DRAKE DENIES HE OBSTRUCTS

Than to Protect Rights

HOLDING THEM TO CONTRACT 130 miles above the mouth.

His Selling Agreement Had "String" to It, About Diverting Water Above Bend.

A. M. Drake, the original promoter of the Pilet Butte irrigation scheme, a river crossing and at another place which formed the nu lens for the work where the second road building will now in hand by the Deschutes Irrigation & Power Company, replies vigor. height to get around a high hill. ously to the charge made by the manof the irrigation enterprise. Mr. Drake has frequently been mentioned by the built on either side of the river. attorneys for the irrigation company in ness, which has for its ultimate sim into buying him out.

legal dues in the conflicts had with the only one track is possible. irrigation management," said Mr. Drake. "I have sued them because panies, however, that in the upper they are violating the provisions of stretches of the Deschutes canyon it is their purchase contract with me. I possible to build a railroad on either sought to protect my clear fegal bank of the river, and inasmuch as the property rights, and no more. I have Oregon Trunk line has secured a combeen called names for trying to prevent diversion of water above Benham Falls Harriman will be forced to build on the and the town of Bend. The company opposite side of the river unless the management refers to this act of mine as perfidious, in first selling them a their fair use of the same. I want to quote a paragraph in the agreement made with me when I sold to the company, to show that this construction of my course is unjust. The paragraph is as follows:

"There a half have the same of the fair to fair use of the same. I want to fair use of the same property, and then trying to forbid gonian.

"There shall be no diversion of water from the Deschutes River or any act done by the party of the second part or their assigns, affecting the flow of water at Benham Falls, or its value as a water at Benham Falls, or its value as a water power without agreement between the parties of the second part and the said Drake, or the said C. E. S. Wood, trustee, and there shall be no diversion of water above the town of Bend in excess of the capacity of the present flume, unless the note herein provided for, in the sum of \$21,250, to mature on or before January 1, 1908, be indorsed by the said Stanley and Baldwin and Stearns, as well as by the said Sawhill and Standl, as hereinbefore provided."

Mr. Drake offers this as proof that he has a right to prevent diversion of

Mr. Drake offers this as proof that he has a right to prevent diversion of water above Bend, until he is fully paid, which he says has not been done. He repudiates any thought of interrupting a public enterprise, save insofar as he has been converted as the says has not been done. He has been converted as the says has not been done. He has been converted as the says has not been done. He has been converted as the says has not been done. He has been converted as the says has not been done. He has been done the says has not been done. He has been converted to the says has not been done. He has been done the says has not been done. He has been done the says has not been done. He has been done the says has not been done. He has been done the says has not been done. He has been done the says has not been done. He has been done the says has not been done the says has not been done. He has been done the says has not been done the says has not been done. He has been done the says has not been done the says has not been done. He has been done the says has not been done the says has not been done. He has been done the says has not been done the says has not been done the says has not been done. He has been done the says has not been done the says has no a public enterprise, save insofar as he has been compelled to, in protection of his contract rights.—Telegram.

Public Schools Open.

Continued from page 1.

ordinary branches of learning by physical condition, are eligible to take such child, or children, shall be de- the examination. The salary paid to termined by the school board after beginners is \$900 a year. an examination of such child, or children by the teacher in charge of school. In such cases the truant of ington. ficer shall require a written state. ment of a competent physician certifying that such child or children is, or are physically unable to attend school. (3) Children between the ages of nine and ten years of age whose parents live more than one mile and one-half miles, and children over ten years of age whose parents live more than three miles, by the the nearest traveled road, from some public school; provided, that, if transportation is furnished pupils in said district this exemption shall not apply. (4) Any child or children, who is, or are, being taught for a like period of time by a parent for a like period of time by a parent or private tutor, such subjects as are usually taught in the first eight years in the public schools, and the fact of the efficiency of such instruction shall be determined by the school hourd after an examination. Alkany Correct States, Alkany Kind of tug attachments. school board after an examination Albany, Oregon. of such child, or children, by the eighth grade examining board of the

grounds.

Pupils will not be admitted to the school building before 8:45 a. m. and

12:45 p. m. Willful disobedience, or the use of profane or obscene language will cause suspension or expulsion.

Any pupil defacing or destroying

Shorthorn cows and hence, inches ing ten head of broke milch cows.
Call at ranch at mouth of Beaver Subscribe for the Journal, \$1.50

Oregon Trunk Wins.

The Oregon Trunk line gained another elctory over the Deschutes Railway Company in the contest for Govern-D. I. & P. Any More ment rights of way along the Deschutes river before the General Land Office at

The plats of the Deschutes or Harrinan road were rejected for what is known as section four, embracing the territory between a point 88 miles above the mouth of the Deschutes and a point

As understood here, this is the portion of the proposed route in which the surveys and maps of the Deschutes Railroad Company and those of the Ore gon Central conflicted, the latter rights having recently been acquired by the Oregon Trunk line.

There are two or three points of vantage gained by the Oregon Trunk line in this disputed territory, notably have to raise its grade to a considerable

The decision, however, which is sub agement of the company that he is an ject to appeal to the Interior Departobstructionist, and is seeking the ruin ment, was based on the admissions of both parties that a railroad may be

The action taken on the maps of sectheir arguments of the receivership tion four of the Harriman road evidently hearing by Judge Bean, as the insti- means that similar action will follow on gater of the many suits brought, and maps of sections three and five, which the real motive power behind the application for a receiver. His purpose one and two, nearest the Cobumbia has been styled a species of vindictive- river, b.th roads were permitted to D build on the same side of the Deschutes, serious embarrassment of the irrigation for the maps of both roads over thore work, wreck of the company, or coercion sections were approved simultaneously, and moreover in those sections are cer "I have never sought more than my tain passes where it has been shown

It is the contention of both com plete right of way, it is anticipated that Secretary of the Interior reverses the action of the General Land Office .- Ore-

Examinations

Examinations for the position of forest ranger on the Deschutes National Forest will be held at Prineville, Ore-

along practical lines, and knowledge of field conditions rather than book learn-bear descential, the opportunity of deposits subject to check 107,622 57 Demand certificates of deposit 2,779 57 0,801 91 sitions on national forests are filled by promotion from lower grades, so that on entering, a ranger is eligible for promotion to any of the more responsible and higher paid places, including that of THE STATE BANK OF REDMOND.

of forest supervisor. Only those men who are at least 2 years of age, not more than 40, of good the fact of which acquisition of such character, temperate and in goo

Applicants can secure informatio concerning the examination from the the public school in such district. District Fores'er at Portland, Oregon (2) Any child, or children, who is, or the Forest Supervisor, or the United are, physically unable to attend States Civil Service Commission, Wash-

Property for Sale. 1800 acres of good land for sale at a

dispose of my holdings in tracts to suit belief.

purchaser. Fine stock location. For Subscribed and structure information inquire at this office day of Sept., 1999. or address John Davin, Paulina, Or.7-29 Just Received.

Five hundred feet of Hyloplate by A. H. Lippman & Co. 8-12-tf

Agents Wanted.

Agents wanted in every town for the Steel Adjustable Hameless Horse Col-

Stock Ranch for Rent.

county, (Laws, 1907.)

Excuses are required in every case of absence, tardiness or dismissal before close of school. Excuses are due on the return of pupil to school. Every pupil is required to attend school punctually and regularly.

Fifteen minutes before school is called is plenty time to be on the

1004, The Dalles List No. 05176. Notice for Publication. Not Coal Land. United States Land Office,

The Dalles, Oregon, Aug. 20, 1909.

Notice is hereby given that the Northern Pacific Railway Company, whose post office address is St. Paul, Minnesota, has this 18th day of August, 1909, filed in this Any pupil defacing or destroying property will be severely dealt with. The use of tobacco in any form is strictly forbidden.

Non-resident pupils are admitted free of charge.

For Sale.

250 tons of alfalfa and meadow hay for sale, also 50 head Grade Shorthorn cows and heifers, including ten head of broke milch cows.

Creek, or address C. L. Roberts, 8-26-6w Post, Ore. a Year. County Official Paper

Sewing Machine for Sale. Second-hand White, little used, for sale at a bargain. Inquire at this

Milk Cows, Etc. for Sale. At J. T. Moore ranch, 3 good milk cows, other stock, plow, household lur-niture, etc. 8-26

BANK STATEMENT.

Report of the Condition of The First National Bank, in Princeville, in the State of Oregon, at the close of business, Sept. 1, 1909.

Resources:		
Loans and discounts 8	220,752	54
Overdrafts, secured and unsecured.	4,637	00
U. S. Bonds to secure circulation	12,500	
Bonds, Securities, etc.	3,522	88
Banking - house furniture and	-17-00	
fixtures	12,570	12
Due from National Banks (not		
Reserve Agents)	24,3 3	56
Due from State and Private Banks		
and Bankers, Trust Companies		
and Savings Banks	29,685	49
Due from approved reserve agents	126,036	30
Checks and other cash items	2.254	
Notes of other National Banks	323	
Fractional paper currency, nickels	1100	-07
and cents	3	30
LAWFUL MONEY RESERVE IN BANK,		

Legal-tender notes ... 500 ledemption fund with U. S. Tress'r (5% of circulation).....

Liabilities: Capital stock paid in \$50,000.00 Surplus fund \$50,000.00 Undivided profits, less expenses

STATE OF OREGON, County of Crook,

I. T. M. BALDWIN, Cashier of the above named bank, do solemnly awear that the above statement is true to the best of my knowledge and belief. T. M. BALDWIN,

Subscribed and sworn to before me this 13th day of Sept., 1909.

M. E. RRINK.

Notary Public.

CORRECT-Attest:

WILL WURRWEILER Carey W. Foster B. F. Allen,

Report of the Condition of THE CROOK COUNTY BANK of Prin

RESOURCES.	
Loans and discounts	\$ 97,372
Overdrafts, secured and unsecured	1,317
Bonds, securities, etc	1,583
Banking house, furniture and fixtures	2,200
Other real estate owned	5,500
Due from banks (not reserve banks).	371
Due from approved reserve banks	40,947
Checks and other cash items	90
Cash on hand	11,696
Total.	\$164,019
Capital stock paid in	\$ 35,000
Undivided profits, less expenses and	
taxes paid	7,506
PRINCIPLE AND ADDRESS OF THE PARTY OF THE PA	2.44

Time certificates of deposit. Cashler's checks outstanding.

Report of the Condition

1	of business Sept 1, 1909.		
201	RESOURCES,		
d	Loans and Discounts	\$15,630	R
d	Overdrafts, secured and unsecured		61
	Banking house, furniture and fixtures	865	12
0	Current expenses	850	14
0	Due from approved reserve banks		77
	Checks and other cash items	106	4
n	Cash on hand	1,556	77
e	Total		6
١,	LIABILITIES.		

Capital stock paid in Individual deposits subject to check 11,500 66
Demand certificates of deposit 552 00 Time certificates of deposit. 102 00

State of Oregon, County of Crook, ss I, G. L. Ehlers, cashier of the above-named bargain. On account of my health I bank, do solemnly swear that the above statement live in a different climate. Will ment is true to the best of my knowledge and Subscribed and sworn to before me this 11th H. F. JONES.

Notary Public. Correct-Attest: CARL N. ESIRET, EDW. JOHNSON, E. L. IVERSON. Director

Professional Cards. 977. 6. Brink

Lawyer A street, Prinewille,

97. R. Cliett,

Attorney-at-Law Prineville,

E. O. Hyde Physician and Surgeon Calls Answersu Promptly Day on Oppics Over Doon South of Adamses Dans Store. Both office an resi-dence telephones.

Oregon 97. R. Biggs

W. A. BELL Attorney-at-Law

ass co C. C. Brix Attorney-at-Law Real Estate Office with Geo. W. Barner

> 4 H. Rosenberg Physician and Surgeon

Calls answered premptly day or neg-Office two deers south of Gempleton's Drug Stone. Stockbonce vormer tot and Main Streets. Chas. S. Edwards H. P. Bolknap

Belknap & Edwards @ Physicians and Surgeons. Ofice Firer Door Cast of Winnes's

Oregon. Prineville, Iravelers ON SANTIAM ROAD

WILL FIND THE BEST

Accommodations

Lower Soda SPRINGS

Hotel and Feed Barns, Groceries Tobaccos and Provisions. Hay and Oats for sale; pasture for horses. Free camp grounds.

S. L. HULIN, - - Proprietor

Notice for Publication. Not Coal Land. Department of the Interior,

August 19, 1909 August 19, 1900

Notice is hereby given that
Ruth Myers,
of Prineville, Or., who, on September 19,
1904, made homestead (serial No. 63303),
No. 13709, for SW M NEM, W M SEM, and
SEM SW M. section 2, township 16 south,
range 17 east, W. M., has filed notice of
intention to make final five-year proof, to
establish claim to the land above described
before Warren Brown, county clerk, at his
office at Prineville, Oregon, on the 28th day
of September, 1909.

of September, 1909.
Claimant names as witnesses Albert D.
Barker, Clarence F. McCallister, Charles
Mathews and Alexander Bushey, all of Prineville, Oregon.

C. W. MOORE,

Notice for Publication. Department of the Interior, U. S. Land Office at The Dailes, Ore, August 12th, 1909. Notice is hereby given that Richard Meyer, of Prineville, Oregon, who, on June 22nd, 1904, made Homestead, (Serial No. 05184.) No. 1929, for NES, section 22, township 16.

1904, made Homestead, (Serial No. 05194.) No. 13820, for NE34, section 22, township 16 south, range 14 east, Willamette Meridian, has filed notice of intention to make final five-year proof, to establish claim to the land above described, before Warren Brown, county clark at his office, at Prine-ville, Oregon, on the 21st day of Septem-

ber, 1999.

Claimant names as witnesses: Frank
Claimant names as witnesses: Frank
Kelley, Charles H. Foster, J. Alvin Riggs,
Thomas McDaniel, ail of Prineville, OreC. W. MOORE,
Register,

All charges prepaid to the nearest express office.

4 quart bottles of GENUINE CYRUS NOBLE direct to you, all charges paid to the nearest railroad express office.

Containing all those secondary constituents the government chemists say MUST BE THERE

Any so called whiskey that doesn't contain them,

Now sold direct to you by the biggest and best known legitimate wholesalers in the Northwest.

W. J. VAN SCHUYVER & CO.

105-107 Second Street, Portland, Oregon

whether bottled in bond or not, is alcohol-not

It is whiskey-and nothing but whiskey.

that it may be called whiskey.

CYRUS NOBLE is pure.

Enclosed please find \$4.90 for which please four quarts GENUINE CYRUS NOBLE.

whiskey.

It is old.



B. F. Allen, President

Quality

Is what the careful buyer investigates when purchasing jewelry or watches. We stand behind the quality of everything we sell-we guarantee it to be of the quality we represent it to be

WATCH REPAIRING

W. FANRK PETETT Jeweler & Optician

Prineville, Oregon

T. M. Baldwin, Cashier

H. Baldwin, Ass't Cashier

The First National Bank

Of Prineville, Oregon At the close of business Sept. 1, 1909

LIABILITIES RESOURCES Surplus and undivided profits 6,060 29 12,500 00 Bank promises. 12,570 12 circulation. Redemption fund; Individual Deposits. 3105,4004 Rd Cash & Due from banks 210,000 AS \$464,674.21

THE HAMILTON STABLES

(Horseshoeing in Connection) J. H. WIGLE, Proprietor PRINEVILLE, OREGON

Stock boarded by the day, week or month at Reasonable rates. Remember us when in Prineville. RATES REASONABLE. We have

Fine Livery Rigs For Rent

General Blacksmithing

HORSESHOEING, WOOD WORK, ETC., NEATLY AND PROMPTLY DONE WHEN IT IS DONE BY : : :

Robert Moore

Satisfaction Guaranteed

PRINEVILLE. OREGON.

The O'Neil Restaurant

MILLER BUILDING, PRINEVILLE, OREGON

First Class Meals 25c and Up Fresh Oysters and Fish in Season

CONFECTIONERY STORE IN CONNECTION

Carrying a choice selection of fine candy, cigars, oranges, lemons, etc. Give us a call.

SMELZER & ELLEFSON, Props.

Shingles, Mouldings, Windows,

Doors, Glasses, Etc., Etc., Etc. SHIPP & PERRY PRINEVILLE, OREGON

Drop in and See

Champ Smith

DEALER IN

Soft Drinks of all kinds

Imported and Domestic

Cigars

At the old Smith & Cleek stand, Main street, two doors south First National Bank

CROOK COUNTY BANK

OFFICERS: BOOTH, President D. F. STEWART, Vice President M. ELKINS, Cashler

DIRECTORS W. A. BOOTH, O. M. ELKINS, D. F. STEWART

Transacts a General Banking Business

Exchange Bought

and Sold Collections will receive prompt attention

Notice for Publication.

Not coal land.

Department of the Interiof.
U. L. Land Office at The Dalles, Oregoth,
August 23rd, 1939.

Notice is hereby given that
Andrew S. Fields,
of Prineville, Oregon, who, on September,
1st 1994, made Homestead, Serial No.
08253.— No. 18770, for Sig NWig, Nig SWig,
section 2, township it south, range is east,
Willamette Meridian, has filed notice of
intention to make final five-year proof, to
establish chaim to the land above described, before Warren Brown, county clerk at
his office, at Prineville, Oregon, on the 5th
day of October, 1969.

Claimant names as witnesses: Jeff D
Evaus, William F. Mason, John W
Snyder, John R. Luckey, all of Prineville
Oregon.

C. W. MOOR E,
Register,

Notice for Publication. Department of the Interior.

Department of the Interior.

U. S. Land Office at The Dailes, Oregon,
August 18th, 1909,
Notice is hereby given that
Clarence F. McCallister,
of Prineville, Oregon, who, on April 22nd
1903, made Homestead,—Serial No. 02205—No. 12303, for Lots 2, 3 and E), 8 Wis, section 18, township 15 south, range 17 east,
Willamette Meridian, has filed notice of
intention to make final five-year proof, to
establish claim to the land above described, before Warren Brown, county clerk at
his office, at Prineville, Oregon, on the 5th
day of October, 1969.
Claimant sames as witnesses:
Charles Feuerhelm, John Hunsaker,
William Adsms, William Marks, all of
Prineville, Oregon, C. W. MOORE,
8-20p Register,

Summons.

In the Circuit Court of the State of Oregon

In the Circuit Court of the State of Oregon for Crook County.

Gottleib J. Weller, plaintiff, vs. Emelia Weller, defendant.

To Emelia Weller, the above named defendant! In the name of the State of Oregon: You are hereby commanded to appear and answer the complaint filed against you in the above entitled suit on or before the 18th day of October, 1909, and if you fail so to answer, for want thereof, the plaintiff will take a decree against you as prayed for in the complaint, to-wit; For a decree of this court henceforth and forever rescinding and setting aside the marriage contract heretofore existing between the plaintiff and defendant, and henceforth and forever annulling and dissolving the bonds of matrimony now existing between the plaintiff and defendant and awarding the plaintiff and defendant and the defendant and estopped from having or claiming any interest in any property of the plaintiff.

This summons is published in the Crook County Journal, a weekly newspaper published at Prineville, Urook County, State of Oregon, and of general circulation, by order of Hon. W. L. Bradshaw, Judge of the above entitled court, made on the 30th day of August, 1909, the first publication to be on the 2nd day of September, 1909, and the last publication to be on the 1st day of October, 1909.

N. E. BRINK, Attorney for Plaintiff. * අතු අතු අතු අතු අතු අතු අතු අතු අතු **අත**ු *

Notice for Publication. Department of the Interior, U.S. Land Office at The Dalles, Or,

U.S. Land Office at The Dalles, Or.,
August 6th, 1809.
Notice is hereby given that
Joseph T. Creamer, of Prineville, Oregon,
who on August 5th, 1904, made Homestead (Serial No. 03296.) No. 13705, for
NW M. section 14, township 14 south, range
15 cast. Willamette Meridian, has filed
no ice of intention to make final five-year
poof, to establish claim to the land above
described, before Warren Brown, county
clerk at his office, at Prineville, Oregon,
on the 21st day of September, 1909.
Claimant names as wittesses;
Charles B. Dinwiddle, Garrett T. Hoover,
John K. Grimes, Fred Stuart, all of Prineville, Oregon.

C. W. Moone, Register.

In the District Court of the United States for the District of Idaho.

In the matter of Richard Cunningham, bankrupt.—Notice. Notice is hereby given that J. C. Connors, trustee in the matter of Richard Cunningham, bankrupt, will sell at private sole five hundred (500) shares of capital stock in the American Standard Mining

sole live hundred (500) shares of capital stock in the American Standard Mining Company, a corporation of Denver, Colorado; and also the north half of the north west quarter, and the north west quarter of the north east quarter of section seventeen, (17) and the north east quarter of section seventeen, (17) and the north east quarter of section eighteen (18.) in township twenty-two south of range nine (8) east of the Williamette Meridian, in Crook county, State of Oregon, Said mining stock to be sold in one lot and said real estate in one lot.

Sealed bids will be received for said property by said trustee, at Silver City, Idaho, either personally or through United States mail, during the period commencing with the first publication of this notice and terminating on the 15th day of October, 1909. Bids shall be accompanied by a certilied check equal to ten per cent of the amount bid, the trustee being authorized to accept the highest and best bid, subject to the approval of the referee, after a return to the referee of his proceedings by said trustee under oath, and a hearing by the referee thereon, after ten days notice by mail to creditors.

Dated at Silver City, Idaho, this 5th day of August, 1909.

J. C. CONNORS, 812-5w

Natice for Publication.

Notice for Publication.

Notice for Publication.

Not Coal I and.
Department of the Interior.
U. S. Land Office at The Dalles, Or.,
August 19, 1999.
Notice is hereby given that Austin Kizer, of Prineville, Oregon, who, on July 7th. 1903, made Homestead, [Serial No. 0787] No. 12800 for N)4NW14 sec 3, tp 18 s, and 8E34SW14, SW34SE4 sec 32, tp 17 s, r 18 east, Willamette meridian, has filed notice of intention to make final five-year proof, to establish claim to the land above described, before Warren Brown, county clerk, at his office at Prineville, Oregon, on the 28th day of September, 1909.
Claimant names as witnesses:
Granwille H. Nye, Manford D. Nye, John Milliorn and Orange F. Hodges, all of Prineville, Oregon.
8-20p C. W. MOORE, Register.

Summons.

Summons.

In the Circuit Court of the State of Oregon for Crook County.

C. A. Stevenson, plaintiff, vs. Nettle Stevenson, defendant.

To Nettle Stevenson, the above named defendant: In the name of the State of Oregon. You are hereby required to appear and answer the complaint filed against you in the above court and action, on or before the last day of the time prescribed in the order for publication of this summons, to-wit: the 16th day of September, 1909, and if you fail to so answer, for want thereof, the plaintiff will take judgment against you for the sum of twenty-six hundred (\$2000.00) dollars, and for the costs and disbursements of this action.

This summons is served upon you by order of the Hon. H. C. Ellis, Judge of Crook County, State of Oregon, dated the 2nd day of August, 1909, and the date of the first publication of this summons is August 5th, 1909, and the date of the last publication thereof will expire on September 16th, 1909.

Attorney for the Plaintiff.

For Irrigated Farms and Fruit Lands DESCHUTES VALLEY WRITE

JONES LAND CO .