

Crook County Journal

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CITY OFFICIAL PAPER FOR CITY OF PRINEVILLE

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PRINEVILLE, CROOK COUNTY, OREGON, FEBRUARY 6, 1919

NO. 13.

Twohy Bros. Co. Brings Suit Against O. I. D. Demand Is Made For Damages Of About \$250,000 And Name Clark, Kendall & Co. and Others Defendants

PUGET SOUND CO. TO BUILD THE DAM

WORK ABANDONED BY TWOHY BROS. RESUMED WEDNESDAY

LEWIS TO HAVE FULL CHARGE

Considered Best Man On Coast For This Class Of Work—District Proceeding Under Bond

At three o'clock yesterday, the huge pumps were started and sluicing operations were resumed on the Ochocho Project dam, after having been shut down since Saturday, when the work was abandoned by Twohy Bros. Co.

The work has been contracted to the Puget Sound Bridge and Dredging Company of Seattle, under the personal supervision of William H. Lewis of that concern, who, with his staff of experts, is perhaps better equipped and qualified for this class of work than any other man in the west.

Mr. Lewis was in the city yesterday with his attorney, Mr. Turner, of Seattle, and the contract for his completing the work without delay was entered into by the board of directors of the district at a special meeting called for the consideration of the matter.

At the time the contract was given to the Twohy concern, a bond of \$400,000 was executed with the American Surety Company of New York and the board of directors for the district proposes to complete the work and recoup any losses that may occur from the bond because of the failure of Twohy Bros. to carry out their contract.

The work has reached a stage where a large amount of storage water will be the result of the new arrangement.

MRS. ROSENBERG HOSTESS

Mrs. J. H. Rosenberg entertained the Shumia Club at her home Saturday afternoon. The regular business meeting was held after which Mrs. E. E. Evans gave some selections from Van Dyke, Mrs. Collins W. Elkins followed with "Some Feminine Achievements." Mrs. Homer Ross was the honor guest.

K. OF P. VICTORY DANCE

Luna lodge, K. of P., will give its annual ball on February 14, in the nature of a Victory Dance. It is expected that there will be a large attendance, and everyone who attends will have a good time. The annual event was left out last year on account of the war, but this year it is intended to make up for the missed year. Every one come out and enjoy one big night. The whole membership of Luna will be on the floor committee to see that every one gets acquainted and gets a chance to dance.

The committee on arrangements has secured a four-piece orchestra from Bend and good music is assured.

DEATH OF A. W. YANCEY

Al Weston Yancey, son of Jesse P. and Susannah Yancey, was born in Mason Valley, Nevada, April 2, 1880. In the fall of the same year the family came to Oregon, where he grew to manhood. His life was spent in this state, for the most part in the city of Prineville, until about two years ago, when he went to Nevada, and thence to Westwood, California, where he met with the accident that caused his death, Saturday, January 25th. At that time he was operating a large crane in a saw mill, an exceedingly dangerous place to fill. Death was instantaneous. He was the youngest of a family of eleven children, of whom five sisters and three brothers survive him, together with his aged mother and his daughter, Eleanor. To these and the others of a large circle of friends who loved his courageous spirit and his generous, forgiving ways, the sympathy of the community is extended. The body was brought here for burial. Services were conducted at his mother's home Friday afternoon.

FRED THEVENIN IN CITY

Fred Thevenin, who has been in active service since March in the city visiting relatives. He has just recently returned from overseas.

FORMER PRINEVILLE BOY RETURNS FROM FRANCE

Bend, Jan. 30.—Bearing the scars of 10 wounds received in battle, Frederick Rice, United States marine corps, youthful veteran of the Argonne, son of Fred Rice of Redmond, is home on sick leave, having still only partial use of his left arm. He was a guest of honor of the Bend Commercial Club at the weekly meeting of that organization Wednesday. Private Rice received all his wounds in the Argonne battles, and after the last, which rendered his left arm useless, he walked five miles to the nearest hospital.—Bend Bulletin.

Frederick Rice is well known here, having lived here several years and attended Crook County High.

YEARLING FEEDERS AT \$20.75

A load of Shorthorn yearling steers sold at Denver January 25 for the record price of \$20.75. This was 50¢ higher than the champion load of feeders brought, and as they weighed 865 lbs., 70 lbs. more than the champions, they sold for \$18.50 more per head. They were raised and shown by Weiss Bros., Elizabeth, Colo., and were purchased by Swift & Henry, Kansas City, for A. E. McGregor, Washington, Kansas, who will feed them out with a view to showing them at the next International. Weiss Bros. also showed a load of two-year-old Shorthorns that sold earlier in the sale for \$19.25 per hundred, which was the previous record.

GOVERNMENT SEEDS HERE

Through the courtesy of Congressman N. J. Sinnott this office has received a shipment of garden seeds for distribution. Any subscriber who calls will be given a selection from these seeds as long as they last.

ALFALFA MEANS MONEY IN THE BANK

The following notes on alfalfa are taken from a very attractive booklet issued by the First National Bank of Bend, and written by County Agent R. A. Ward:

Good soil is the first requisite in getting a stand of any crop. Alfalfa seed should not only be of good quality and strong in vitality, but it should be clean and free from fowl weed seeds. Properly matured alfalfa seed has a clear, light golden color, with a faint greenish tinge. Immature seeds are greener, and seed which has been bleached or heated become discolored. Brown or blackened seeds are likely to be dead or low in vitality. To determine the actual vitality of alfalfa seed, it is advisable to test its germination before planting. Prime seed should test 90 per cent or better. A low percentage of germination, but quick and strong, indicates a mixture of good and poor seed, and such seed may be planted, but in greater amount per acre to insure a stand.

The tender nature of the young alfalfa plants require that the soil be in excellent tilth at planting time. The seed bed should be fine on top, but thoroughly settled. For spring seeding a good seed bed may be prepared by discing and harrowing fall plowing, or on weedy land, or land deficient in available plant food, the plowing should be done in the very early spring, and the land should be harrowed at intervals of a week or ten days in order to destroy weeds, pulverize and settle the soil and develop plant food. Good stands are frequently secured in the Deschutes Valley by harrowing fall wheat in May or June and sowing into this seed bed.

Land for alfalfa must have good drainage, and this is why fields with considerable slope are better than low, level fields where the water is likely to stand. The water table should not be closer than six feet or the alfalfa will likely drown out. Alfalfa will not stand much alkali, and where alkali spots are present they should be neutralized by heavy applications of barn-yard manure.

The establishment of a stand is the important thing. If a good stand is obtained and there is the proper development the first year, there need be no further fear except for winter killing, and the future success of the field is certain.

The time of seeding is not so important if soil and moisture conditions are favorable and there is time enough for the plants to establish themselves before the close of the season.

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WORK STOPPED ON PROJECT LEAVING DAM AND PROPERTY OF DISTRICT IN JEOPARDY OF THE SPRING FLOODS

ALSO ASKS COURT TO PROHIBIT USE OF PROPERTY BELONGING TO CONTRACTOR TO PROTECT WORKS

Action Brought In Multnomah Circuit Court Friday Evening—District Forces At Work To Provide For Situation Which Was Not Expected, And Will Complete Dam As Already Planned and Announced.

On Friday afternoon about 5 o'clock, suit was brought by the Twohy Brothers Company in the Circuit Court of Multnomah county, against the Ochocho Irrigation District, Clark, Kendall & Company, and the American Surety Company of New York, for the sum of \$248,701, and for the release of two certificates of deposit which are being held by Clark Kendall & Company and in which the contracting firm claims an interest.

The suit was brought through their attorneys, James G. Wilson and Markley, Seabrook & Dibble. The interests of the district in the action are being cared for by Jay H. Upton of this city, John Kollock and Judge Walter McCamant of Portland.

In their complaint, which is a document of seventeen typed pages, and which has a list of seven "Exhibits" all of considerable volume, the contractors allege that they have been damaged by alteration of plans since work started on the project, by the lack of material which they allege was represented as having been available by officials and representatives of the district.

After the complaint was filed on Friday evening, the contractor continued to work on the project until Saturday evening of last week, when all workmen were removed from the dam.

The complaint sets out that the change in volume and location of material to be removed from the main canal were valid excuses for its non-completion; by the time specified in the contract, which was on May 1, 1918, and further states that "instead of deepening, widening and extending said Table Land Ditch, which at the time of commencing work was in existence and extended about 12 miles westerly from the dam site, said district required and exacted of plaintiff the opening up and constructing of an entirely new canal, for a distance of 14½ miles and widened and deepened said Table Land Ditch for a distance of 1.6 miles only. And the plaintiff alleges that the opening up and constructing of a new canal is entirely different work and required different equipment and out fit and machinery for its performance than the widening and deepening of an old one."

In conclusion this section of the complaint asks for damages in the sum of \$69,900, on account of the main canal construction.

In reference to the sluicing pits the complaint asks for damages and sets out that some of the reasons for refusing to complete the dam are: That less than 50,000 yards of sluicable material were available from pits on the south side of Ochocho river and that after moving to the north side of the river at great expense, and surmounting great difficulties, and that after less than 100,000 yards of material were taken from the pits on the north side of the river, these too became exhausted and that the company refused to go to other pits, which they claim to be more than 300 feet above the dam and over half a mile distant.

The contractor also claims in the complaint that machinery, equipment and power on the ground were sufficient for operations within 1,000 yards of the dam and at an altitude of not to exceed 200 feet above the works, but states further that the contractor made no attempt to provide machinery power and other requirements for bringing material a greater distance and from a greater height.

With reference to cut off trenches, the complaint states that the plan was changed from one that provided for one cut-off trench to two individual trenches, requiring a more expensive excavation than the prior plan.

It states further also that the change of the location for the spillway from the north to the south side of the stream was one which cost the contractor considerable money, and which damaged him to a considerable extent.

The cancellation of the contract is asked for, and a judgment against the defendants for the amount above, also a court order prohibiting the district from using machinery and equipment belonging to the contractor in completion of the work.

The contractor further requests that two certificates of deposit, totaling \$50,000, which are in possession of Clark, Kendall & Company, be turned over to them.

The complaint was signed by James Twohy for his company on January 21, but was not filed until Friday.

The contract provides that the work be completed by May 1, of this year, and because of dilatory tactics on the part of the contractor, the board of directors at a recent meeting ordered its attorneys to take over the sluicing part of this work and proceed through the surety company to hasten work so that water would be available for the farmers this year.

This action is being taken, and no doubt the work will be under way in a very few days, and the 3,000 acre feet of water available for land owners regardless of the action of the contractor.

The action of the contractor was not a surprise to the district or to Clark, Kendall & Company, who have been safeguarding the interests of the district throughout the construction of the project, and without whom the district would have been unable to bring the district to the successful stage which it has already reached.

The district will, with the assistance of Mr. Schneeloch of the bond firm, proceed with plans for the early completion of the work, which will not be delayed by this action on the part of the contractor, but on the contrary will no doubt be finished at an earlier date than would have otherwise been possible.

NEW OFFICERS IN CHARGE ON THE OCHOCHO DISTRICT

The new board of directors for the Ochocho Irrigation Project took office on Tuesday.

M. R. Biggs was chosen president of the board. The drawing of lots for the three terms resulted in the selection of F. F. Hoelscher for the three year term, M. R. Biggs for two years and W. I. Dishman for the one year term. No change is announced in the working force of the district.

COMMERCIAL CLUB LUNCHEON

About thirty were present at the Commercial Club luncheon Friday at the Prineville Hotel. Matters of importance were discussed and reports of committees given. V. V. Harpham, Forest Supervisor, gave some interesting information concerning the Prineville - Mitchell road. Other speakers were Fred Hoelscher, just recently returned from service in the army, M. O. Bennett of State Highway Commission, Robert Gould of Bend, and R. H. Baldeck, who is surveying the new Crooked River Highway. Paul Garrison acted as chairman in the absence of Dr. J. H. Rosenberg, who was called to The Dalles on business.

FREDERICK RICE HERE

Former Prineville Boy Was In Six Big Drives—Has Ten Wounds

Frederick Rice, a former Prineville boy, was in the city Tuesday, visiting friends. Frederick has just returned from France, where he took an active part in six big drives, including the battle of the Argonne Forest. He has several wounds, one of which resulted in a fracture of the arm. He will leave Friday for the hospital at Bremerton, where he will remain for a month.

BOUNTY PAID IN JANUARY

The total bounty paid in January was \$417.00 as follows: 42 female coyotes, \$126.00; 37 coyotes (killed in 1918) \$148.00; 19 female bobcats (killed in 1919) \$95.00; 24 bobcats, \$48.00.

COUNCIL MEETING TUESDAY

At the regular council meeting on Tuesday night Homer Ross was unanimously elected to fill the vacancy caused by the expiration of W. J. Pancake's term. J. B. Shipp was re-elected councilman and qualified for the office. Reports of the marshal and recorder were read and approved.

E. J. Wilson read the agreement between the Standard Oil Company and the City of Prineville Railway for the construction of a spur for the oil station. It was approved and accepted. Paul C. Garrison was elected a member of the Railway Commission to fill the vacancy caused by the death of T. M. Baldwin. Mr. Garrison was also unanimously elected recorder.

A resolution was introduced and approved for the improvement and grading of various streets in the city. Straud Price was elected city marshal.

The mayor appointed several committees of which the following men are chairmen: Finance, E. E. Evans; Streets and Public Improvements, J. B. Shipp; Fire and Water, R. W. Zevilly; Health and Police, George Reams; Judiciary, Dr. I. H. Gove; License, Homer Ross.

DESCHUTES PROJECT FAVORED MONEY PROBLEM DOUBTFUL

WASHINGTON, Feb. 1.—Senator Chamberlain and Senator McNary and Representative Sinnott accompanied E. D. Anderson, secretary of the Deschutes north unit to a conference with Secretary Lane and Director Davis of the reclamation service, asking consideration for the entire Deschutes project in plans for irrigation development. They report encouragement in attitude of Secretary Lane and are satisfied the Oregon projects will not be neglected when plans in detail are considered. The question now is one of obtaining money, which remains doubtful, in view of the legislative congestion in congress.

MEASURE FOR PHYSICAL TRAINING

Lasting benefit to the health and physical and mental efficiency of the people of Oregon will be promoted by the passage of the physical-education bill now pending in the state legislature, says Miss Mabel Louise Cummings, director of physical education for women at the University of Oregon.

The bill provides for an average of at least twenty minutes each day of properly supervised physical training, exclusive of the regular recess periods. Several of the larger towns in the State already provide this instruction, and there is a growing disposition to install it in other places even without this law, according to Miss Cummings.

The wonderful change made in the physiques of the men in the American and allied armies by the systematic physical training given them has been easily noticeable, Miss Cummings asserts. "The point is," she said, "that they should not have needed so much of this as was necessary to put them in condition to stand the emergency strains through which they had to pass. If this physical training becomes universal in the schools we shall be much more fit in case of another emergency. Emergencies that require physical fitness are by no means limited to war times, either."

Ten States have already passed laws requiring physical training in the schools, and seven of these have acted in the last two years. It is the common fallacy, Miss Cummings points out, that the country-bred boy, who gets exercise doing chores around the farm does not need the physical education in the schools. "The work of the average country boy," she said, "does not make for physical quickness and mental alertness, qualities which fit one to meet the emergency, whether it be in war or peace."

One-fifth of the \$100,000,000 a year provided by the Hoke Smith bill now pending in the United States senate, creating a federal department of education, will be devoted to physical education, and Oregon's share of this sum, if the measure is passed and the state appropriates a like amount, will be approximately \$146,000.

HIGH JINKS SATURDAY

The Ladies Annex will give a High Jinks at their club rooms Saturday night. This is for ladies only. Members and their friends are invited to be present and come in costume.

RECLAMATION OF 3,000,000 ACRES

REPRESENTATIVE GALLAGHER INTRODUCES A RESOLUTION

STATE TO GUARANTEE BONDS

This With Other Reconstruction Legislation Will Be Sufficient To Warrant Special Election

SALEM, Jan. 31.—With the view of paving the way for the reclamation of more than 3,000,000 acres of arid and overflow lands, Representative Gallagher has introduced a resolution submitting to the electorate a constitutional amendment authorizing the state to guarantee district reclamation bonds, and it is believed that it and other reconstruction legislation in process of preparation will warrant a special election following the adjournment of the legislature. This latter legislation is being prepared by a reconstruction commission consisting of Representative Sheldon, of the house reconstruction commission consisting of the house reconstruction committee and ex-Senator Fred Malkey and John H. Burgard.

The Gallagher amendment contemplates that the State shall guarantee both the principal and interest on bonds issued, and accompanying it will be a bill introduced by Mr. Gallagher creating a commission to pass on the bonds and making it optional with the commission after an investigation of a project to be reclaimed, whether or not the state shall guarantee the bonds. The commission is to be composed of the governor, secretary of state, state treasurer, superintendent of banks and state engineer. All expense incurred by it in determining whether or not a project is feasible and a good investment, shall be borne by the district.

"With the state back of the bonds it would be possible to sell them at par. Now district irrigation bonds are selling at 90 and 91 cents on the dollar, and every district that issues them must make a big sacrifice. Besides bringing thousands of settlers to Oregon, and increasing its wealth, the legislation would result in both Oregon and Eastern capital investing in Oregon securities. According to information given me, \$10,000,000 of Oregon money was invested in Eastern securities last year."

Mr. Gallagher has also introduced a bill directing the state land board to make selections of approximately 300,000 acres of swamp lands, ceded to the state, but the title to which is still resting in the government, because the board has never filed its selection with the government. Further this bill gives the land board authority to exchange state lands for government or private lands when such a course would be advantageous to it.

The reconstruction commission will introduce a bill soon creating a commission, the purpose of which will be to study reconstruction problems and submit to the electorate bills offering solutions for them. Among the problems that it will be instructed to study and draft measures for are: Land settlement and reclamation of lands, the unemployed questions, mining and shipbuilding and port development.

According to data assembled by Mr. Gallagher the irrigation projects considered feasible for reclamation and the acreage of each are: Nyssa, 20,000; Talent, 8,000; Medford, 20,000; Grants Pass, 4,000; Eugene, 20,000; Deschutes, north unit, 100,000; west unit, 20,000; Powell Butte, extension, 12,000; White River, 30,000; Silver Lake, 15,000; Silver Creek, 20,000; Harney, 30,000; Burnt River, 12,000; Suttle Lake, 11,000; John Day, 200,000; Sparta, 8,000; Warner Valley, 40,000; Warm Springs, 10,000; Fort Lake unit, 20,000.

Irrigation and drainage—Wild Meadow, 355,000; Tule marshes, 16,000, and other alkali and irrigation land feasible to drain and irrigate, 615,000. Tide overflow and wet bottom lands along coast, 100,000; overflow and adjacent lands, lower Columbia, 100,000; wet lands Willamette and other Western Oregon valleys, 1,500,000, and miscellaneous, 180,000.