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\$22.50 Suits and Overcoats for . . .	\$16.90
\$25.00 Suits and Overcoats for . . .	\$18.75
\$27.50 Suits and Overcoats for . . .	\$20.70
\$30.00 Suits and Overcoats for . . .	\$22.50
\$15.00 Suits and Overcoats for . . .	\$11.25
\$17.50 Suits and Overcoats for . . .	\$13.15
\$18.50 Suits and Overcoats for . . .	\$13.90
\$20.00 Suits and Overcoats for . . .	\$15.00
\$35.00 Suits and Overcoats for . . .	\$26.25

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# BOND BROTHERS Pendleton's Leading Clothiers

## SUPREME COURT DECIDES WATER CASE

USE OF WATER UNDER  
A NEW PRINCIPLE

One Appropriator Can Use All Water and Leave None for Those Whose Claims Rank Second or Lower—Opportunity Is First Essential.

Salem, Or., Dec. 27.—A decision of general interest in Oregon at this time owing to the issue over the use of the water of the Umatilla river in the extension of the Umatilla project, and also because of the fact that the decision illustrates a decided evolution in the court's way of interpreting water right laws, was handed down by the supreme court in an opinion written by Justice Burnett in the case of Caviness vs. the La Grande Irrigation company et al.

The plaintiff settled on the Grand Ronde river in 1862 and about three years afterward appropriated water from the stream for use on his land. More or less use was also made of the water by neighbors on the river above him. He alone maintained his original holding of land and water to the present. The lands higher up the river passed into other hands and the successors of the original holders formed various corporations to appropriate water mainly for irrigation. Claiming that these corporations and some few individuals above him were taking so much water that his rights were invaded, the plaintiff brought suit to quiet his title to the use of the water in the amount he claimed and to enjoin the defendants from interfering with it. The defendant corporation endeavored to prove that the other original settlers made appropriations of water before the plaintiff and to trace their titles back to them.

Two Kinds of Use Impossible. In the opinion by Justice Burnett, the court modified the decision of the circuit court and enunciated the following principles:

An allegation that a corporation is a mere holding concern, organized for the auxiliary purpose of managing the water privileges belonging to certain persons, is not proven by articles of incorporation showing that the company is doing business as a water user. In the absence of anything showing that such a corporation acquired appropriations of water made by prior holders, it cannot defend an appropriation made earlier than its organization. Although one whose land borders upon a non-navigable stream may claim the use of water either as a riparian owner or as an appropriator, he cannot claim in both capacities at once, a reason for this being that a riparian user of water is always a tenant in common, in a certain sense, with every other riparian user on the stream, while an appropriator is a tenant in severalty, independent of other water users, and one cannot at the same time hold title to the same thing both in common and in severalty.

At least for the purposes of irrigation, the right of one claiming the use of water as a riparian owner is limited at all times by the condition that it must be so exercised as not materially to injure the rights of other riparian owners in the proportional use of the water of the same stream for the irrigation of their riparian land.

One Man May Take All. On the other hand, an appropriator, subject to rights in existence at the time his appropriation is made, may take all the water he can use reasonably and without waste for a beneficial project, although none may be left for those who come afterwards. One who demands the use of a fixed quantity of water under all circumstances is construed to claim as

## CASTORIA

For Infants and Children.  
The Kind You Have Always Bought  
Beware the Signature of *Chas. H. Fletcher*

## CURE OF ANY CHRONIC DISEASE THE GREATEST SUCCESSFUL CURE WITHOUT THE KNIFE.

See our patients' testimony. Dec. 1st, 1911. I am glad to tell the public what the Chinese Doctor did for me. I was nearly dead suffering from abscess in the stomach and three American doctors told me there was no hope for me except an operation which I felt would kill me. So we called Dr. Leo Ching Wo and tried his medicine and in two weeks I was out of danger. Took his wonderful medicine four weeks more and am nearly well. I can cheerfully recommend his remedy to any one who is in need of a doctor, for he certainly saved my life. Mrs. Ida Herring, 215 West Alder St., Walla Walla, Washington. We receive testimonials from our patients daily who have been cured. If you want to be cured, come and see us or if unable to come, write and enclose a two cent stamp for symptom blank. Write without delay. Address:—LEO CHING WO, CHINESE MEDICINE CO., 14 E. Main St., Walla Walla, Washington.

## Lumber and Building Material

A Large and Complete Stock Always on Hand and PRICED RIGHT

The Best Mill Work to be Obtained in the Northwest

Let Us Figure With You on Your Next Order

**Pendleton Planing Mill and Lumber Yard**  
J. A. BORIE LUMBER CO., Proprietors  
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## OREGON THEATRE TO-NIGHT

# The Great Hewett Company

Magic Illusions  
Dramatic Sketches  
Illustrated Songs  
Moving Pictures

Change of program every night

Performance at 8 p. m.

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an appropriator and not as a riparian owner, though his land abuts upon the stream. Opportunity to take in the first essential to an appropriation so that any one may appropriate water from a non-navigable stream or he can lawfully gain access to the stream for that purpose, and water is there not subject to the use of nother.

Swellings of the flesh caused by inflammation, cold, fractures of the bone, toothache, neuralgia or rheumatism can be relieved by applying BALLARD'S SNOW LINIMENT. It should be well rubbed in over the part affected. Its great healing and penetrating power eases the pain, reduces inflammation, restores natural complexion and restores natural complexion. Sold by A. C. Koepfen & Bros.

## TALLMAN & CO. Guarantees Hyomei

If you really mean that you want to drive every bit of catarrh from your nose and throat why not try a sensible remedy that is guaranteed to banish catarrh, or money back. If you already own a little hard rubber HYOMEI (pronounce it High-o-me) for only 50 cents. If you do not own an inhaler ask for complete HYOMEI outfit which contains no inhaler, this will cost you \$1.00. Then breathe the HYOMEI and get rid of catarrh, relief comes in five minutes, a day's treatment will make you happy, a week's treatment and snuffles, mucous and hawkings go, another week and goodbye to catarrh. Try it today on money back plan. Sold by Tallman & Co. and druggists everywhere.

## AT THE PICTURE SHOWS

### Orpheum.

Special Kaleem feature in three reels for Tuesday's change. "Arrah-No-Pogue." (Kalem). An Irish drama in three reels. Every scene made in the beautiful Emerald Isle. A veritable transcript from human life, related in 47 absorbing scenes, embellished with primitive scenic splendors and interpreted by a galaxy of artists of surpassing merit. "Mr. Peck Goes Calling." (Biograph). It is Mrs. Peck's birthday and Peck has bought her a ring. They make a neighborly call and poor Peck is placed in a very embarrassing position. He falls to sleep and is later taken for a burglar. He escapes, but leaves his coat behind, which is found later by Mrs. Peck. It takes a lot of explaining. "The Beautiful Voice." (Biograph). An eccentric Frenchman passing along the avenue, hears the sound of a beautiful voice and falls in love with the unseen singer. When he presents himself he finds it is a phonograph.

### The Pastime.

Interesting program for holiday week. Tuesday's change follows: "Suffer Little Children." Vitagraph. Those who see nothing beautiful in a child must have something wrong inside them. Here is a story of an old fellow who preaches love and practices hardness to his children until he is awakened to his realization that God is love and children are of His kingdom. He opens his heart and takes his own unto himself. "Who Owns the Baby." Lubin. The baby alone is enough to make any audience just love this picture. Add to this the well knit plot, the high-class histrionic art, the happy ending and it is surely a winner. "The New Superintendent." Selig. A beautiful and picturesque romance of old Mexico. This is a strong story founded on the California oil well fess. The only picture of this nature ever secured. Very exciting. "Peggy, the Moonshiner's Daughter." Kalem. An idyl of the hills. A story of love and loyalty, featuring Alice Joyce as Peggy.

### The Cosy.

Wednesday and Thursday an extraordinary feature comedy, totally unlike anything you ever saw or imagined before, full of wonderful illusions and surprises. Absolutely the best comedies ever made. "Desperate Desmond." Filled by Claude Clair. Nestor. These wonderful comedy pictures are taken from the series of funny pictures that have been running for some time in the daily papers. While Rosamond and Claude are boating on the lake they are seen by Desperate Desmond. By the aid of some wild men on a moving island the lovers are captured; after being saved from a pot of boiling tar, Claude is put in a big safe and thrown overboard but lands on the back of a big turtle, who kindly puts him ashore. By means of wire-

less he calls a battleship to his aid, and Rosamond is saved.

"Lucky Bob." Bison. Bob got the job of Farrel who was discharged and also won Nell, the Superintendent's daughter, incurring the enmity of Jack, the foreman. Jack bribed Farrel to tamper with the hoisting machinery, causing a serious accident and Bob was blamed. Nell clears him and the plotters were pursued and lassoed in a sensational manner. "The Last Friend." Ambrosia. Beautiful story of a child's love for her little pet. "Molly of the Regiment." Ambrosia. Stirring story of war time. "Was It Worth While." Nestor. It's a worth while picture of great dramatic strength.

### At the Grand.

"The New Judge" is breaking all house records as a laugh producer and large house. "The Good Ship, Nancy Lee." Thursday's change, the management has something up its sleeve as a surprise for the patrons of the Grand. This is one of the Roger Bros. feature comedies and had a long New York and Chicago run. The scene is on board the ship Nancy Lee, bound for the North Pole. This is a scenic production and all special scenery has been arranged for same. The dates for the military drama given for the Malabar camp of veterans of the Spanish American war will be January 15, 16 and 17th, instead of dates given in Tuesday night's issue. Friday night is amateur night at the Grand. Don't miss it.

### GARCON: A FILET REINDEER.

### U. S. Official Says We Soon Will Be Eating Meat of Alaska.

Washington.—Reindeer meat from Alaska soon may be a food common to the American table. This opinion was expressed by William F. Lopp, in charge of the government's reindeer service, who has just returned from a tour of inspection through Alaska in behalf of the United States bureau of education. "A commercial shipment of reindeer meat the first made into this country, has just been received at Seattle," Lopp said. "In twenty-five years, with the percentage of increase, there should be 3,000,000 reindeer in Alaska, on which the people of this country can depend for much of their flesh diet."

### A Terrible Blunder

to neglect liver trouble. Never do it. Take Dr. King's New Life Pills on the first sign of constipation, biliousness or inactive bowels and prevent virulent indigestion, jaundice or gall stones. They regulate liver, stomach and bowels and build up your health. Only 25c at Koepfens.

To Portland or California, take Northern Pacific via Pasco, and S. P. & S. Ry. Leave 1:30 p. m., arrive Portland 8:10 a. m. See W. Adams, agent at passenger station, for through tickets and all arrangements.

## HEWETTS AGAIN DRAW.

The Hewett company at the Oregon theater last night was well received by another good house. The dramatic work done by Mr. and Mrs. Hewett, who were once associated with the Orpheum circuit, proved them to be artists in their line. Tonight magic and illusions will fill the bill with Daniel Boon as a leading feature film.

### KAISER IS A GOOD HUNTER.

Kaiserin Frequently Accompanies Him on His Shooting Expeditions. Berlin.—Kaiser Wilhelm has been indulging his well-known passion for hunting with more than usual vigor this year and the cold which for a few days postponed his intended trip to South Germany was the penalty of exposure on the hunting grounds about Doberitz. Since early fall most of his leisure has been spent in following the hounds or in shooting, and, according to report, he has again shown himself an adept at both forms of sport. Upon his last visit to his shooting-box, Hubertusstock, he achieved a record of thirty-one stags, bringing down several of them with long and difficult shots.

This year the Kaiserin has accompanied him on many of his hunting expeditions and at the Doberitz hunt a large number of women, among them his daughter, Princess Victoria Louise, joined in the chase.

### MAYOR'S WIFE SELLS GOODIES AT CUT RATE

Indianapolis, Ind.—Mrs. Lewis Shank actively reinforced her husband the mayor of Indianapolis, in his campaign against the high cost of Christmas feasting. She stood in the public market selling dressed turkeys and chickens, walnuts and mince meat, purchased by the mayor directly from the producers and offered to the consumers at prices under those asked by the regular dealers. Mrs. Shank's smile of acknowledgment of felicitations stimulated business at the mayor's stand and the stock moved rapidly.

### Plan to Mine a Meteor.

Prescott, Ariz.—A story has reached Prescott of the falling of an enormous meteor near Sunai station close to the line of the Santa Fe railroad. An evidence of the heavenly visitor is a hole twenty-five feet in diameter and about forty feet deep, filled with vapor and intensely hot. It is said that a mineral location has already been filed by some business person, who propose to unearth the meteorite for sale to some scientific institution.

## SPORTS

### Fight For Championship.

Salt Lake City, Dec. 27.—When Jim Flynn and Tony Caponi enter the ring here tonight for a ten-round bout each man will have an eye on championship honors. "Anxious as I am to meet Jack Johnson," said Flynn today, "I cannot afford to take chances. I will go in to win from the start." Caponi, who aspires to the middleweight leadership, declared: "This is my chance to show the fans what I can do against a heavier man. I am sure I will be able to go through ten rounds and take Flynn's measure."

### Johnson Would Meet McVey.

Chicago, Ill., D. C. 27.—Believing that some of the near offers for a fight mean real business, Champion Jack Johnson today began light training in order to be ready to start hard work if he should be made a bona fide offer for a bout. He stated that he is willing to meet Sam McVey, before Hugh McIntosh's club in Australia for \$30,000, provided McIntosh will deposit the money in a bank.

### Murphy Wins Decision.

New York, Dec. 27.—"Harlem" Tommy Murphy, who recently lost the decision in a 20-round match with Paakey McFarland, won the pugilist decision by a narrow margin from Joe Bedell, a Brooklyn lightweight, in a ten-round bout in Brooklyn last night.

### SHOW HEN NIPS DIAMOND.

Careless Fancier Refuses to Kill Chicken, Saying He Has More Gems. Allentown, Pa.—While petting a pretty white Leghorn hen during the closing hours of the poultry show, A. B. Fowler, said to be a rich poultry fancier from central New York state, lost a diamond stud.

In the display of the Blink Bonnie farm was an attractive little white chicken that everybody made a pet of. During the week she had been taken out of her cage many times and allowed to sit on the shoulders of women, when she would peck at their earrings or the buttons on their coats. Fowler put the hen on his shoulder, when she began to peck at his diamond. The stone was not very well fastened and the little hen swallowed it.

A bystander suggested killing the chicken, but Fowler vetoed the suggestion, saying it was his own fault, and that he had a lot more diamonds anyway. PILES CURED IN 6 TO 14 DAYS. Your druggist will refund money if PAZO OINTMENT fails to cure any case of Itching Blind, Bleeding or Protruding Piles in 6 to 14 days. 50c.