

THE BEND BULLETIN.

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EFFORT TO OUST BROWN IS MADE

BUT DISTRICT ATTORNEY REFUSES

W. H. Lucy, Who Tried to Start Recall, With Others From Springer's Country, Now Charges County Commissioner is Non-Resident.

PRINEVILLE, April 13.—Under the leadership of W. H. Lucy, lately deposed as county sealer of weights and measures, a committee of Culver citizens including H. C. Topping, Mr. Milner, Mr. Rodman and two others called on District Attorney Wirtz last Thursday and asked him to bring action against County Commissioner Willis Brown for the purpose of ousting Mr. Brown from office as commissioner on the ground of non-residence. The request was refused.

Mr. Lucy, who was spokesman, insisted that he had evidence in his possession that would show that Mr. Brown's permanent residence was at The Dalles, in Wasco county, and that Brown had voted at a high school election at The Dalles last fall. No evidence of a legal nature, however, was presented by the Culver citizens. Two petitions, containing about 60 names altogether, were presented to the District Attorney which stated, that in the opinion of the signers, Mr. Brown was a non-resident of the county and therefore should be ousted.

The step is construed here to mean that the proposed recall proceedings against the county court have been dropped and this effort was made to throw the matter upon the District Attorney. Mr. Wirtz informed the citizens who called upon him that he would take no part in the fight on any member of the county court and would not start such an action as was desired for the reason that the request was unreasonable and unfair and that to bring such a suit would be greatly against the public good.

Ouster proceedings of the nature asked for by the committee can only be brought at the discretion of the prosecuting attorney. No other person can bring them. Large discretion is placed in the district attorney and this cannot be disturbed, so the supreme court has held.

Reasons for Refusal Given.
Mr. Wirtz explained carefully to the committee why he could not bring the action asked for. He explained, that even if the charges made by Mr. Lucy were true, to oust Mr. Brown from office at this time after he had been allowed to retain the office for nearly a year and a half would result in serious consequences to a great volume of business of much importance, including tax levies, jury lists and other smaller items.

The District Attorney explained that if the complaint had been made to him immediately after the election at which Mr. Brown had been elected, and it appeared from the evidence collected that Mr. Brown was actually a non-resident of the county, he would not hesitate then to bring such an action, but since Mr. Brown had been permitted to take office—under the assumption that the charges made by Mr. Lucy are true—and had been permitted to exercise the prerogatives of the office, it would be against public policy if not

the clear legal principle of estoppel to bring such action.

North End Petitioners.
The request for Mr. Brown's dismissal came from citizens in the Northern part of the county and from men, most of whom had voted for Mr. Brown and accepted all the benefits of Mr. Brown's administration, and now because he had broken with Springer apparently asked that he be dismissed on grounds that were doubtful at most.

The District Attorney informed the tax payers that even if a majority of the citizens of Crook county petitioned for him to bring such an action, he would still refuse, unless the petition were presented immediately after the election at which Mr. Brown had been elected, as explained, and was accompanied by absolute proof of his non-residence. The non-residence of Mr. Brown was also a point raised in the campaign and decided by the voters at that time. He explained that they had a remedy by recall that would have no such serious consequences to the county at large as the ouster proceedings asked for.

IMMIGRATION COMMISSION ISSUES BLANKS FOR LISTING

Form Provides for Minute Description of Lands for Sale—Brewer Has Charge of the Work.

In carrying out the idea of listing the farm lands of the state that for the purpose of simplifying the problem of the newcomer the State Immigration Commission has just put out a blank to be used in the work. It is an extremely comprehensive affair, covering every possible phase of land description and location of all classes of land in the state.

This work of the commission is being carried out through the Farm Land Bureau, of which J. W. Brewer is in charge. Mr. Brewer has been traveling over the state since his appointment making arrangements for getting his bureau in operation and these blanks are apparently the first fruits of his work.

He has sent a number of them to Manager Gould of the local Commercial Club with the request that he cooperate in securing some of these lists from the Bend neighborhood and Mr. Gould has the blanks ready for the use of any in this country who wish to avail themselves of this method of getting their land listed for sale.

No commissions or fees are to be accepted or shared by the commission on account of sales made through it.

A. O. WALKER SPEAKS OUT

Says There is No Ill Feeling Among Real Farmers.

The subject of the ill feeling that has been said to exist between the farmers and the business men of Bend was discussed by A. O. Walker in his address at the Commercial Club luncheon Saturday in a manner that indicated the complete absence of any such feeling, on the part, at least, of the more enlightened classes.

Speaking for himself Mr. Walker said that he was proud of every improvement and addition to the town as though he was an actual resident and he knew that was the feeling of many others. He drew a distinction between farmers and men living on farms, pointing out that failures everywhere were prone to criticize success wherever they saw it. He congratulated the club on the efforts it was making on behalf of the dairy industry and assured the gathering that the work was appreciated.

Mr. Walker's remarks were received with much applause.

BEND-LIDLAW ROAD FINISHED

ALL DONE BUT THE ROLLING

Grades Have Been Lowered, Curves Eliminated, and Rock Removed—New Route Established Over Laidlaw Hill—15 Men on Job.

Work on the Bend-Laidlaw road, which has been going on for the past five weeks, is now nearly finished and within a short time the crews will be paid off and the camps broken up. As a result of their labors the two towns are now connected by an excellent road which will make travel between them easier than ever before.

The road on which the work has been done runs from Laidlaw to the city limits of Bend, a stretch of about 4 1/2 miles. In general it follows the lines of the old road, the greatest change having been made on the hill on the west side of the river, above Laidlaw. Here a new road has been laid out which surmounts the hill more easily than did the former one with a lower grade and fewer turns.

In general the work has consisted of straightening the curves, cutting down grades, widening the traveled way, taking out rock, putting in dirt and ditching where necessary.

Of these the straightening and widening have been the biggest part and it is now possible for teams to pass at any point. This heavy work has been in charge of W. H. May, who has had the county road machinery to use, while the rest, lying chiefly in road dirt, has been done under the supervision of road supervisor R. M. Elder. County Commissioner Bayley has had general oversight of the enterprise. From 10 to 15 men have been employed.

To finish the whole thing the county road roller and grader will be used. It will be brought up from Redmond where it has been for some time and used in rolling and packing down the new work.

NEW WOOL SALES DATES

Revised List Given Out—Bend Date is July 7.

On his visit to town last week, J. H. Hardy of the Oregon Trunk, gave out a revised list of the wool sales dates which is expected to be final. The Bend sale will occur on July 7 and another date will also be named if conditions at the time warrant it.

The new list is as follows:
May 21, Pilot Rock; May 22, Echo; May 23, Pendleton; June 2, Heppner; June 4, Shaniko; June 5, Baker; June 8-9, Ontario and Vale; June 15, Pilot Rock (second sale); June 16, Hunt's Ferry; June 17, Madras; June 18, Shaniko (second sale); June 23, Condon; June 25, Heppner (second sale); June 30, Joseph; July 1, Enterprise and Wallawa; July 2, Baker (second sale); July 7, Bend; July 9, Shaniko (third sale).

SUNDAY BALL GAME.

A ball game was played on the Bend street grounds Sunday between a team from Redmond and a picked nine from town. Redmond won by a large score.

FINE FLOWER SHOW PROMISED

INTEREST IN EVENT INCREASES

List Given of Flowers for Which Prizes Will Be Given, All of Them Being Grown Here Successfully—Date to Be in August.

Every indication points to an exceptionally large and attractive flower show this year. The annual show, given under the auspices of the Ladies Library Club, has come to be one of the pleasant events of the summer, and is having a decided effect in rousing interest in flower growing.

With many new gardens and flower beds in commission this year, and specially good results indicated by the early season, the display when the show comes in August should be notable. Several people are trying out new flowers and much interest is being taken in developing specially fine blossoms.

Below is the list of flowers for which prizes will be given, if anyone has flowers not included in this list. It is requested that some member of the club be notified. Practically every flower in this list has been grown successfully in Bend.

Sweet peas, annual, perennial; poppy, single, double, California; Shasta daisy, African daisy, coreopsis, callopsis, gaillardia, snap dragon, fox glove, phlox, stock, Canterbury bells, sweet william, candy tuft, pansy, calendula, zinnia, marigold, sweet eucalyptus, baby's breath, everlasting, lily of the valley, centaurea, imperialia, ragged sailor, columbine, salvia, roses, hollyhock, sunflower, golden glow, asters, nasturtium, dwarf, climbing; larkspur, geraniums, potted; begonias, potted, fuchsia, potted; petunias, potted; primrose, potted.

WATER SITUATION IS IMPROVED

North Canal Now Carrying Enough For Pilot Butte Lands.

Repairs having been made on the North Canal to enable it to carry a full head of water, officials of the C. O. I. Co. yesterday had the water turned in. After measuring the flow the announced that there was sufficient to care for all the lands under the Pilot Butte canal, both sold and unsold, and that patents would be asked for at once. The amount of water carried by the canal as shown by measurements taken yesterday, is 333 second feet.

With this provision for the Pilot Butte lands it becomes unnecessary to carry the former amount of water in the Pilot Butte canal. Repairs and changes at the throat of the flume have been finished which make possible the diversion into the Central Oregon canal of practically all the water brought to that point and this will be done, thereby increasing the Central Oregon flow. In the Pilot Butte canal only enough will be carried to care for the lands above the junction with the North canal.

The various changes and improvements, according to officials of the company, will make possible the early patenting of much of their land.

DEATH OF OLIVER JOHNSON.

Oliver Johnson, a resident of Bend for over 10 years, died suddenly in Tacoma Monday morning. Mrs. Johnson was with him at the end and last night returned to town with the body. Mr. Johnson was employed at The Bend Company mill up to last July when he had to give up active work on account of trouble with his heart. The funeral will be held at 2:30 Thursday afternoon at the Baptist church. The Odd Fellows order, with which Mr. Johnson was connected, will have charge of the services at the grave.

TENNIS PLAYING STARTS.

Bend tennis players who went to Redmond Sunday got slightly the better of the matches played there, winning four of the seven contests. In doubles C. S. Hudson and J. P. Keyes won from J. Barr and C. B. Drake, and later lost to D. G. Burdick and N. A. Burdick, the latter of Metolius. W. R. Sprout and G. P. Putnam lost to J. W. Moore and J. W. Hoshorn beat Moore in singles. Sprout beat Drake and D. G. Burdick, and Lara lost to Walter Rodman. A return match will be played here as soon as the new court is in shape. Much tennis during the summer is assured.

THREE APPEALS ARE MADE

Criminal Cases From Crook County Before Supreme Court.

PRINEVILLE, April 13.—Three Crook county criminal cases, appealed from Judge Bradshaw's court, were heard in the Supreme court last week. Tuesday the case of State of Oregon vs. Gaylord McDaniel, convicted of murder in the second degree, was submitted, and Friday, State of Oregon vs. Garrett, convicted of the larceny of a steer and State v. John McPherson, convicted of the larceny of a mare, was argued. Attorney N. G. Wallace of Prineville appeared for the defendant McDaniel. W. P. Myers for Garrett and E. B. Dufur for John McPherson. District Attorney Wirtz presented all three cases on behalf of the State. The decisions will be handed down within a week or two.

WILKES SEES GROWTH

Says Freight Business 10 Per Cent Better Than Year Ago.

W. C. Wilkes and F. A. Brainerd of the Oregon Trunk were in town with J. T. Hardy, traveling freight agent of the company on Monday. Before coming to Bend they had spent a day going over the country to the north, covering the territory between Redmond and Prineville and taking in Powell Butte.

"Business in general is picking up," said Mr. Wilkes, in discussing the conditions in the northwest, "and up on this line it is really very good. Right now the business, both freight and passenger, is 10 per cent better than a year ago and seems to be increasing. Somebody is buying up here, and I know it is not simply that merchants are increasing their stocks." Both roads, according to Mr. Wilkes, expect to have considerable business in connection with the land openings to the south, and are doing considerable advertising in the east and middle west based on the opening.

STATE CANDIDATES FILE.

SALEM, April 10.—The last filing of declarations for state officers occurred today and the complete list of candidates for nominations is now made up. In the 21st representative district the candidates are Vernon A. Forbes, republican, Bend; Wesley O. Smith, republican, Klamath Falls and P. H. Dencer, democrat, Bend.

ROAD DAY PLANS ARE DISCUSSED

NO AGREEMENT YET ON PLACE

Committee Appointed at Commercial Club Luncheon Finds Sentiment Somewhat at Odds—Greenwood Ave. Logical Road for Work

Good roads day is to be observed in Bend next week and a piece of road improved. Just what road will be attacked and just what day will be devoted to raising blisters in the attack is not yet fully decided. At the Commercial Club luncheon next Saturday discussion of the affair will occur, and it is expected, some decision reached on the various plans suggested.

Official notice of the day as proclaimed by the governor and echoed by Judge Springer was first taken at the Club luncheon last Saturday at the Bend Hotel. At this time J. P. Keyes called for an expression of opinion as to the proposition and after a short discussion a committee was appointed consisting of Frank May, M. G. Danfelson and Robert B. Gould to make plans for the road work to be done.

Yesterday the committee met and went over the general situation, arriving at tentative plans to be presented to the Club at its next meeting.

In the general discussion of the undertaking two conflicting plans have been proposed. One is for the improvement of a short stretch of street in the business section and the other for work on one of the roads leading into the city. In either case it is proposed to make use of cinders from Pilot Butte as an experiment to learn their value as a road material.

So far as the closed in streets are concerned it is argued that the city has spent within a year considerable money putting them in shape and that they are all now in fairly good condition, while the roads in from the country need attention in many places. That part of the Laidlaw-Bend road lying within the city limits is in bad condition as are the beginning of the Burns road and Greenwood avenue, both used in getting in from the country. So far as the first two are concerned, it is pointed out that their present courses are overplanned property in many places so that it is unwise to do any work on them. Greenwood avenue, on the other hand, is in its proper bounds, at least out as far as the steep hill on the east end, and serves both the city residents in its neighborhood and the country beyond.

A further argument in favor of putting the work in on Greenwood avenue at the present time is the fact that if the military maneuvers as held here, as now seems probable, the encampment will very likely be in the flat off the end of the avenue, between the town and Pilot Butte, and in this case that street will be the main thoroughfare from the town to the camp. During the time of encampment it will be in constant use by a large number of people and its condition, especially if it is bad, will be taken as an index to all the streets of the city.

For these reasons it is expected (Continued on last page.)

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