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Republican in Politics, and devoted to the Timber, Agricultural, Stock and Wool interests of the great Klamath County.

Published every Thursday by

WESLEY O. SMITH,  
EDITOR AND PROPRIETOR.

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THURSDAY, NOVEMBER 24, 1904.

## STEVENS & LERWELL FOUND GUILTY.

Judge Benson Gives Them Ten and Eight Years Respectively for Stealing Cattle From Melhase Bros.

J. S. Stevens was sentenced for ten years and Walter Lerwell for eight years in the state penitentiary for Judge Benson Saturday, for cattle rustling. After three ballots the jury brought in a verdict of guilty Thursday evening. The prisoners left Monday morning for the Penitentiary. Walter Simpson was in charge of Sheriff Oberchain and Herb Baldwin. Walter Simpson was the principal witness for the prosecution. He turned state's evidence after accompanying the "rustlers" and assisting in stealing the cattle.

### WITNESSES' EVIDENCE.

(Continued from last week.)  
Q Did you go to 17? No sir, Q Why? A Because they moved the cattle before we started. Q Did you see the Pelton cattle? A Yes sir, Q Who was with you when you saw the Pelton cattle on Sunday? A J. S. Stevens and Walter Lerwell. Q Where is Gardner's with reference to Fort Klamath? A Fort Klamath is due west. Q State whether or not you saw Walter Lerwell after he went to Gardner's? A Yes sir, Q What was this? A About the 21 of August. Q What year? A 1904. Q What did he say when he returned from Gardner's with reference to taking the cattle? A He said, "I saw a nice bunch of cattle over here, about as good as the Pelton cattle and not so big but we might as well take them." We fooled around and talked the thing over and got ready to start the next evening. Q Where did you start for? A We started for home. Started for Sam River and they started for the Umpqua. Q How did you intend to go? A Horseback. Q How many horses did you have? A Four. Q What did you do with the fourth horse? A We packed him. Q Where were you then? A We were about 8 or 10 miles due south then had a talk about taking cattle. Q Did you stay there all night? A Yes sir, in the morning rustled around to see if we could find cattle. Q Then what did you do? A We stayed around the brush on Three-mile. We went to Melhase's pasture about one o'clock. Q Are you acquainted in that vicinity? A Yes sir, I have been there for 7 years or so on. Q How did you go to get the cattle? A We went by the river to Fred Loosley's field. How did you do then? A We let the fences down and on through to Melhase's fence. Q How many fences did you let down? A We let down three fences. We found the cattle in the far corner of the field. Q What did you do then? A We got out with 18 head of cattle. Q You may state whether or not anything was said about the number you would take? A Yes sir, Mr. Stevens wanted to take 50 head of cattle. I told him if we took that many they would miss them. We finally concluded to take 20 head. Q What part did Stevens take in taking the cattle? A Did the cutting out and bossing the whole business. Q State whether or not these 18 head of cattle were taken from the same place and at the same

time? A Yes sir, Q Which way did you take them? A We took the cattle down the road about 7 miles. Q Did you put up the fences again? A We laid up three fences. Q Who put up the fences? A I suppose we all had something to do with laying up the fences. Q Then what did you do? A We went down the road about 7 miles and went first to where we camped until the next morning in the cañon. Q What cañon do you refer to? A Cherry Creek Cañon, about 7 miles from where we took the cattle.

Q How far from the mouth of the cañon were you when you camped? A About 8 miles. Q What kind of country was it around there? A It was rough, brushy and rocky. Q What time did you go into camp? A At 10 o'clock. Q Were you near the cattle? A We drove the cattle up the cañon and camped in below them. Q How far from the cattle did you camp? A About 100 yards. Q After going into camp, what was done? A We took dinner. You sat around awhile, then Mr. Stevens ordered me to go up the cañon and look around and see if any one was there and possibly I might kill a deer. Q Well, did anything happen? A Yes sir, I saw a bunch of men. Q Who were the men? A I recognized George Benton, Jack Pelton, Jim Wheeler, Ed Loosley, Sam Walker and Sismore. Q What happened then? A I held them up and they came down a low with a bunch of cattle. Q What occurred after you arrived at camp? I lay down and went to sleep. Went to sleep? I was supposed to be asleep by Mr. Stevens and I let myself go to sleep. I was playing possum then, were you? I guess that was about the size of it. When the bunch of men came in I woke up. Who were the men? Gus Melhase, Jim Wheeler and the defendant Sam Walker and Jack Pelton. What did they do? They arrested us. Did they put handcuffs on you? Yes sir, On all three of you? Yes sir. What did they do with you? They searched us for awhile, then letched us back to town. Did any of the men go near the cattle? Yes sir, How far were the cattle from the camp? About 100 or 150 yards. Did you see the cattle after you were arrested? No, until the cattle were driven back to the camp. Down the cañon? Yes sir, State whether or not they were obliged to pass the camp to go down the cañon? Yes sir, State whether or not Sheriff Oberchain took you in charge at that time? Yes sir, The others? Yes sir, After having your conversation the first time with Mr. Stevens did you tell any one about it? Yes sir, Who? Mr. George Loosley. What did he say? He told me to go on and we would catch the thieves. After that you went on and took the cattle. Yes sir.

CROSS EXAMINATION BY FRED MILLS.  
What do you mean by swiping? I supposed it meant to steal. You saw a word rustling also. It was a word Mr. Stevens used. Why did I understand you to say you went and camped after driving the cattle into Cherry Creek? I went to camp. You said you went on up the cañon, why? I was ordered to go. Isn't it a fact that it was pre-arranged that you were to go up the cañon to meet some other parties? No sir, Mr. Simpson, you may give me the names of the parties you went to meet in the cañon? I met Loosley, Sismore, Gus Melhase. Do you know how these parties came to be there? They knew we were going to start out. Why were they waiting at that particular place? They expected us to start out. How did they know you were going to start out? I told them. You told Mr. Loosley? Yes sir, What Loosley? Ed Loosley. He has charge of the telephone there has he not? No, not in that connection. His business is ranching. Why did you tell Mr. Loosley? I told him so they could catch us. So who could catch you? The sheriff. Who did you want him to tell it to? I did not want him to tell anything. Then it was pre-arranged that those parties were to meet you at the head of the cañon? They were to meet me some where. You sent word to Mr. Loosley that you were going with those cattle? Yes sir, Why did you send that word? I told him so he could notify the sheriff. I did not know who he would have with him. Did you know these parties would be there? I supposed they would. You say it was understood they were to be there? Yes sir, They knew you were going to drive the cattle? Yes sir, I told them. Did you tell them what cattle you were going to drive? No sir, I did not tell them what cattle you thought you were going to drive? Yes sir, They did not tell you to take any certain cattle? No sir, They told you it would be better if you took any cattle? No sir, they did not say anything about it. Who did not tell you? Any body. Well, you say that when you were arrested you were asleep? I was not asleep, but I was supposed to be asleep. You were played out and tired. What was concerned? Yes sir, Well how do you suppose you happened to be in that cañon and this party of men happened to be there at the same time? They knew we were going to be there some where. Did you tell Mr. Denton and other parties that you would drive a bunch of cattle and leave them in that particular cañon? I told them that we might go up Cherry Creek or Three-mile. Are there any differences between that and that country? I do not know. Did you ever tell anybody else besides Mr. Loosley that Mr. Stevens had talked about stealing cattle? Yes sir, I talked with George Benton and I told Billie Morgan. What did Mr. Denton say when you told him? He said he would be there. What were you to get out of it? I wasn't to get anything that I know of. You were not to get any money? I have heard that. Who told you that? A rumor I suppose. Did you intend to steal them when you started out with the cattle? No sir, I intended to catch these fellows. Did you know you would be guilty of larceny? No sir, Did Mr. Loosley say if these defendants were caught he would pay you money? No sir, Did Mr. Denton say anything about it? No sir, You never had any conversation with Mr. Denton by which he advised you to go ahead and take these cattle? No sir, You are sure? Yes sir, Whose horses drove these cattle? Two of them were of mine. Where did you get the horses? One from John Ammond, or some such name, and one from Loosley. Where did you get the money? I worked for it. Whose pack outfit did you have? We had my pack saddle. Who bought the pack outfit? I bought it. Who bought the saddles and Lerwell bought most of the provisions. Where are the horses now? I sold them. To whom? I sold them to Lora Loosley, or gave them away I might say. You did not expect any money nor did you expect to steal cattle? No sir, I did not expect any money. You went into it to catch these fellows. And get into it yourself? Yes sir, if it comes to that. The only man you have ever talked to about this thing was Fred Loosley? I did not say Fred Loosley. It was George Loosley and Ed Loosley. Now, isn't it a fact that you have talked considerable with Mr. Denton about it? Not to any great extent. You told him everything you intended to do in this matter? No sir, Then you intended to steal cattle did you? No sir, When did you tell Mr. Loosley that you were going to leave here with cattle? I told Mr. Loosley the next morning after I

told Ed Loosley. Who else? Mr. Loosley was sitting there also. When did you tell Mr. Denton? A short time after that, not very much. Well, how much? I do not know as I talked to them any. You told them the circumstances concerning this matter and what you intended to do? No sir, How much do you expect to make out of this thing? Not anything. Nobody promised you anything? No sir, Whose fence did you lay down? I laid down Melhase's fence and Loosley's fence. I helped drive out the cattle. You suggested which way to drive them to Cherry Creek? No sir, I have you been promised that you would not be punished for this offense that you say you committed? I have been told by different parties that I would not. By whom? By the District Attorney and all connected with that. I did not know and I did not care. Did you not go to these men and furnish the outfit to get a reward if any was to be given? No sir, I had no conversation with you engaged in at Fort Klamath when this business began? I was not engaged in any. What were you doing? Working for George Loosley. What were you doing? Picking hay. Did you have the advice of any one else in this matter? No sir, I did not have any advice of any one else in this matter. Did you go to these defendants to take these cattle? Yes sir, After you had your talk with Mr. Stevens you had no conversation with Mr. Denton about what part you would play in this matter? No sir, Well, then you conceived the idea of participating in the taking of these cattle did you not in the first instance? I understood what conceive meant. No, I do not. (Explanation given) Mr. Mills, if your honor please that question is quite plain. It simply means that this man that have conceived the idea of taking these cattle in the first instance. No sir, Were you arrested for stealing these cattle? Yes sir, Were you tried before a magistrate? Not very much. A bogus proposition was made to me by the defendant. Was it a surprise to you? No sir, How did you know you were to be arrested? I did not know. And did not care? No sir, Was you bound over to appear before a magistrate at that time? Yes sir, Did you give a bond? Yes sir, for Five Hundred Dollars. Do you think Mr. Melhase or an owner of these cattle went on your bond? I do not know. I have never heard about it. Did Mr. Melhase ever sign a bond for \$500 for your appearance here? No sir, I have heard who did it. Who did you hear did it? I heard George Loosley and Richard Melhase did it. Did you know whether any complaint was filed charging you with the larceny of these cattle? Yes sir, Have any particular hearing in the matter? Yes sir, Before whom? The justice of the Peace at Fort Klamath. Who were witnesses? Did not have any witnesses. Did you say that information? No sir, Now you say that Mr. Stevens ordered you to go up the cañon? Yes sir, And see if you could get a deer? And see if any one was camped up there and get a deer. How far did you go? About three miles. How long were you gone? A couple of hours. What did you do when you got back? I lay down behind a log and was supposed to be asleep. Your confederates supposed you were asleep? They supposed I was asleep. At the same time you were wide awake? Yes sir, You said something about Mr. Loosley's cattle. Did you see any of them? Yes sir, Did you see any of them? Yes sir, You never saw any cattle of Mr. Loosley's when you took these cattle? No sir, When did you see Mr. Loosley's cattle? Afterward, Did you see any of Mr. Loosley's cattle? Not till after we rounded up the other bunch. What were you doing prior to the time you were working for Mr. Loosley? Working for Mr. Melhase. How long were you there? Two or three months I suppose. Do you know all of the cattle? No sir, How did you know any of them? I knew the brand. You only knew them by the brand? Do you know where Mr. Melhase kept his cattle at Fort Klamath? Yes, I know where he kept them part of the time. Some of them on the range and some in the field? Yes sir, You do not know anything about the 18 head of cattle? I do not know. You are acquainted with the field of Mr. Melhase are you not? Yes sir, Some. Whose field did you take the 18 steers out of? Richards, Richard Melhase. Yes sir, This 18 head you took out of Richard Melhase's field you drove some distance and drove into another bunch? Yes sir, We ran into another bunch about midnight and out of some of them, had about 25 head altogether. How long did you keep them together? Yes sir, You drove into the cañon? Yes sir, After getting into the cañon had 25 head? Yes sir, Did the District Attorney say directly to you to go up the cañon? I do not know. You have any right to take these cattle out of Melhase's field? No sir, Did Loosley tell you to take cattle? No sir, Did you have permission from any one to take cattle? No sir, I never did. District Attorney asked, State which one of three or in what way the cattle were guarded, the 18 head? Lerwell was supposed to be the guard. He guarded the 18 head of cattle. Yes sir, that time. Were you ever detailed to guard them? No sir, You were not? No sir, Did you ever talk with the Melhase people about that affair before it happened? No sir, You had talked with some of them with Melhase's, when was that? With Melhase's? I talked with them since, I never talked with them before. You may state whether or not there was any definite understanding between you and the defendants that you would take any particular cattle when you started out on this stealing expedition? No sir, We did not select any particular cattle. You have stated, though, that Lerwell told you and Stevens about the Melhase cattle? Yes sir, State whether or not that was the reason you took the Melhase cattle? No sir, When you started you had no definite cattle in mind? No sir, You would take any cattle that came handy? Yes sir, Mills asked, you said the field was Melhase's field? Yes sir, Is it not a fact that the title belongs to Loosley's? Only what I have heard about it. From all I know it may belong to you. Did not you state you had no conversation about these cattle? No sir, but I have since. State what you said? I do not know as I can state what was said. You do not remember what was said? I do not know. I want to, I don't know. In your conversation with Mr. Melhase about these 18 head of cattle, didn't he tell you he knew all about it before it happened? No sir, Did he tell you Loosley told him? No sir, Afterward he told him he knew all about it? No sir, He knew you were liable to take his or someone else's? He did not know we had taken his cattle before they were found. Well you told Mr. Lerwell about this matter with the expectation that he would tell the other parties just what you were going to do? That he was to notify all the others? No sir, I told him so he could notify the sheriff. Any warrant ever served on you? No sir, What time of day was it when you told Mr. Loosley about it? About the middle of the morning some time. What

was it a date or about what date? The 22 of August. What did he say? He told me he would be out there. He would be out there? Yes sir, You say there were 50 head of cattle on the range? There were 200 or 300 head we ran into. Good stock cattle? Pretty good stock cattle I guess. What were defendants doing when you came back to camp? One was asleep, the other was moving around fishing. Where was the stock? The stock had been camped and turned loose. How did you go up the cañon? Horseback. Mr. Drake asked, Mr. Denton you refer to is Deputy Sheriff of this county? No sir, Was that at that time? Yes, Are you familiar with this county? I have been there six or seven years. Within that vicinity? Yes sir, Who had control of that field? Melhase's. Fence around it? Yes sir, Whose fence? I suppose it was his fence. Live close there? Yes sir, Field in Klamath County, Oregon? Yes sir, And you have frequently been in the vicinity of that field? Yes sir, Was there any Melhase's melhase's pasture stock there? Yes sir, they have pastured there for some time. At the time the arrest was made you did not see any warrant? No sir, What did the sheriff do? He put handcuffs on us. Did he put handcuffs on all three? Yes sir, Put handcuffs on you and took you in charge? Yes sir.

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### TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, October 8, 1904. Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Edward P. Courtable, of Klamath Falls, County of Klamath, State of Oregon, has filed in this office his sworn statement No. 2870 for the purchase of the SE 1/4 NE 1/4, Sec 6, and S 1/4 NW 1/4, NE 1/4 SW 1/4, Sec 5 T 37 S, R 9 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon on Thursday the 15th day of December, 1904. He names as witnesses: A. J. White of Silver Lake, Or, George Thirlby of Langell Valley, Or.

### TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, Sept. 19, 1904. Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Frank H. Hill of Klamath Falls, County of Klamath, State of Oregon, has filed in this office his sworn statement No. 2868 for the purchase of the SE 1/4 NW 1/4, SW 1/4 NW 1/4, Sec 14, T 38 S, R 12 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday the 9th day of December, 1904. He names as witnesses: Archie Johnson, William Lewis of Klamath Falls, Or, Henry Hunt, Andrew G. Koyson, Or.

### TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, September 22, 1904. Notice is hereby given that in compliance with the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Frank H. Hill of Klamath Falls, County of Klamath, State of Oregon, has filed in this office his sworn statement No. 2872 for the purchase of the SE 1/4 NW 1/4, SW 1/4 NW 1/4, Sec 14, T 38 S, R 12 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday the 9th day of December, 1904. He names as witnesses: John A. Perkins, W. T. Shiver, W. W. H. E. Borden, all of Klamath Falls, Oregon. Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before said 9th day of December, 1904.

### TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, Sept. 21, 1904. Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Frank H. Hill of Klamath Falls, County of Klamath, State of Oregon, has filed in this office his sworn statement No. 2873 for the purchase of the SE 1/4 NW 1/4, SW 1/4 NW 1/4, Sec 14, T 38 S, R 12 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday the 9th day of December, 1904. He names as witnesses: John A. Perkins, W. T. Shiver, W. W. H. E. Borden, all of Klamath Falls, Oregon. Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before said 9th day of December, 1904.

### NOTICE FOR PUBLICATION.

Land Office at Lakeview, Ore., November 14th, 1904. Notice is hereby given that the intention of named seller has filed notice of his intention to commute in support of his claim, and that said land will be made before Geo. T. Baldwin, Co. Clerk of Klamath County, Or., at Klamath Falls, Or., on 25th day of December, 1904. Fred Chapman, A. D. Gillman, all of Keno Or. J. N. Watson, Register.

### TIMBER LAND ACT JUNE, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, 7, 1904. Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, Fred Roth of Stayton, county of Marion, State of Oregon, has filed in this office his sworn statement No. 2875 for the purchase of the SE 1/4 NW 1/4, SW 1/4 NW 1/4, Sec 12, T 37 S, R 9 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish his claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday, January 28th, 1905. He names as witnesses: Lyle Thomas, of Stayton, Or, Roger Montgomery, W. G. Smith of Klamath Falls, Or.

## KLAMATH COUNTY BANK

Klamath Falls, Oregon

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E. R. Reames, Vice-Pres't, E. M. Bubb, Asst. Cashier.

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### TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

United States Land Office, Lakeview, Oregon, Sept. 20, 1904. Notice is hereby given that in compliance with the provisions of the act of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land States by act of August 4, 1892, the following persons have this day filed in this office their sworn statements, to-wit: Carrie O. Hill, of Freepoint county of Armstrong, State of Penn., sworn statement No. 2869 for the purchase of the S 1/4 E 1/4, Sec 7 T 38 S, R 12 E W. M., and will offer proof to show that the land sought is more valuable for its timber or stone than for agricultural purposes, and to establish their claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday the 3rd day of December, 1904. They name as witnesses: Carrie O. Hill, John R. Hill, Freepoint, Penn., M. Inosher, Klamath Falls, Oregon, Bert Regen Bouanza, Oregon. Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before said 3rd day of December, 1904.

### CONTEST NOTICE.

DEPARTMENT OF THE INTERIOR, United States Land Office, Lakeview, Oregon, November 8, 1904. A sufficient contest affidavit having been filed in this office by Abel A. J. Conroy, against homestead entry No. 246, made December 10, 1902, for the NE 1/4 NW 1/4, Sec 14, T 38 S, R 12 E W. M., and for L 1/2 NW 1/4, Sec 14, T 38 S, R 12 E W. M., in which it is alleged that said Leon O. Paull has never made any settlement, improvement or cultivation thereon, nor established any residence on said tract; that he has abandoned himself from and wholly abandoned the tract for more than six months last past, said parties are hereby notified to appear, and to establish their claim to said land before Geo. T. Baldwin, Co. Judge at his office at Klamath Falls, Oregon, on Saturday the 3rd day of December, 1904. They name as witnesses: Carrie O. Hill, John R. Hill, Freepoint, Penn., M. Inosher, Klamath Falls, Oregon, Bert Regen Bouanza, Oregon. Any and all persons claiming adversely the above-described lands are requested to file their claims in this office on or before said 3rd day of December, 1904.