

BYERS OBJECTS TO WALTERS' DAM

SAYS IT INTERFERES WITH BYERS TAIL RACE.

Pendleton Millers Will Be Heard in Court—Fred Walters Is Building a Concrete Dam in Umatilla River 800 Feet Below Byers' Tail Race, Which Byers Says Will Damage Him by Backing up the High Water into the Byers' Race—Asks Restraining Order.

Alleging that the construction of a concrete dam in the Umatilla river 800 feet below the mouth of his tail race, will interfere with the flow of water in the ditch, W. S. Byers, a Pendleton miller, today filed action in the state circuit court to perpetually restrain Fred Walters, proprietor of the Farmers' Custom Mill, from completing the work. Walters has been at work on the dam for the past 10 days.

Byers alleges that during the high water season, which lasts from January until July, that the dam will back up the waters of the river into his tail race. Balleray & McCourt are representing the petitioner.

The dam to be built by Mr. Walters is for the purpose of increasing the power for his flour mill and is intended to divert all the idle water in the river below the Byers mill and tail race and will cost about \$1500. It will be built entirely of concrete.

CELEBRATION SALE.

Peoples Warehouse Will Furnish Music at Big Sale Tomorrow.

The Peoples Warehouse is making extensive arrangement for the celebration of the opening of their enlarged and improved store which will take place tomorrow. The store since the improvements have been made, occupies over three times as much space as formerly and is so arranged that it presents a metropolitan appearance. New departments have been added, among which are a grocery and glassware, etc. At the celebration tomorrow excellent music will be rendered and special pains will be taken to show the callers through the store. Special celebration prices have been made. See large advertisement in this issue for particulars.

WHEAT MARKET BRISK.

N. J. Sinnott, of The Dalles, Speaks of Conditions There.

N. J. Sinnott, of the law firm of Bennett & Sinnott, of The Dalles, is in Pendleton on legal business. He will return home tonight. Mr. Sinnott declares that outside wheat buyers are responsible this season for better prices in The Dalles. "They are leading the local grain men a merry chase," he said, "and some of The Dalles buyers have been able to secure but little wheat.

"The Dalles is lively by reason of the extension of the O. R. & N. to Dufur and because of the work out from Arlington. The branch line to Dufur will benefit The Dalles, but the Condon line will seriously interfere with Arlington's trade. After the road is finished Arlington will be a second Heppner junction. All trade

PURE DRUGS

It is easy to say "pure drugs." So easy that many druggists say so from force of habit. The reality requires more than mere "say so." It requires knowledge, experience, constant and conscientious vigilance.

We say we have pure drugs because we have. We spent time and money to make sure of the fact.

There are no better drugs to be had than we provide. There are no pure drugs that can be had for lower prices than ours.

Tallman & Co.

LEADING DRUGGISTS

USUALLY NEEDED

In the buying and selling of real estate the services of a bank are usually needed. In these transactions, we make loans, advance money on mortgages, and otherwise assist in closing up deals.

Whenever you buy or sell property, let the business end of it pass through this bank. We are confident you will be pleased with our service.

The Commercial National Bank

of Pendleton

that is now coming to the place will go on to Portland. Heretofore and now it is a base for supplies for the interior."

DEATH OF CHARLES GIBSON.

Deceased After Five Days' Illness With Membranous Croup.

Charles Roy Gibson, aged 15 years, 3 months and 23 days, died at 10 o'clock this morning at the family home at 1802 West Railroad street, of membranous croup. The boy was apparently in his usual good health Sunday evening when he retired. The next morning he complained of a headache and of not feeling otherwise well and remained in bed. He was confined to his bed from that time until death took place this morning.

Charles Roy Gibson was born in Denver and lived in this place for the past eight years. He was the son of O. W. Gibson.

The funeral will be held tomorrow afternoon at 3 o'clock, at the family home, conducted by Rev. Brooks, of the Christian church, and the interment will be made in Olney cemetery.

Sheepman From Minnesota.

George Mollengru, a Minnesotan is here and will investigate the opportunities that may offer to go into the sheep business. Mr. Mollengru has handled sheep from his earliest recollection, and is the owner of 7000, nearly all high-grade Cotswolds. They are divided between Minnesota and Iowa. He is tired of the protracted winters of that country. Before definitely concluding to locate he will prospect all through the Yakima country, but is prejudiced against that district on account of what he has heard of the wool output being always dirty on account of the alkali dust which infests the ranges.

Prof. Moss Arrived.

Prof. T. B. Moss, who is to be associated with Mrs. Sabina Leach in the management of the sanitarium here, where healing is done by magnetism, mental science and "natural methods," has arrived. He has already organized a class to which he is teaching the various branches of new thought mentioned, and others, and is assisting in the treatment of cases. The professor's headquarters are at the sanitarium on West Bluff street.

Californian Arrived.

Henry Satterlee, at one time owner of a fine farm in the Feather river valley, near Marysville, Cal., arrived last night and after looking over the country may invest in wheat lands, with some stock lands adjacent if he can find such a combination to suit him. Mr. Satterlee once had a fine farm in the Feather river valley, entirely submerged by "debris" from the hydraulic mines on the upper Feather river and its tributaries. He was never able to obtain a dollar compensation.

Expects to Locate Here.

T. O. Mohr, of Toulon, Illinois, a carpenter, is looking for a location. He has been here for several days. The guest of his sister, Mrs. Lucy Smith. From here he will go into the Palouse country and possibly into the Coeur d'Alene, having relatives in both localities. He is strongly inclined to the opinion that he will eventually locate here, or at least in this county.

Will Visit in Portland.

Andrew Hastings, accompanied by his grandson, Morris Hastings, left for Portland this morning for a visit with Mr. Hastings' two daughters. Mr. Hastings will remain for a month or more, and perhaps longer. He is in poor health, and was lately confined to the house almost continually for six weeks.

Wants Fruit Lands.

Gus Stoffer, of Miami county, Ohio, is here and will go out into the northern part of the county. Mr. Stoffer is experienced in fruit raising, being raised to the culture of grapes and other small fruits. He wants unimproved fruit lands capable of development.

Real Estate Transfers.

Ida Boyd to D. C. McNabb, property in the city of Pendleton, consideration \$2500.

The one means of raising the grade of trade is good goods—Schilling's Best

tea baking-powder spices
coffee flavoring extracts soda

Your grocer's; moneyback.

WILL FIGHT TONIGHT.

McCoy-King Bout Will Take Place Tonight at Athletic Club.

Young Kid McCoy and Andy King, lightweights, fight a 10-round go before the Pendleton Athletic Club tonight. King arrived in Pendleton at noon today from Walla Walla. Both men are in excellent condition and a fast go is expected. They will weigh in at the ringside at 126 pounds. The bout is for the gate receipts, 60 per cent going to the winner and 40 per cent to the loser. Bets on the contest are about even.

Two interesting preliminaries have been arranged between local amateurs. The referee will be selected at the ringside. A number of Walla Wallians are expected on tonight's train to witness the match. King is manager of the Walla Walla Athletic Club and is known as a clever boxer.

Will Be a Clean Bout.

"Win or lose the bout with McCoy," remarked King this afternoon, "I'm still in the ring. Boxing is my business." Behind the Walla Walla man tonight will be Barney Mullen, as chief second, and two Walla men. A. J. Klemmer, who seconded Mitchell in the last fight, will be in McCoy's corner.

The preliminaries will be fought by McDaniels and the Farmer Kid, and by Tom Castle and Rod Dupuis. "King being the undisputed featherweight of the Northwest," said Manager Billy Bogert, of the Pendleton Athletic Club, "I believe tonight's contest will be the best ever held in this city. The fight is to be strictly on its merits; if it is not, every spectator who pays admission will be refunded his money."

DISTANCE NEARLY DOUBLED.

Sheep Now Driven From 90 to 100 Miles From Mountain Pastures.

Accepting 40 and 50 miles as the average distance traversed by sheep in going from summer to winter ranges, or vice versa, across the reservation, the distance is increased to an average of 90 and 100 miles by the enforcement of the order against trailing across the reservation. These figures are given by a gentleman who has driven sheep to and from the mountains for years.

The difficulties of driving around are increasing constantly by the building of fences, and fencing in water courses. The situation the order places the sheepmen in readily accounts for the desperation which might lead to an attempt to run the sheep across in the night, which has been successfully accomplished at least once during the past two weeks. In spite of a fine confronting the perpetrator of \$1 for each head of sheep taken across if the ruse had been discovered.

MAY MAKE SPEECHES.

Judge James A. Fee, Candidate for Presidential Elector, Sees Success Ahead.

Judge James A. Fee, of this city, one of the republican candidates for presidential elector, has not yet decided whether he will stump the state. "If I can arrange my business," he said, "I may go out and make a few speeches. I will not be able to go to Portland to hear Mr. Fairbanks.

"The republicans of Oregon are to be congratulated in having Frank Baker, of Portland, for their chairman. He has succeeded in having a member of the president's cabinet and also a candidate on the national ticket come to this state. This has never been done before in the history of the commonwealth.

"I believe the republican party will win in Oregon at the coming election. The chairman is working hard and the state is well organized."

NEW PHOTOGRAPHERS.

Burns Brothers Succeed W. S. Bowman in This City.

Robert and Bruce Burns have just come here from Lewiston, Idaho. They have bought out the W. S. Bowman photograph gallery. They already have galleries at Lewiston, Idaho, Coifax and Pullman Wash.

Having heard that Pendleton was a splendid business point, they decided to come here and investigate for themselves. Finding it all they hoped for, they bought out the Bowman gallery. They have the reputation of turning out good work and will undoubtedly maintain the high reputation for high-class and artistic work that W. S. Bowman has built up. The firm name will be Burns Brothers.

ELEVEN ACRES OF BERRIES.

Weston Man Who Is Strong Partisan of Non-Irrigated Berries.

W. F. Arshart, of Weston, is in town today en route from La Grande, where he went to file on relinquished land near Weston. It is a rough piece of ground which has been filed on and relinquished many times since the first settlement of the country.

Mr. Arshart is an old fruit raiser and came here last March from Boulder, Col., experimentally. Now he could not be induced to live elsewhere. He now has in a little over one acre of strawberries, and next spring will plant 10 acres more.

He will avoid all necessity for irrigating, as long as possible, placing his chief dependence in improved methods and the natural rainfall. He is a strong partisan of the mountain strawberry, declaring that it is much more hardy, better flavored and will stand shipment and handling with less deterioration than any variety grown on irrigated ground.

PORTLAND ALDERMAN HERE.

J. K. Bentley Speaks of Politics in Idaho and Business in Portland.

Councilman J. K. Bentley, of Portland, a prominent contractor, passed through Pendleton this morning on

his way home from a visit to Boise. "There is lots of building going on in the Idaho town," he remarked. "There is an air of prosperity everywhere and we contractors have no complaint to make."

Mr. Bentley volunteered the information that Idaho would go strongly republican this fall. "Oregon, in my opinion," he said, "will also drop in line for Roosevelt and Fairbanks."

Mr. Bentley was director general of the Multnomah Club street carnival last fall. "I do not believe the club will give any such affair this year," he said.

ADDITIONAL PERSONALS.

Revs. Hovey and Wallace, Mormon missionaries from Richfield, Utah, passed through here this morning en route to Alberta.

Albert Colley and wife went to La Grande last evening, and it is possible that business interests there may result in their locating there.

Mrs. Mabel Chastain, grand chief of the Rathbone Sisters for the state of Oregon, will be in Pendleton this evening and will visit the local lodge. While in this city Mrs. Chastain will be the guest of Mr. and Mrs. James Maloney.

Dr. D. C. McNabb, a prominent veterinarian, today purchased a house and lot at Beauregard and Court streets from Miss Ida Boyd. Dr. McNabb intends to erect two cottages on the property in the near future for renting purposes.

Louisa McDonald is contestant and Douglas Glenn as contestee were before United States Land Commissioner Joe H. Parkes this morning. The land in dispute is in the McKay creek neighborhood on the Umatilla Indian reservation.

Overland From Nevada.

O. A. Dugger and wife, travelling overland from Waltrip, Nevada, for Mr. Dugger's health, have arrived via the Columbia river route, having been on the road since the second week in May. They will visit with Mr. Dugger's uncle, Beck Fuller of Van-ayle canyon, and afterward with Mrs. Dugger's brother, F. E. Weller of the extreme northeastern portion of the county.

A. C. Russell Sold Out.

A. C. Russell has sold 320 acres of wheat land in Sand Hollow for \$17,000 to George Hancell, of Athena. Contrary to the report that he would leave the country, Mr. Russell will continue to reside in Athena, where he has had a residence for the past four or five years.

Half Section Brought \$16,000.

Robert Grant, of Helix, has sold his 320-acre wheat farm, one-half to James Curran and one-half to Harlow Richmond, and will move to the Sound. Curran and Richmond paid Mr. Grant \$16,000 for the half section.

One Hundred Dollars Per Acre.

George Hencell, of Athena, has sold 100 acres of wheat land to Hugh McIntyre, of Sherman county, for an even \$10,000, through the real estate agency of J. M. Hayes, of Athena.

Half Cent Raise in Wheat.

Local wheat advanced half a cent today over yesterday's market. No sales are reported. Club, 7 1/2 cents and bluestem 7 1/2 cents f. o. b.

Daughter Is Born.

A nine-pound daughter was born to the wife of Lewellyn Brownell, at Umatilla, Thursday morning.

MANY ENGLISH PARTRIDGES.

Start in Oregon Was Made From But Nine Pairs of Birds.

The English partridges turned loose in Polk county three years ago are getting a nice start, and if protected from the rapacious hunter, will soon have spread throughout the valley, says the West Side Enterprise. The first birds brought to Polk county were not shipped from Albany, as stated by a Portland paper.

Independence is one of three places in the Willamette valley where the partridges were first turned loose. Al Herren, Marsh Merwin and some others made up a purse of \$69 and in February, 1901, brought nine pairs of birds here, setting them free on the O'Brien farm. They had good protection in the vicinity of the O'Brien and Thielsen farms and the same protection needs to be extended as the birds multiply and spread. There is a covey of them near Monmouth and only a few Sundays ago 100 shots were fired in that vicinity.

There are also English partridges at W. J. Brooks' place and on O. Webster's farm. Joe Rodgers plowed up three nests last spring and 14 birds have been seen on the Bob DeArmond place.

The Waldo Hills, Marion county, near Albany, are the other points in the valley where the partridges were turned loose at the same time as at Independence. It was largely through Ed Cross that Marion county got a start of the English birds and through Edwin Stone they were taken to Linn county.

It don't do a man no good t' have th' reputation uv bein' a smart feller—too many fellers layin' fer jest that kind.

IF YOU'RE SICK

Why don't you try a dose of Hostetter's Stomach Bitters before each meal and at bed time. You'll be surprised at the amount of good it will do you. It has cured thousands of sickly men and women in the past and won't fail you now. It is unequalled for curing poor appetite, insomnia, indigestion, dyspepsia, constipation, nausea, female complaints and malaria. Try a bottle and test it for yourself. Avoid substitutes.

HOSTETTER'S STOMACH BITTERS

DROVE SHEEP ACROSS.

Four Thousand Head Brought to Pendleton for Shipment.

J. D. Clark arrived a few days ago with John Wynn's and Walkup & Hubbard's sheep, altogether nearly 4000 animals, driven through from the Wynn place to Pendleton for shipment. Some of these animals are ready for immediate slaughter, and will be taken direct to the yards in Chicago and Omaha. The remainder will be fed during the next three months in Nebraska.

For these sheep was realized for the lambs, \$1.60; for the old sheep an average of \$1; for the remainder, a mixed lot in which there was neither old sheep nor lambs, an average of \$2.15 was realized.

From the Wynn place to Pendleton in a direct line, or more properly speaking, across the reservation, is 22 miles; by the trail around the southward, it is 39 miles.

Cost \$320.

Street Commissioner Brown reports that the total cost of repairing the levee was \$320, including rock and labor.

We Are Moving

into our new building

Owl Tea House

RAIN SHOES

NEW, FROM THIS BIG STORE IS WHAT EVERYBODY WANTS TO KEEP THE FEET COMFORTABLE, DRY, AND OF STYLISH APPEARANCE. WE HAVE THEM FOR YOU.

HANAN, DOUGLAS, GLORIA, RED SCHOOL HOUSE, WATER PROOF, AIR PROOF. THE GREATEST WEAR RESIST. ER KNOWN TO MAN TODAY AT ANY PRICE YOU NAME.

OUR SHOES ARE BETTER.

ROOSEVELT'S BOSTON STORE

Shoes and Clothing

Men's Furnishings for Fall and Winter

The Best Goods at LOWEST PRICES

- | | |
|--|---|
| SWEATERS FOR MEN.
Fancy stripes and solid colors. Prices 50c to \$4.50. | UNDERWEAR.
Large assortment to select from, both cotton and wool.
Cotton ribbed, per garment 50c
Fleece lined, per garment .000
Heavy weight wool, mixed, per garment \$1.00
Wool ribbed, per garment \$1.25
Better grades \$1.50, \$1.75, \$2.00 to \$3.50 per garment. |
| SWEATERS FOR BOYS.
Solid colors and stripes from 50c to \$2.00. | GOLF AND NEGLIGENCE.
New fresh goods, best of patterns, at 75c to \$3.00 each. |
| GLOVES—GLOVES.
Working gloves . . . 50c to \$1.50
Dress Gloves.
Mocha \$1.25 to \$1.75
Mocha, silk lined \$1.25 to \$1.75
Kid \$1.25 to \$1.75
Kid, Dents' \$2.00 | |

Shoes, Rubbers, Mackintoshes and Duck Coats. It will pay you to see our lines before making your purchases.

BAER & DALEY

One-Price Clothiers and Furnishers

FOR SALE

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|--|--|
| 9-room modern dwelling, good location, 1 1/2 lots, fine basement, everything new and up-to-date, \$3000. | 480 acres finest wheat land; improved, \$27,000. |
| 6-room house, 4 1/2 lots, barn, chicken yard, shade trees, \$1750. | 640 acres grain land, \$10,000. |
| Modern 6-room cottage, 6 fine lots, fine soil, \$2500. | 640 acres grain land, well improved, \$8500. |
| 6-Room house, nice improvements, shade trees \$1100. | Office rooms for rent. |
| 280 acres fine land; elegant house; close to town, \$65,000. | Timber land for sale. |
| | Timber locations made. |
| | If you wish to buy or sell any call on me in my office in Bank building. |

C. C. BERKELEY

BYERS' BEST FLOUR

Is made from the choicest wheat that grows. Good bread assured when Byers' Best Flour is used. Bran, shorts, steam rolled barley always on hand.

PENDLETON ROLLER MILLS

W. S. BYERS, Proprietor.