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NO. 5

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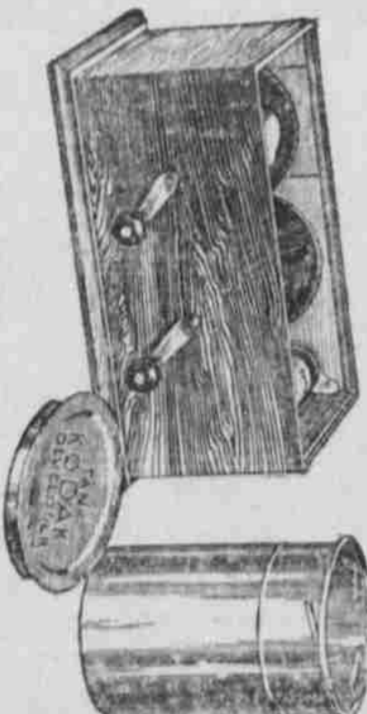
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HILL ROAD GIVEN EXCLUSIVE RIGHTS

Interior Department Has No Jurisdiction In Case

OREGON TRUNK SECURING POINTS OF VANTAGE

Deschutes Canyon Not Applicable To Canyon Act—Plenty Room For Both Railroads To Build

The Oregon Trunk Line gained another victory over the Deschutes Railway Company in the contest for government right of way along the Deschutes River, last week, before the General Land Office at Washington. The plats of the Deschutes road which were rejected is what is known as section 4, and the decision of the Interior Department cites that it is without jurisdiction in granting the application, in as much as it has already passed upon and approved the right of way application of the Oregon Trunk Line over the contested ground, a distance of 80 miles from Sherars Bridge to Madras. There are several points of advantage gained by the Oregon Trunk Line in this disputed territory, and Secretary Ballinger's decision is one of the severest blows the Deschutes road has yet received in the battle for right of way along the Deschutes canyon, since Porter Bros. began active operations the first week in July.

The decision, which is subject to appeal to the Interior Department, was based on the admissions of both parties that a railroad may be built on both sides of the river, while the main point of the legal battle is to try to keep each other out, but the Hill interests have the prior right by reason of the filing of the first survey. Unless the Harriman people as a last resource can show to the Federal Courts in Portland that the Deschutes canyon is a defile under the definition applied by the Federal Statutes, the Oregon Trunk people must be left alone to hold undisputed right of way over the strategic sections of the line. For the Harriman people to undertake to show that a defile exists in the canyon is a practically impossible move, for at the hearing just closed before Judge Bean in Portland, Chief Engineer Boschke filed affidavits in which it was shown to the court that the Deschutes canyon is not a defile and that there is plenty of room in which to build two roads. In consequence of this showing the Harriman people must take the opposite side of the canyon if they continue construction into Central Oregon.

The action taken on the maps of section 4 of the Harriman road evidently means that similar action will be taken on the maps of sections 3 and 5 which still await consideration. On sections 1 and 2, nearest the Columbia River, both roads were permitted to build on the same side of the canyon, as the maps of both roads were approved simultaneously, as it has been shown that at certain passes only one road is possible on each side of the canyon. However, in section 1 the Oregon Trunk Line is occupying the West side of the canyon and the Harriman interests are working on the East side. In section 2 the Harriman interests are tied up by a temporary injunction of the Federal Court, which covers the Horseshoe Bend tunnel and several other points of conflict.

The decision of Secretary Ballinger will give added stimulus to the construction work of the Oregon Trunk Line as it has the right of way granted from the mouth of the Deschutes to Madras, leaving the Deschutes road to work on only 17 miles of absolutely uncontested ground from Trout Creek to Madras.

The acquisition of the Central Oregon surveys from Madras to Bend also gives the Hill interests several points of vantage, one being the Crooked River crossing and another is between Redmond and Crooked River, where it would compel the second road building to raise its survey to a considerable elevation in order to get around a high hill. At the points named the construction work is being carried on as rapidly as possible, and the surveying parties under Engineer Wakefield is pushing the survey South of Bend to get control of more strategic points, which the Harriman interests might acquire to the dis-

advantage of the Oregon Trunk Line. These points of vantage are the passes West of the Paulina Mountains, where the country is very much broken by the lava beds.

A statement made a short time to the effect that a Hill line would be constructed from the Columbia River to California, seemed hardly probable at the time, but recent developments at different points which have a bearing on the construction of such a line, have made it apparent that a road to California will become a realization.

LOCATE HOMESTEADS ON THE HIGH DESERT

Rush Begins To Dry Farming Area in Bend Country—Wheat Growing To Boom

Bend, Or., Sept. 8.—What is in the nature of a record trip was made last week by a party of landseekers across the Cascades into the Bend country.

The transmountain trippers, M. A. Rickard, Patrick Stewart and Glen Ireland, left Corvallis in a Studebaker car in the morning and at 7 o'clock of the same evening had traversed the 150 miles to Bend. At 10 o'clock the next morning, with the addition of J. N. Hunter, a local real estate man, they continued for their destination, the "High Desert," Southeast of the town and by that evening were located upon 320-acre homesteads. No more rapid instance of long-distance land getting in a hurry has been noted in this section.

This is the first automobile that has made its way over the high desert, as this stretch of country is known, and for many miles the driver guided it through the unbroken sagebrush, directed by Mr. Hunter, much as a helmsman steers his ship over an unknown sea.

The homesteads taken up are on wheat land, situated on what is estimated as a 250,000-acre area of dry farming land, lying Southeast of Bend. This section is at present greatly in the popular eye because of its recent inclusion in the new 320-acre homestead law, and the promise of transportation, is expected to boom tremendously all wheat growing in Central Oregon.

YOUTH TAKES HORSE AND IS SOON CAPTURED

Last Friday afternoon Deputy Sheriff J. C. Robinson received a telephone message from Sheriff Elkins informing him that a horse had been stolen from the ranch of Herbert Rileout, about six miles West of Prineville on Crooked River, giving the description of the horse and the supposed person who had appropriated it. Upon inquiry Deputy Robinson learned that a person riding a horse of the same description had passed through Madras some six hours previous and that he was undoubtedly headed for the Cascade Mountains by way of the Warm Springs agency. He immediately started in pursuit of the young man and came up with him at Warm Springs, where he was letting the horse rest, intending to travel further the same day and evening. It was learned that the young man's name was Victor Traylor, aged about 20 years, and that he was on his way to some point in the Willamette Valley when intercepted. The young man was brought into Madras late that night and was taken on to the county seat the same evening, Sheriff Elkins meeting the party between Madras and Lamonta.

BARN AND PERCHERON STALLION ARE BURNED

The barn of A. S. Phillips burned to the ground about 10:30 o'clock Tuesday night. The loss includes over 50 tons of hay, several sets of harness, and the \$8000 thoroughbred imported Percheron stallion purchased by a company of farmers in this vicinity about three years ago. Mr. Phillips estimates the loss at \$1000, besides his interest in the stallion. There was no insurance.

The origin of the fire is unknown. It was surmised that it might have started from slightly green alfalfa stored in the barn, but Mr. Phillips thinks this improbable as the alfalfa was placed in the barn over three months ago, and says combustion from that source would have resulted sooner than this fire. Mr. Phillips saw the fire almost at its start, but the flames spread so rapidly that by the time he reached the barn the flames burst from the building and there was no chance to save the stallion stabled there.

The loss is most unfortunate and heavy upon Mr. Phillips at this time as he had his Winter's feed stored in the building and had also rebuilt his barn this Summer.

SUIT FOR RECEIVER DISMISSED BY JUDGE

Deschutes Irrigation Company's Affairs Don't Need Receiver Says Court

In the matter of the application for the appointment of a receiver for the Deschutes Irrigation & Power Company, Federal Judge Bean, before whom the matter was argued in the United States Circuit Court at Portland one day last week, denied the motion for application for receivership and dissolved the pending injunctions. The court intimated that time would be allowed for the filing of a demurrer.

J. P. Dreshler, a former director of the Deschutes Irrigation & Power Co., and who controls a large block of the stock and a complainant in the present litigation, unceremoniously withdrew his connection with the recent legal activities by telegraphing his counsel from Columbus, Ohio, to eliminate him from all suits pending or hearing in Oregon courts. The defendant's counsel took advantage of the telegraphic requests of the former director and laid no little stress upon the decision reached by Dreshler before the case was fairly under way.

The decision of the court is a complete victory for F. S. Stanley, Jesse Stearns and their associates in the management of the irrigation company. The suit was brought by Dreshler, who claimed the company owed him money on its bonds and that the local management had entered into a conspiracy to defraud the Eastern bondholders of their interest in the company. Judge Bean held that the bill filed by Dreshler's attorneys had not shown that the plaintiff had any interest in the company excepting as an ordinary creditor and that the showing did not justify the foreclosure of a mortgage against the company to collect interest on the bonds.

The petition of the interveners in the suit was denied at the same time, the court holding that if the original plaintiff had no standing in court under the suit, the interveners could have none.

NEW OFFICERS ELECTED BY OREGON TRUNK LINE

New Directors Of Central Oregon Line Are Men Experienced In The Hill Service

At the annual meeting of the stockholders of the Oregon Trunk Line, Incorporated, held on Monday in Seattle, says the Portland Oregonian, John F. Stevens was elected president of the corporation; Jackson Smith, vice-president and general manager; James B. Kerr, secretary; Leroy Park, treasurer, and George A. Kyle, chief engineer. The directors elected were John F. Stevens, Jackson Smith, V. D. Williamson, Jas. B. Kerr and George A. Kyle.

Mr. Williamson and Mr. Kerr are the only representatives from the old board of directors re-elected to office. Porter Bros., represented before as directors and as the heaviest stockholders in the corporation, are dropped from the roll, and they will now have charge of the construction work as contractors and have no further interest in the stock since the purchase of the entire capital stock by Mr. Stevens, representing James J. Hill, about three weeks ago. This is all in accordance with the prearranged plan existing between Mr. Stevens and Porter Bros. from the organization of the company. Mr. Stevens having held the stock under option all along and now having taken it up.

OREGON TRUNK PEOPLE FORM LAND COMPANY

Articles of incorporation have been filed, with capital stock placed at \$100,000, for the Inland Empire Company, with V. D. Williamson of Spokane, James B. Kerr of Portland, and C. B. Cullough as incorporators. Attorney Kerr states that this company was formed by Mr. Williamson for the purpose of holding a quantity of land recently purchased by him in Eastern Oregon.

The land is located in the vicinity of Bend, Oregon. Mr. Kerr states that the new company is in no way connected with the railroad developments in that part of the country, but says the property is prairie land secured from a number of private individuals by Mr. Williamson for his own purposes.

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