

THE BEND BULLETIN

PUBLISHED EVERY FRIDAY BY
LUEDDEMANN & LAWRENCE.

"For every man a square deal, no less and no more."

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HOW TO REMIT.

Remit by bank draft, postal money order on Bend, express money order, or registered letter. Make all remittances payable to The Bend Bulletin.

Stage and Mail Schedule.

ARRIVE AT BEND.
From Shaniko via Prineville.....7 p. m. daily
From Lakeview and Silver Lake.....7 p. m. daily except Tues.
From Tumalo Tues., Thurs. and Sat.....7:15 p. m.
From Laidlaw Mon., Wed., Thurs. and Sat.....7:30 p. m.

LEAVE BEND.
For Shaniko via Prineville.....8 a. m. daily
For Lakeview and Silver Lake.....8:30 p. m. daily except Tues.
For Tumalo Tues., Thurs. and Sat.....8 a. m.
For Laidlaw Mon., Wed., Thurs. and Sat.....8:15 p. m.

POST OFFICE HORSES—Week days 8 a. m. to 2 p. m. Sundays, from 11 a. m. to 12 m., and 40 minutes after arrival of all mails from railroads reaching Bend before 8 p. m.

TELEPHONE OFFICE HORSES—Week days, from 7:30 a. m. to 2:00 p. m. Sundays and holidays from 10 a. m. to 12 noon, and from 2:00 p. m. to 5:00 p. m.

FRIDAY - MAY 19, 1903

If you have dogs prepare to shear them after June 1, or shell out money for collars and tags. See ordinance in this paper.

The president has proclaimed the Chesnimus forest reserve of 300,000 acres in Wallowa county and it is given out that the remainder of the 1,000,000 acres now withdrawn for that purpose will soon be erected into permanent reserves.

The Bend railroad situation seems to have arrived at a stage where two or three companies are watching each other, each ready to spring when it detects signs of real activity on the part of any other, and each trying to conceal its designs from the others. This cannot long endure.

"The Buccaneers" is the name of a new story by Henry M. Hyde. From recent developments in the Equitable life insurance concern we think they've got the wrong Hyde to write that book and that it ought to go into the History rather than the Fiction section of the library. "The Buccaneers, a History of the Equitable," by Jimmie Hyde, ought to be a good seller these days.

Those who think the qualifications for voting at the coming school bond election are too strict should read the law. That is what determines the matter, not the whim of the school board. We may permit some laxness in the school meetings where only local matters are attended to, but we might better have no election at all than go to the trouble of holding an election in which loose voting would taint the whole proceeding and make the bonds unsalable.

The impression seems to prevail in some quarters that all the land withdrawn from entry July 31, 1903, is to be restored to entry next Tuesday. This comes from careless reading of the notices. Only a small part of the land withdrawn in 1903 is to be subject to entry next week. No rights are to be acquired by going upon withdrawn land. It is reported that a number of people are settling upon land in 21 and 22-11 and other townships similarly withdrawn. They would probably save themselves much trouble by reading more carefully the published notices pertaining to those lands.

Six million acres of new forest reserve in Idaho, over the protest of Senator Heyburn and Representative French, is the burden of a new announcement from Washington. In these matters, it is to be observed, local sentiment is not in harmony with general welfare. Every man who finds immediate profit in butchering the forest is, of course, against the reserve idea for his locality; he favors the reserve somewhere else. So it is easy to get local protest against reserves. The national authorities, however, must take a wide view of the subject—must hold in mind the general and permanent welfare of the country rather than the temporary

welfare of any section. The worst thing to be said of these new Idaho reserves is that they have the approval of Fred Dubois, one of the shiftiest blatherskites in the senate.

GOVERNMENT IS NOT CALLED.

The Prineville Review has received new light on the irrigation question and now comes out with pronounced views in favor of the methods of private corporations as against government reclamation. There was a time, we believe, when the Review expressed opposite convictions. However, it is now as true as ever that private enterprise is doing all that ought to be expected in this field, leaving no pretext or reason for the government to enter. More could and would be done if there were transportation facilities that would enable people to make larger use of the reclaimed land. When that condition is here private capital will provide for it.

One of the reasons frequently advanced for government supercession of private reclamation in this section may well be spoken of here, namely, that a larger area would be reclaimed by the government. It is safe to say that all the land worth reclaiming will be watered through private enterprise. The lean and rocky and difficult points and ridges would better be left for goat pastures and eagles' roosts than to be reclaimed at such heavy expense that the average cost would be excessive. Enough good land can be watered at reasonable cost. The rest might be withdrawn for forest reserves.

PECULIAR TRESPASS CASE.

The trespass case at Bend presents some peculiar features, and just how it will be decided by Justice Lawrence arouses keen interest. A party of men in a boat fished in the river through the old Sisemore place, now the property of Dr. W. S. Nichol, ignoring his trespass notices, and the doctor promptly had the men arrested. The Deschutes is not a meandered stream, therefore it would seem that the prosecution had a shakle the best of it.

This is a fair statement of the case by the Prineville Review. The decision, however, did not rest in the justice's hands, a jury being called.

The law seems to be clear that a land owner has the same control of streams that are a part of his premises that he has of the soil. This is recognized in many different statutes and decisions of the courts. But the premises, land or water, must be enclosed in order to support prosecution for trespass like that of the Nichol case. The statute says a stream like the Deschutes shall be a barrier equivalent to a fence in enclosing land. It doesn't say that such water shall be regarded as an enclosure of itself. Therefore the way was left open to the view that the premises where the Hodson boys and Charley McKinnon fished on the Nichol place were unenclosed, and this view led naturally to a verdict of acquittal.

Of course, in the case of a navigable stream the law is different, but it must be a stream which is, in the language of the statute, "navigable for general commercial purposes without improvement, and the fact that it may be possible to float logs, timber and lumber on such stream or river shall not constitute the same a navigable stream or river."

A MOST UNTIMELY LOSS.

Death, rarely a welcome visitor, seldom comes more inopportune for the public interest than in the case of Judge Bellinger. He came from the cleaner democratic school of politics and was by that fact unmoved by the factional bitterness that has been frequently exhibited in the republican ranks of Oregon. Then he was a man with sensitive conscience, high ideals and broad intelligence, and in the coming land fraud trials he would have kept the main issues clearly foremost and prevented the obscuration that so frequently defeats justice. Whatever the results, they would have been on the merits of the cases. And that is all the people want.

Judge Bellinger was quite human in his attributes. There was more perhaps, of the emotional in his nature than is usually imputed to the traditional judicial temperament, but if he erred it was on the side of mercy. He had not the immovable severity of Judge Hanaford, of the Washington district, nor the policy of Judge Beatty, of Idaho, but he held the popular confidence to a greater degree than either of those jurists. There was a moral force about him that was greater than a court of law or an imperial decree. His place in the judicial machinery of the

country can be filled—but the people of Oregon have lost something more than a wise and upright judge.

Judge DeHaven has a hard job on his hands. His affiliations do

not make him as free an agent as Judge Bellinger was for the land fraud trials, to say nothing of the fact that he is not so familiar with the matters involved. But let us hope that he will make no serious mistakes.

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Arrive Prineville..... 7 a. m.
Leave Prineville..... 12:30 p. m.
Arrive Bend..... 7:00 p. m.
NORTHBOUND
Leave Bend..... 6:00 a. m.
Arrive Prineville..... 12:00 m.
Leave Prineville..... 1 p. m.
Arrive Shaniko..... 1 a. m.
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Leaves Laidlaw every Monday, Wednesday, Thursday and Saturday about noon.
Leaves Bend about 4 p. m., same days.
Accommodations for passengers and express. Fare 50 cents one way; 75 cents for round trip.
J. C. TULLAR
Livery and Feed Stable at Laidlaw

BEND-TUMALO STAGE
Leaves Bend every Tuesday, Thursday and Saturday at 8 a. m., arriving at Tumalo at 11 a. m.; leaves Tumalo on same days at 11:15 a. m., arriving at Bend at 2:15 p. m. Accommodations for passengers and express.
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