

JULIAN BYRD - - - - - Manager

DEMOCRATIC TICKET.

- For Governor—GEO. E. CHAMBERLAIN. For Supreme Judge—B. F. BONHAM. For Secretary of State—D. W. SEARS. For State Treasurer—HENRY BLACKMAN. For Attorney General—J. H. RALEY. For State Printer—J. E. GODFREY. For Supt. Public Instruction—W. A. WANN. For U. S. Senator—C. E. S. WOOD. For Congressman First District—W. F. BUTCHER. DISTRICT TICKET. For State Senator—WM. SMITH. For Representative—E. H. TEST.

COUNTY TICKET.

- For Judge—W. C. BYRD. For Clerk—FRANK S. RIEDER. For Sheriff—GEO. SHELLEY. For Assessor—W. E. ALBERSON. For Treasurer—J. M. DALTON. For Commissioner—EDW. J. CATLOW.

In various parts of the state there are in existence anti-Furnish republican organizations, that are waging effectual war against the head of the ticket. They are determined men who mean what they say and say what they mean. They mean to defeat the republican candidate for the office of Oregon's chief executive, and they say that is what they mean to do. They say it openly. They publish the fact to the world. They print it in the papers, and desire that everyone know of their intentions. They declare that they propose to rebuke the influence of money in the politics of the state, and they declare that the rebuke shall be so severe that it will be many a year before any one places possession of money ahead of brains as a prerequisite for the office of governor.

This is the most significant movement that ever took place in the political history of Oregon. It is unique, in that it is a still hunt with men pretending to be for their party ticket openly, and then proceed to knife at the polls, but it is open revolt as will be effective upon the second of June. It has settled the question as to who will be the governor of Oregon after the first of next January. It has eliminated largely the debt in the minds of the supporters of Mr. Chamberlain as to the chances for his election. There is no room to doubt that the sentiment of a majority of the electors of this state is against Mr. Furnish and for Mr. Chamberlain. It is written upon the wall that the Pendleton banker is politically doomed; that he will not be able to withstand the assaults of the anti-Furnish republicans who are united in their determination to fight to the end of the campaign for what they believe to be purity of our electoral system.

It had been hoped that Hon. Geo. E. Chamberlain, democratic nominee for governor, would visit our county during the campaign, but according to his itinerary received at this office, it will be impossible. The republicans have the advantage of a big campaign sack and can therefore put more speckers in the field. However, Geo. Chamberlain will carry this county by a good majority, as he has numerous personal friends here who are looking after his interests. Only five more days until the registration books close. Voters who have not yet registered should make haste.

The great cattle barons of the west are unceasing in their energies to force a land leasing bill through congress. Having signally failed to get either the Bowersock or Millard bills through, both of which provided for the leasing of all the public lands in western states, they concentrated their efforts in getting a bill passed that only provided for the leasing of the public lands of the state of Nebraska. On this proposition they run counter to the judgment of our ever vigilant and honest commissioner of the general land office, Binger Hermann, and were again defeated. A new bill has now been drawn and introduced by Chairman Lacey, of the public lands committee, which pretends to be in the interest of homestead settlers and small stockowners and its fate is anxiously awaited by thousands of people in western states who know that the cattle barons dictated this bill as well as the others that have so far met with defeat. -Canyon Eagle.

The cattle kings that are so anxious to lease the public domain for grazing purposes have abandoned Oregon completely since they read the platform of the political parties. They still have the gall to keep after the proposition, however, and are now turning their efforts to poor old Nebraska. Should they succeed to get a bill through congress providing for the leasing of the land in that state it will prove their own undoing, as it will practically demonstrate the folly of such a measure and open the eyes of congress and the east to the enormity of the scheme.

While the republicans are making a great fuss and much demonstration with campaign speakers and wind-backed up by an unlimited campaign sack—the democrats are doing some very quiet but effective work. The local republicans are taking all the people possible with their speakers, paying all bills, in order to make a showing and have a crowd at their meetings. Possibly this is the only way to get a crowd, but will it pay them? If they have to pay people to go and hear their speekers what good will the demonstration do?

Since circuit court adjourned the various candidates for county offices have almost deserted this place and gone to different sections electioneering. While the campaign seems to be quiet there is considerable interest taken and the democratic candidates are doing some good work. A vigorous campaign is being made by the state nominees. The democrats are confident that Geo. E. Chamberlain will be elected governor.

Another Eastern Oregon town has been swept by fire and still Burns stands without losing anything. Our fire department should be kept in the best possible shape and regular practice work kept up. The Prairie City fire should be a warning.

Col. W. F. Butcher is one of the most forceful speakers in Oregon and the people of this section will be treated to a good rousing address.

The registration books close on the 15th, next Thursday. Register now.

DEMOCRATIC SPEAKING.

Hon. W. F. Butcher, nominee for congressman, will address the citizens of Burns next Friday evening, May 16. He will leave the next morning, speaking in Drewsey Saturday, May 17. Col. Butcher would like very much to give more time to this section, but owing to the brief interval between now and election in which he has to cover his district, he must economize the time. He is a noted campaign speaker, and we hope to see a full house to greet him. All are invited. The Burns Band will furnish music.

MURDER IN THE SECOND DEGREE.

(Continued from first page.)

Malice is not confined to ill-will towards an individual, but is intended to denote an action flowing from any wicked and corrupt motive—a thing done with a wicked mind and attended by such circumstances as plainly indicate a heart regardless of social duty and fully bent on mischief and which indicates malice in the meaning of the law. Malice, in its legal sense, denotes a wrongful act done intentionally without just cause or excuse.

Under our statute the killing of a human being is excusable when committed by an accident or misfortune in lawfully correcting a child or servant or in doing any other lawful act by lawful means with usual or ordinary caution and without unlawful intent or by accident or misfortune in the heat of passion upon a sudden combat without premeditation or undue advantage being taken, and without any dangerous weapon or thing being used and not done in a cruel or unusual manner.

The killing of a human being is justifiable when done in self-defense, but by self-defense is meant that one person has a right to kill another to prevent a slight injury or a moderate beating; for such injuries a person has no right to take the life of the wrong-doer, but must seek redress from the courts or by other lawful means.

Before a person will be justified in taking the life of a human being on the ground of self-defense, such killing must be necessary or apparently necessary to save life or to prevent great bodily harm. The jury has a right to consider any uncommunicated threats which they may find that the deceased made against the defendant Miller for the purpose of determining which one of the parties fired the first shot or shots, or, in other words, which one of them was the first assailant.

Any man whose personal property has been wrongfully taken from him may enter upon the lands of the taker for the sole purpose of retaking his property, providing he does so for that purpose alone and in a peaceable manner, and his so entering upon the land is not a trespass and is not wrongful.

When a man is armed and seeks another for an affray or an altercation, the law will not permit him to provoke and urge on the difficulty to a point where there is an appearance of an attempt to use a weapon and then justify the aggressor in the taking of life simply on the ground of apparent danger; in such a case he is the aggressor and the active cause of the danger which menaces him, and he must abide by that condition of things which his own lawless conduct has produced.

It is the necessity that gives the right to kill in self-defense, it is not mere convenience, and if a person can as well as not, and with due regard to his own safety, disable his assailant and thereby secure himself from the threatened injury it is his duty to do so. A person cannot make self-defense a cloak for personal violence. I do not mean by this that a person is bound to flee. Under our law if a person is attacked he is not compelled to run but may stand his ground and repel force by force to any extent that may be necessary to save his life or prevent great bodily harm.

To justify an acquittal on the grounds of self defense a person must act in good faith. A person has no right to provoke a quarrel and by his own voluntary, malicious and wrongful act bring about the necessity for defending himself and then justify it on the ground of self defense, nor can the defendant get the benefit of the plea of self defense if he sought the deceased with a view to provoke a difficulty.

It is not always necessary that the danger should be real in order that a person may justify on the ground of self defense, but if the defendant acting as a reasonable man had reason to believe and did believe that his life was in danger of great bodily harm at the hands of the deceased, and acting upon such belief took the life of the deceased, such act on his part will be justifiable although it might afterwards appear that there was in fact no real danger.

If the jury believe from the evidence that the defendant had no reason to believe that the deceased intended to take his life or to in-

fluct upon him great bodily harm, and the defendant shot the deceased in revenge, or in a reckless spirit, then and in that event the defendant is not entitled to claim exemption from punishment on the ground that the killing was in self-defense.

I charge you that it is a well settled principle of law that in an altercation where one is assaulted and then retreats to a place of safety he has no right to arm himself with a deadly weapon and renew the combat when he has a reasonable opportunity to escape, and if he does so he becomes the aggressor and if in the combat that ensues death results, the aggressor cannot claim to have acted in self defense.

If you believe that the defendant is not justifiable or excusable for his act, but that he was not prompted by malice, then you should find him guilty of manslaughter only.

I charge you, further, that the right of self defense does not imply the right of attack, and will not avail in any case when the difficulty was induced by the party himself.

The law regards human life as the most sacred of all interests committed to its protection, and there can be no successful setting up of self defense unless the necessity for taking life is actual, present, urgent, unless, in a word, the taking of his adversary's life is the only reasonable resort of the party to save his own life or his person from great bodily harm.

Rutherford Not on the Ticket.

A Salem dispatch, dated May 2, says: To-day was the last day on which a candidate, nominated for office upon petition of individual electors, could file his acceptance, and be given a place on the official ballot. The only regularly nominated candidate on any of the state tickets who failed to file his acceptance, as required by law, was Chas. P. Rutherford, of Burns, candidate for supreme judge on the socialist ticket. Mr. Rutherford was in Iowa when nominated, and did not return in time to file his acceptance. The time for complying with the law in the case of Mr. Rutherford, who was nominated by an assembly of electors, expired April 18, or forty-five days preceding the date of the election.

MR. TEST'S POSITION.

ONTARIO, Or., April 22, 1902. Mr. Julian Byrd, Manager Times-Herald, Burns, Oregon: Dear Sir—In answer to your favor of recent date, "in regard to my attitude on the land-leasing question," I beg leave to say: That I am opposed, first, last and all the time to the passage of any land-leasing bill of any kind or nature.

Yours truly, E. H. Test.

T. M. Seward, postmaster at Cord, died at his home the first of the week from pneumonia. Deceased was an old resident of this section and was engaged in the stock business. Mr. Seward was a brother to Mrs. L. B. Spring of this city. His widow and two daughters, Mrs. E. A. Brown and Mrs. George Smyth, and his four sons survive him.

Job printing—The Times-Herald

CITIZENS BUSINESS COLLEGE

CORRESPONDENCE SCHOOL

Affords the people of East and Central Oregon all the opportunity of a first-class modern Business College. It is a home institution covering every course involved in Business College work. Its rates are the same as charged elsewhere and the methods are the same. Students admitted at any time. Instruction at the College or by mail. During the summer months the College will conduct a

SUMMER NORMAL SCHOOL

For teachers and others who desire a reviewing or preparatory course. For specimens of pen work, and full information on Business College subjects, address

M. E. Rigby, Prin., Burns, Oregon.

THE CAPITAL SALOON,

TRISCH & DONEGAN, Proprietors. Burns, Oregon.

Make This Headquarters.

NOTICE.

The co-partnership heretofore existing between James Colwell and C. W. Hays, has this day been dissolved by mutual consent.

C. W. HAYS. JAMES COLWELL. Burns, Ore., March 31, 1902.

NOTICE TO CREDITORS.

Notice is hereby given that by an order of the County Court of date March 26th the undersigned was appointed and has since duly qualified is now acting as Admistrator of the Estate of Joseph Warren Curtis deceased. All persons having claims against the said Estate will therefore present them with the proper vouchers as by law required to me at the office of Attorney Thornton Williams at Burns, Oregon within 6 months from the expiration of the publication of this notice.

Published in the Times-Herald 4 full weeks the first publication being dated the 29th day of March 1902. JAMES F. MAHON, Administrator.

Petition for Liquor License.

To the Honorable County Court of Harney county, State of Oregon. We the undersigned legal voters of the precinct of Saddle Butte said county and state, most respectfully petition your Honorable Court to grant a license to N. J. Lewis & Co. to sell spirituous, malt and vinous liquors at their place of business in said precinct, in less quantities than one gallon, for a period of six months, commencing on the 9th day of May 1902.

S. E. Jameson, J. L. Sitz, D. L. Buen, R. R. Sitz, N. O. Oard, P. F. Heinz, N. S. Oard, G. E. Parker, Wm. Eghart, Ben Jordan, J. C. Gray, I. P. Cochran, John Carey, G. W. Clark, Ira Clark, Ed Silver, R. Brookhouse, Ed Jordan, J. A. Oard, J. W. Kelso, P. L. Oard, J. T. Oard, John Jordan, J. H. Jordan, D. W. Jordan, M. V. Smith. Notice is hereby given that on Monday the 9th day of June, 1902, we will apply to the above entitled court for said license as specified in this petition. N. J. LEWIS & Co.

NOTICE FOR PUBLICATION.

DEPARTMENT OF THE INTERIOR. Land Office at Burns, Oregon, April 19, 1902. Notice is hereby given that the following named settlers have filed notice of their intention to make final proof in support of their respective claims before the Register and Receiver at Burns, Oregon, on May 21st, 1902, viz: Julian C. Byrd, H. E. No. 124 for the NE1/4 of Sec. 28, T. 28, S. 8, R. 22 E. Anderson L. Hunter, H. E. No. 126 for the SE1/4 Sec. 28, T. 28, S. 8, R. 22 E. Vermer J. Hopkins, H. E. No. 125, for the SW1/4 Sec. 28, T. 27, S. 8, R. 22 E. They name the following witnesses to prove their continuous residence upon and cultivation of said land, viz: P. M. Cheever, of Riley, Oregon; J. B. Hink, Richard King and Le Roy Thornburg, all of Burns, Oregon. Wm. FARRER, Register.

NOTICE FOR PUBLICATION.

Land Office at Burns, Oregon, April 7, 1902. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Register and Receiver at Burns, Oregon, on May 21st, 1902, viz: J. H. E. Chandler, of Riley, Oregon, for the SE1/4 SW1/4 section 17, NE1/2 SW1/4, SE1/4 NW1/4 section 25, T. 28, S. 8, R. 22 E. W. M. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: P. M. Cheever, of Riley, Oregon; J. B. Hink, Richard King and Le Roy Thornburg, all of Burns, Oregon. Wm. FARRER, Register.

NOTICE FOR PUBLICATION.

LAND OFFICE AT BURNS, OREGON. March 17, 1902. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Register and Receiver at Burns, Oregon, on May 21st, 1902, viz: J. H. E. Chandler, of Riley, Oregon, for the SE1/4 SW1/4 section 17, NE1/2 SW1/4, SE1/4 NW1/4 section 25, T. 28, S. 8, R. 22 E. W. M. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: P. M. Cheever, of Riley, Oregon; J. B. Hink, Richard King and Le Roy Thornburg, all of Burns, Oregon. Wm. FARRER, Register.

OUR SPRING STOCK

Is now arriving and we are now prepared to show our customers NEW NOVELTIES. In lines not heretofore carried in stock. The latest fashion DRESS PATTERNS, SHOES, HOSE, Etc. Our line of FRESH GROCERIES is complete in every department. Our old patrons are invited to call and see. LUNABERG & DALTON

M. FITZGERALD, PRESIDENT F. S. RIEDER, Secy and Treas. BIGGS & TURNER, ATTORNEYS Eastern Oregon Title Guaranty Co. INCORPORATED.

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P. G. SMITH, Proprietor. Burns, Ore. Fresh Beef, Pork, etc. in any quantity desired. Bologna and Sausage of all kinds always on hand. Your patronage solicited.

Harry C. Smith, Contractor and Builder

BURNS, OREGON. Draws plan, makes estimates, etc. Buildings put up within the figures given in estimates. Satisfaction guaranteed.

My Specialties are Brick Laying and Plastering. Brick and lime always on hand at the yard. Residence Hanley

MILLER & THOMPSON

They will have something to say next week.

GEER & CUMMINS

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White Front Livery, Feed & Stable.



McClain & Biggs Proprietors, Burns, Oregon. This Stable is located on the corner of First and B. Streets, and has grain on hand. Has competent help. Runs a Job Wagon, takes to any part of the Country.