

# The Bend Bulletin

PUBLISHED EVERY FRIDAY BY  
LUDEMANN & LAWRENCE.

Subscription Rates:  
One year \$5.00  
Six months \$3.00  
Three months \$1.50  
(Resubscribe to old address)

FRIDAY - OCT. 21, 1934

Additional votes registered this month make the number in Bend precinct 242.

If Kropotkin doesn't regret to report he ought to. He who monkeyeth with the buzz saw gathereth wisdom.

It is said that the whooping cough which is afflicting a part of our juvenile population was introduced in the community by Col. O'Neill's tenney.

Preparations for a city water service are approaching the point of active construction and an efficient plant will be in operation here before many weeks pass.

Dr. Nisnal takes hold of the Ssemore place fight. He is not absorbed with the crime of trading in town lots. He realizes that productive industry is the demand of the time in these parts and sees how it will pay him well to engage in it. There is no doubt of his success.

The presidential election this year will be but a dreary formality. But for the fact that the democrats cannot stand unanimity they'd probably all remain at home on election day, for they have no heart in the campaign and no hope of doing more than mark time with their votes. They can't get anywhere—unless it be to the cemetery.

It would be of material assistance to know in advance all who will wish schooling this year in Bend, in order that accommodations may be provided. The attendance is crowding present facilities to the limit, and if all who contemplate enrolling hereafter will report the fact immediately to the teacher, even if they will not at once enter school, it will help the board to gauge the future demand and accommodate it. There is no better teaching in Crook county than is done in Bend this year and we wish to keep to this high standard.

There is a heap of consolation in Wisconsin for the citizen of independent mind and self respect and civic pride. The La Follette fight is a case in point. It is a glorious warning against all the forces of organized greed and political skulduggery. It is a shame that Senator Spooner is on the other side of the fence; but he is a notable poor politician and has drifted into his present position with the associations that attend his introduction to public life and is not there by deliberate design. La Follette is a marvel and his success means not only the smashing of a grossly entrenched and corrupt political machine but the restoration of power to the people. How long will they keep it?

It is not a pleasant fact to chronicle, but very true, that the automobile line between Bend and the railroad was forced upon Bend by the attitude of Prineville people. Prineville people hostile to the Bend country make it a point to see passengers either bound and fill them with misinformation. Some have been deterred from coming to Bend by the stories heard at Prineville. Those who bring these reports have no axes to grind and no purpose to serve but

misrepresenting the case, but when they see this country and know how fondly it is maligned at Prineville they naturally speak of the matter. Prineville gains nothing but enemies by such conduct and her responsible citizens ought to see that it is stopped.

## NON-SUITS IN DAMAGE CASES

Justice's Record not Fit for Use in Circuit Court.

The damage cases of L. D. West and S. H. Lorraine against H. W. Reed, W. H. Staats et al for malicious prosecution came up in Prineville yesterday, G. W. Barnes appearing for the plaintiff and W. A. Brock for the defense. The first witness called was J. M. Lawrence, justice of the peace, who, as successor of the former justice, Charles L. Brock, had the records of the office. Those records were offered to show that there had been a prosecution of the plaintiffs, but they were found to be wholly irregular and not admissible as evidence under the statutes. The docket was composed of a few leaves snatched from an old account book. No transcript had been filed with county clerk, as the law directs.

The introduction of such evidence was objected to because of its imperfections. Attorney Barnes admitted that it did not fit the statutory requirements but, was the best evidence of the matter to be proved that could be produced. "The justice," said Mr. Barnes, "was the mere tool of these defendants. He at their instance issued processes, or pretended processes, against these plaintiffs, who were obliged to submit to them, and to the most outrageous treatment I ever heard of in court. Now this tool fails to make a legal record and he has himself disappeared."

"Are these defendants to go free because proof of the court proceedings will not be permitted outside the court record? We are not after the tool but the persons who used him to damage these plaintiffs, and now they shrink behind the fact that their tool further abused his position by failing to keep the record the law requires. There being no proper record of that proceeding, if we are not permitted to prove it outside it ends our case." Judge Bradshaw said the law was very clear on the subject. It requires a justice of the peace to keep a record of the proceedings before him and tells him how he shall do it. If he does not comply with the law he is liable on his bond. But the fact that the justice record is not in legal form will not justify admission of outside oral testimony to establish what the record does not.

"The statute says what shall be evidence in such matters and gives you a remedy if the justice does not keep a proper record," said the judge. "It would be useless for me to admit here testimony which we know the supreme court would exclude. I see no way to admit the testimony offered. The plaintiff may take non-suit without prejudice."

The same order was made in both cases. Then the bond given by Justice Brock was looked up and it was found that the sureties upon it for \$1,000 are Donald F. Steffen and Walter O'Neil and the matter of proceeding against that bond is now pending.

I. F. Shearer brought in last Sunday some specimens of oats grown in the Sisters neighborhood that rarely upset the theory that such cannot be grown there. Of course they could not be grown when nobody tried it.

Charles E. Reed, of Sunnyside, Wash., who is the inventor and promoter of a successful land leveling scraper, Tuesday commenced leveling the piece of land belonging to the Pilot Butte company on the west side of the river below the wagon bridge. Surveyor West has located a flume to be built across the river from this side so that this ground will receive irrigation the coming season. Mr. Reed has taken charge of the development of the J. O. Johnston model ranch, out east of town.

Wall Paper.  
Come in and look at our stock. If we can't suit you now, will have a larger line of samples to select from in a few days. Marshall Paper Co.

## Lost, Strayed or Stolen.

A dark bay mare with white star in forehead, collar-mark on neck, branded right hind leg, weight about 1200 pounds, branded on left side with A K (corrected), with bar underneath. Return to Adam Kotzman, Bend, and receive reward.

## Reward Offered.

The Deschutes Telephone Co. will pay \$25 for the arrest and conviction of the party or parties who cut the wires of the telephone line between Bend and Prineville on or about the night of October 12, 1934. THE DESCHUTES TELEPHONE CO. W. E. Guerin, Pres. and Gen. Mgr.

## Say! Don't Read This.

Unless you are looking for bargains, here are a few that can't be beat.  
Full sized iron beds, \$10.00  
Full sized supported springs, \$1.00  
Full sized mattresses, \$1.00  
K. size iron beds, \$8.75  
K. size supported springs, \$1.00  
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We also have many fine Japanese articles which we are closing at 50% off. \$100.00 for \$50.00. Don't forget the clock.  
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## For Sale or Trade.

80 acres in the Columbia Southern segregation, very favorably situated. Will be sold cheap or traded for town property. Enquire at The Bulletin Office.

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All kinds of wagon work done in first-class shape. Short notice jobs a specialty.  
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**DON'T FORGET TO DROP INTO THE MINNESOTA BUFFET**  
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Best of accommodations and work promptly done.....

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### GUERIN & STEINMANN

Attorneys and Counsellors at Law

NOTARIES PUBLIC  
Practices in State and Federal Court

BEND, - - OREGON.

H. P. BELKNAP M. D. COAN & EDWARDS M. D.

### Drs. Belknap & Edwards,

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Office at West of Wheeler's Drug Store.

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Will practice in all courts in the state

### M. R. BIGGS,

U. S. Commissioner,  
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Land Rights and records of all kinds. Office on street leading to courthouse.

### J. M. LAWRENCE,

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Plats for Upper Deschutes Valley.

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Neatly and Quickly done

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- - and Builder

ESTIMATES FURNISHED

SATISFACTION GUARANTEED

Office at Pilot Butte Inn

### Men Wanted

To work on the Columbia

Southern Irrigation Co.'s

works. Also—

### One Blacksmith

Main camp on south side

Cline Buttes.

Columbia Southern Irrigation Co.

C. F. SMITH, Supt.

Timber Land, Act June 2, 1875.

### NOTICE FOR PUBLICATION.

U. S. Land Office, The Dalles Oregon,

September 29, 1934.

Notice is hereby given that in compliance with

the provisions of the Act of Congress of June 2,

1878, entitled "An act for the sale of timber land

in the States of California, Oregon, Nevada, and

Washington Territory," as extended to all the

public land states by Act of August 4, 1897,

of Phillips county of Price, State of Wisconsin,

was on October 7, 1928, filed in this office a

sworn statement No. 121, for the purchase of the

tract of sec. 35, 4P 12, 2E 12, W 10.

And will offer proof to show that the land

ought to be more valuable for its timber or stone

than for agricultural purposes, and to establish

its claim to said land, before the Register and

receiver of this office at The Dalles, Oregon, on

the 14th day of December, 1934.

He names as witnesses: Joren Larson, John

Winnit, Jr., Hays Eganon, Louis Nelson, Her-

no Vandervort, Edward Vandervort, Dan Sub-

ran, Pat Conley, El Crotteau, Albert Chesley,

John H. Hunsicker of Phillips, Wisconsin.

Any and all persons claiming adversely the

above described lands are requested to file their

claims in this office on or before said 14th day

of December, 1934.

W. J. MICHAEL, U. S. Register.