did Him.

By the Associated Press. CHICAGO, Oct. 29—Fitzsimmons knocked out Thorne in one minute of the first round tonight. Jeff Thorne of England, after being carried to his corner was surrounded by a group of friends, who labored anxiously to bring him to. He was drenched repeatedly with cold water. He was in his corner 12 minutes and was then carried from the ring by his seconds, unable to walk, but having regained a small measure of intelligence. The right side of his jaw where Fitzsimmons struck him was badly swollen. Fitzsimmons fought with all his old time fire and was as spry and shifty on his feet as he had ever been.

That Throbbing Headache.

Would quickly leave you if you would use Dr. King's New Life Pills. Thousands of sufferers have proved their matchless merit for sick and nervous headaches. They make pure blood and strong nerves and build up your health. Easy to take. Try them. Only 25 cts. Money back if not cured. Sold by Slocum Drug Co.

SALT LAKE CITY.

An Important Factor in Transcontinental Travel.

No one crossing the continent can afford to cut Salt Lake City from his route. The attractions of the place, including the mormon Temple, Tabernacle and Church institutions, the Great Salt Lake—desider and denser than the Dead sea in the Holy Land—the picturesque environment and the warm sulphur and hot springs, are greater to the square yard than any locality on the American continent.

The Rio Grande Western Railway, connecting on the East with the Denver & Rio Grande and Colorado Millard Railways and on the West with the Southern Pacific (Central Route) and Oregon Short Line, is the only transcontinental line passing through Salt Lake City. The route through Salt Lake City via the Rio Grande Western Railway is famous all the year round. On account of the equable climate of Utah and Colorado it is just as popular in winter as in summer. Send 2c to J. D. Mansfield, 233 Washington, Portland or Geo. W. Helott, Acting General Passenger Agent, Salt Lake City, for a copy of "Salt Lake City—the City of the Saints."