

# DESCHUTES SCORES IN HARD FIGHT

## PART OF COMPLAINT IS STRICKEN OUT.

### COURT BACKS MOTION

Advantage Now Lies With New County—Filing of Demurrer Next Probable Step, is Intimation of H. H. DeArmond.

(From Friday's Daily Bulletin)

Deschutes county scored her first victory this morning, in the fight to maintain her individuality as a municipal corporation.

News of the occurrence was received here, when H. H. DeArmond, district attorney and counsel for the members of the county court in the quo warranto proceedings brought against them through the name of Gus Stadig, by the Crook county anti-divisionist element, received word from Prineville that Judge Duffy, of the circuit bench, has handed down an opinion sustaining the motion of the defendants to strike out a portion of the original complaint.

The advantage is now on the side of Deschutes county, it is believed, as the previous motion of the defendants, decided against them, was to quash service, and the refusal of the court to sustain, had no bearing on the former status of the case.

The last motion, argued Monday in Prineville, disposes of all allegations made in the complaint, referred to by the defense, as attorneys for the plaintiff are anxious to rush the case through, and will probably take no advantage of their opportunity to amend the complaint.

The filing of another motion, or a demurrer are the possibilities open to the county, and Mr. De Armond intimated that the latter step would probably be taken. He was unwilling to state on what points the demurrer would be based.

#### Signs of Good Health.

Bright eyes, clear skin, alert brains and energetic movements are signs of good health. You don't have them when digestion is impaired and fermenting, decaying food clogs the intestines. Foley Cathartic Tablets set you right. Act without pain, griping or nausea. Too-stout persons welcome the light feeling they bring. Sold everywhere.—Adv.

See J. Ryan & Co., for farm land loans.—Adv.

Just For Everyday Wear Is This Swagger Coat



HER "RAINY DAISY."

Smart and practical, this raincoat comes in dull gray plaids with bone button fastenings and a trimly belted waist line. The knockabout hat takes a plaid facing in gray colors to offset the inconspicuous tones of the coat.

# FILE DEMURRER IN COUNTY SUIT

## WHOLE COMPLAINT IS ATTACKED.

Attorneys for Deschutes County Object to Suit on Grounds of Non-Jurisdiction of Court, and Insufficient Facts Alleged.

(From Saturday's Daily Bulletin.)

What may prove a vital step in the fight of Deschutes county against the quo warranto proceedings questioning its identity as a municipal corporation, was taken today when District Attorney H. H. DeArmond, and Vernon A. Forbes, counsel for the county court, introduced in circuit court at Prineville, a demurrer to the entire complaint. Mr Forbes made a special trip to Bend from Salem, where he is sitting in the lower house of the legislature, for the sole purpose of being able to represent the county's interests in Prineville today.

#### No Jurisdiction, Basis.

The demurrer had as its chief basis the argument that the complaint filed by anti-divisionists in old Crook has not been filed in a court having jurisdiction in the matter, the intimation being that only a higher court could have jurisdiction in the case. As a secondary argument it was set forth that insufficient facts are alleged to constitute cause for action. A third point was to have been that causes of action are improperly joined, but the ruling of Judge Duffy, handed down yesterday, sustaining the motion to strike out a portion of the original complaint, made this unnecessary.

#### Early Opinion Expected.

The Deschutes county attorneys planned to argue the demurrer today in Judge Duffy's court, asking that the suit be dismissed. An opinion, it is thought, may be handed down by the court, the latter part of next week.

### THREE ARE ARRESTED BUT CASES HELD OFF

(From Saturday's Daily Bulletin.)

Arrested by Chief of Police Nixon this afternoon, Walter Dawson and Frank Sugert, charged with conducting a disorderly house, and W. Woodridge, charged with disorderly conduct, appeared before Mayor S. C. Caldwell, acting for Municipal Judge Ellis, today. They entered pleas of not guilty and were released on their own recognizance, hearing being set for 10 o'clock Monday morning.

#### McALISTER'S HOUSE BURNS

(From Saturday's Daily.) The residence of A. McAllister, several miles west of Tumalo, was destroyed last night by a fire caused from the explosion of gasoline in a pan in which clothes were being cleaned. The house and contents are a total loss. Both Mr. McAllister and his son were severely burned. No insurance was carried on the house.

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See to it that the children's shoes are well cared for. Money is saved in doing so.

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# FIRST MAP OF COUNTY DRAWN

## BOUNDARIES OF PRACTICALLY EVERY PRECINCT WILL BE ALTERED, DECLARES COUNTY SURVEYOR G. S. YOUNG.

(From Friday's Daily Bulletin)

When the county court meets in adjourned session in Bend next Wednesday, one of the important matters which will come up for consideration will be the first map of the new county, now being drawn by County Surveyor George S. Young, on the authorization of the court.

While the boundaries of the county are already fixed by virtue of the division from Crook county, this very change, together with the rapid growth of Bend, has called for a complete redistricting of the voting precincts, and practically every division of the kind in the county will have changed boundaries when the map is completed, Mr. Young states. These alterations are being made so as to conform to the topography of the county, providing for greater facility in getting to the polls.

The redistricting of the Bend precincts was one of the matters which would have been taken up by the Crook county court at its last session in Prineville in December, had not county division taken the territory under consideration into a new jurisdiction.

No copies of the map, Mr. Young announces, will be available for distribution until approval is passed on the original draft by the county judge and commissioners.

#### Different Kinds of Coughs.

Colds lead to different kinds of coughs—"dry cough," "winter cough," la grippe cough, bronchial cough, asthmatic cough, and racking, painful cough to raise choking phlegm. Enos Halbert, Paoli, Ind., writes: "I coughed continually and could hardly sleep. Foley's Honey and Tar relieved me, curing my cough entirely." Sold everywhere.—Adv.

# K. B. MILLER IS VISITOR HERE

## OFFICER OF THE BEND WATER, LIGHT & POWER CO., WILL DETERMINE NEEDS OF CONCERN FOR THE YEAR.

(From Saturday's Daily Bulletin.)

Kempster B. Miller, of the Bend Water, Light & Power Co., arrived last night from Chicago on a visit of inspection of the company's properties in Bend and to consult with Manager T. H. Foley, on business of the company.

"The chief matter which I shall have under consideration while here," said Mr. Miller this afternoon, "is a determination of the financial needs of our company to carry on improvements and extensions during the coming year. Whatever those are found to be we shall proceed with the work."

After finishing his business here, Mr. Miller will leave for Southern California, where his firm has a large power project under construction.

#### NOTICE.

Due to the increased interest in the recent Federal Farm Loan Act and its advantages, a meeting has been called by the county agriculturalist of all interested farmers in the vicinity of Redmond to meet in his office on the 19th, Friday, afternoon, for the purpose of perfecting a Federal Farm Loan Association. All farmers who are interested in this should be at the meeting at 2 o'clock in the afternoon.

R. A. BLANCHARD.

#### Worth Attention of Women.

When you feel too tired to work, wake up weary, have backache or pains in sides, when you suffer rheumatic twinges you may be sure the kidneys are disordered. Fay Sheldahl, All. Mo., writes: "I had kidney trouble for two years. Nothing did me any good until I got Foley Kidney Pills. Two 50c boxes cured me." Sold everywhere.—Adv.

A desirable bread knife free with every annual subscription to The Bend Bulletin.

# BEND RESIDENTS NOW TOTAL 5,193

## DELAY IN GIVING FIGURES OF CENSUS CAUSED TABULATION—NUMBER OF PEOPLE GIVEN CONSERVATIVE.

(From Friday's Daily.)

The official population of Bend is 5193.

This was the purport of an affidavit filed by H. J. Overturf, chief enumerator in the recent school and municipal census, with City Recorder H. C. Ellis today. The number of individuals residing in the district, of school age, was given last month, but because of considerable work in the way of tabulation a delay in announcing the number of residents actually residing in the city was necessitated.

In spite of the rapid growth shown in the city population, it is believed that the figures given are conservative, as many bona fide residents of Bend declare that they were never approached by the enumerators.

Mr. Overturf's affidavit was made as one of the formalities incident to clearing up the record in regard to the purchase of \$35,000 worth of city bonds by Keeler Bros., of Denver. The money, needed for the purpose of securing right of way and terminal sites for the Strahorn railways, has been available for city use for some time past, but a new record of population was needed by the bonding house to supercede the last

government census record, which showed only a few hundred residents here.

In the communication received from the Denver concern, affidavit blanks were also enclosed to be filled out by the various city officials, and papers to complete the record in the \$11,000 bond issue which is planned to wipe out the warrant indebtedness of Bend, were among the documents received by City Recorder.

**The Only Grand Prize**  
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