

THE WEATHER
Fair tonight and Wednesday;
moderate temperature; gentle
northwest winds

THE BEND BULLETIN

Central Oregon's
First Leased Wire
Newspaper

VOL. XVII. THE BEND BULLETIN, DAILY EDITION, BEND, OREGON, TUESDAY AFTERNOON, JULY 21, 1925 NO. 38

SCOPES GUILTY JURORS DECIDE IN SHORT TIME

Teacher Willing to Continue Violation

GIVE APPEAL NOTICE

Baltimore Paper Furnishes \$500 Bail Required for Defendant in Case

(U. P. Leased Wire to The Bend Bulletin)
COURT ROOM, Dayton, Tenn., July 21.—John Thomas Scopes, 24, high school teacher of Dayton, Tenn., today was found guilty of violating the Tennessee anti evolution law.

The great evolution trial which opened here on July 10 with the eyes of the world on it, thus came to a dramatic end.

The jury received the case at 11:29 a. m. and returned the verdict at 11:27 a. m.

Judge Raulston summoned Scopes before the bar and imposed a fine of \$100. Scopes, when asked if he had anything to say before judgment was imposed, said:

"Your honor, I feel that I have been opposing an unjust law. I will continue to support my ideals."

"To this charge," continued the judge, "the defendant has pleaded not guilty and thus made up the issues of this case."

"Before there can be a conviction the state must make out its case beyond a reasonable doubt."

"The court calls the attention of the jury to the wording of the statute. The statute has been before the court and the court has held it constitutional, making it an offense to teach that man descended from a lower order of animals."

"Narrow Asks Conviction
"The state does not have to prove that the defendant taught a theory that denies the story of creation as related in the Bible, but that he taught that man descended from a lower order of animals."

"Therefore, the court charges you that if the defendant did teach that man descended from a lower order of animals and the state proved it beyond a reasonable doubt, then you should bring in a verdict of guilty."

"You entered upon this case with a presumption that the defendant is not guilty. That presumption stands until evidence has overcome it."

"He then gave the jury the usual statements about the credibility of witnesses."

"Under the provisions of the statute the person may be fined \$100 to \$500."

"Under our constitution the jury can have no bias or prejudice, but you should stand for the truth and truth alone."

"Darrow then addressed the jury. "We came down here to offer evidence in the case, but it has been held inadmissible. All we can do is take exception and take it to a higher court."

"As the case stands, my client is guilty, according to your instructions from the judge, of teaching that man descended from a lower order of animals."

"Darrow made it plain to the jury that he did not want a hung jury because he said the only way to test the law was to take it to a higher court and this could not be done if the jury did not agree on the case."

"We don't see how you could return a verdict of not guilty," he said.

"Appeal Taken
Malone thanked the people of Tennessee for their hospitality in permitting "this great case to be held here."

"For purposes of the record, Hays asked for more than 30 days to prepare the case."

"Hays said he hopes that no longer than 10 days would be needed, but the defense wanted the time in case they needed it."

"Raulston said 30 days would be enough."

"If you are not ready then, I may extend the time," he said.

"I want to get this case before the supreme court which meets in September," he added.

"Hays then moved that judgment be arrested."

"He then moved for a new trial. He then moved for a new trial. This also was overruled. The motions were for the purpose of the appellate record."

"Hays then asked for an appeal. This was granted."

"The crowded courtroom sat breathless as the last tense moments of the trial unfolded by them."

"Attorneys for both sides smiled"

(Continued on page 4.)

Reindeer at Hatchery Draws Much Interest

Alaskan Animal Is First of Its Kind Seen Here

Doesn't Mind Visitors, Neither Does Baby Antelope Also New Boarder on Tumalo

The first of its kind ever seen in Central Oregon and likewise the first ever seen by many local people, the reindeer purchased by the Bend lodge of Elks last week at the Portland convention and brought here this week, is attracting much attention at the Tumalo state fish hatchery, where it is being kept with the other numerous specimens of wild life in charge of Pearl Lynes, superintendent.

The reindeer, purchased from the Alaska delegation, is an animal considerably larger than the average mule deer. Its horns are nearly two feet in length, and there are seven or eight prongs which branch off close to the head, four of them projecting straight forward. They are in the velvet at present.

The deer is brownish gray in color with spots on its sides nearly black. This one is remarkably tame, allowing visitors to come very close and displaying no fear whatsoever.

It is being kept in an enclosure near the bank of Tumalo creek, further south than the pen where the deer and other animals have been kept heretofore. The two mule deer are also in this new enclosure, the dense underbrush in which protects the animals from the sun's rays.

Another new exhibit at the hatchery grounds, in the larger enclosure close to the entrance, is a baby antelope brought in recently from the high desert.

The mother antelope and the little one came to Joe Garske's place during the winter, nearly dead from starvation. The mother died and Garske cared for the little one during the winter. In the spring he applied to the state for permission to keep it, but was instructed to turn it over to the hatchery officials. The antelope is very tame and evinces a preference for human society, following visitors all the way around the enclosure.

Other animals in this pen include a bear, a wildcat, two coyotes, and three coons, and there are also a pair of peacocks and a pair of wild geese.

FOUR LIVES TAKEN WHEN HOUSE BURNS

Rats Gnawing Matches Is Cause, Believe Firemen

(U. P. Leased Wire to The Bend Bulletin)
DALLAS, Texas, July 21.—Four persons were burned to death, seven injured and a score forced to flee, scantily clad, when fire swept through a rooming house here early today. Two of the bodies were burned almost beyond recognition.

The identified dead: T. O. Young, 23, and William Brown, 25.

Bodies of two other men in undertaking parlors are believed to be Lloyd Short, 23, and Joe Dunaway, 25.

Rats gnawing matches in the kitchen of the building started the blaze, firemen said they believed.

Oregon Baptists Will Avoid Modernism Row

(U. P. Leased Wire to The Bend Bulletin)
ASTORIA, July 21.—The Baptist ministers of Oregon convened here today in annual session preceding the annual Oregon Baptist state convention in the First Baptist church of this city, taking up problems peculiarly applicable to the pastoral work of the state, preliminary to the opening of the state convention tonight. An effort at harmony is easily distinguishable in the opening attitude of the convention, it being the avowed purpose of a large faction of the delegates to eliminate if possible the fundamentalist-modernist warfare from the deliberations of the convention.

Youths Admit Robbery Of Mail, State Police

(U. P. Leased Wire to The Bend Bulletin)
SANTA CRUZ, Cal., July 21.—Two San Francisco boys arrested here today were said by postal inspectors to have confessed a \$200 robbery of a San Francisco branch postoffice two weeks ago.

The boys in custody are Lewis Martin, 16, and Adolph Noerth, 14. They implicated a third youth, whose name was withheld.

The boys live in the same block in which the sub station is located and are said to have told police they hid their loot near the scene of the robbery.

MORE ECONOMY IN NAVY ASKED OF COMMITTEE

Appropriation to Build Cruisers Lacking

HALE TELLS NEEDS

Pacific Defenses Should be Strengthened, Senator Tells President

(U. P. Leased Wire to The Bend Bulletin)
SWAMPSCOTT, Mass., July 21.—President Coolidge will not let advocates of a big navy interfere with his plans for tax reduction next fall.

Senator Frederick E. Hale, Maine, chairman of the naval affairs committee of the senate, has been ordered by Coolidge to conduct an extensive survey of navy expenditures with a view to greater economy, in order that congress may appropriate money for the construction of cruisers already authorized, the spokesman for the president said.

Senator Hale told Coolidge it was necessary to strengthen the Pacific naval defenses and advocated construction of a naval base on the Pacific coast and additional facilities for Pearl Harbor, Hawaii, the key position in Pacific naval strategy.

Coolidge told him that it would be necessary to save the money needed for this new construction in present navy activities and told him to make the survey.

Congress last winter authorized several new cruisers, but appropriated only \$11,000,000, about enough for one modern sea fighter.

Speeder, Radio Announcer, Must Broadcast Accidents

(U. P. Leased Wire to The Bend Bulletin)
SAN FRANCISCO, July 21.—Harrison Hollway is a radio station announcer.

For five nights, starting tonight, Hollway will broadcast from his station, KFRC, the number of persons killed and injured by automobiles in San Francisco during the month.

Police Judge Daniel S. O'Brien so ordered today as part of the penalty imposed upon the announcer for speeding 35 miles an hour through a 15 mile an hour tunnel.

In addition Hollway paid a \$5 fine.

STOCKMEN TO MEET

Announcement is made here of a meeting to be held at the Exchange building, North Portland, by livestock producers, at 5 o'clock, July 27.

\$600,000 Worth Of Bend City Water Bonds

Read This—And Then This
Bend, Oregon, April 1, 1925. Honorable Mayor and City Council, Bend, Oregon, Gentlemen:

For six hundred thousand dollars (\$600,000) of legally issued, general obligation, coupon bonds of Bend, Oregon, said bonds to be in denominations of one thousand dollars (\$1,000) each, to be dated as soon as legally possible, with interest payable semi annually, both principal and interest to be payable at the fiscal agency of the state of Oregon in New York City, said bonds to mature twenty thousand dollars (\$20,000) per annum from the third to the twenty-first years, inclusive, and the remainder twenty-two (22) years after date of issuance (or such maturities as are mutually agreed upon) delivered to us in Portland, Oregon, free of exchange and collection charges, we will pay:

For bonds bearing interest at the rate of 5 1/2 per cent \$95.03 for each \$100 par value thereof, together with the interest accrued thereon.

Our bid is made for immediate acceptance and with the distinct understanding that the bonds shall be delivered to us on or before ninety days from date hereof, provided that this time limit may be extended at our option.

Our bid is further made subject to your furnishing us with a complete certified transcript of all proceedings had in connection with this issue, together with the final approving opinion of Messrs. Teal, Winfree, Johnson and McCulloch, attorneys of Portland, Oregon, which is to be delivered to us prior to our taking up and paying for said bonds.

(Continued on page 4.)

CREDIT AND REPUDIATION

Yesterday we said that bad results were to be expected if Bend incurred a debt in excess of a million dollars.

What we had especially in mind was the effect such a debt would have on the city's credit.

Bend's credit, let it be frankly stated, has never been of the highest rank. This is shown by the fact that all but one of the city's bond issues has had to bear a rate of 6 per cent. The one exception, the highway bonds of 1924, bear 5 1/2 per cent. It is shown further in the heavy discount to be charged the city in the sale of the \$600,000 water bonds.

One of the facts on which credit is determined is the amount of the debtor's obligations. The greater the obligations the higher the rate of interest (subject to the regular fluctuations of the bond market) and the harder the terms of sale.

With \$600,000 in water bonds voted Bend will be under obligation to pay over a million dollars in bonds in the next 25 years, to say nothing of interest charges.

At the same time Bend will be wanting and needing from time to time various things—a city hall, or some sort of municipal building, some day additional fire equipment, street improvements of various sorts. The school districts are going to need more school buildings if the city's growth continues.

Most of these are things the city WILL HAVE TO HAVE when the time comes.

The purchase of the company's system and an extension to Tumalo are not things the city WILL HAVE TO HAVE but to go into debt for them to the tune of over \$600,000, thereby making the city's direct and collateral debt over a million dollars, will mean a big difference in the cost of the things that MUST be had later. Interest rates will be higher. Discounts will be greater. The city's credit will be strained.

If you vote the \$600,000 in water bonds when the time comes not only will you have that sum to pay off but you will be putting up the price of everything else the city buys on credit in the future.

KEEP THE CITY'S CREDIT IN BETTER SHAPE BY VOTING DOWN THE WATER BOND ISSUE.

Since the foregoing was written word comes to us of the action of the council declaring its intention, in case the water bonds carry, "to vacate and annul (the) proceedings heretofore had for the sale of said bonds." In other words, the council proposes repudiation of the solemn contract of the city of Bend in order that it may seek a better price for the bonds than that it has already accepted.

Has not this thing been already sufficiently messed up? Is more of a mess to be created?

Last spring, on the invitation of the city of Bend, responsible bankers came to Bend and offered to buy the city's water bonds. Thereupon the council agreed to sell these bonds subject to the approval of the voters and on the bid this was written, "The above bid for bonds bearing interest at 5 1/2 per cent is, by proper resolution of the city council, hereby accepted and the bonds awarded in accordance with the terms hereof, this first day of April, 1925."

R. H. FOX, Mayor.

ATTEST: Louis Bennett, Recorder.

Have the bond buyers been consulted in respect to this annulment? If they agree all well and good but if they do not agree will the effort at repudiation be continued?

The taxpayers would like to see the city get the best price possible for its bonds but they would like also, we are sure, to have the credit of the city kept on a high level.

You do not do much for your credit when you try to abrogate your contracts.

The way to get out of this whole mess is by voting the bond issue down.

STAR'S GOWNS HELD

(U. P. Leased Wire to The Bend Bulletin)
NEW YORK, July 21.—Because, it is alleged, she under-estimated the value of new gowns purchased in Paris, two trunks owned by Alla Nazimova, screen star, were held here today by customs officials, following the actress' arrival on the Leviathan.

Report Will Feature Convention Publicity

Reports on the favorable publicity given to Central Oregon by the Bend Elks at the national B. P. O. E. convention in Portland, and on the northwest regional agricultural conference in Portland, will feature the weekly forum luncheon of the Bend Commercial club Wednesday noon in the Elks' dining room.

The report on the regional agricultural conference, held under the auspices of the United States Chamber of Commerce, will be made by L. K. Cramb, secretary of the Bend Commercial club. Members of the local lodge of Elks who had an active part in the publicity work in Portland will report on this phase of Bend's participation in the national convention.

Under the leadership of Louis Bennett, a commercial club quartet, recently organized, will make its first appearance at tomorrow's luncheon. Names of the members of this quartet have not yet been made known.

Mail Order Bootlegging Is Probed in New York

(U. P. Leased Wire to The Bend Bulletin)
NEW YORK, July 21.—Irene Griffen, cigar sales girl in the Sewell apartment hotel at Sioux City, Iowa, was the principal witness at the opening of the John Doe investigation of the mail order bootleg establishment here today.

The young woman came here on a subpoena as the first of several witnesses who are to be brought on from the west.

United States Attorney Emory Buckner, in charge of the inquiry, did not make public Miss Griffen's testimony.

DENIES RAIL CONSPIRACY

(U. P. Leased Wire to The Bend Bulletin)
WASHINGTON, July 21.—O. P. Van Sweringen, promoter of the proposed Nickle Plate railroad merger, under cross examination at the interstate commerce committee hearings today denied that there was a conspiracy between his interests and the New York Central.

R. H. FOX, Mayor.
Attest: Louis Bennett, Recorder.

BOND ELECTION DATE IS RESET, THIS TIME FOR SIXTH OF AUGUST; COUNCIL FORCED TO ALTER PLAN

PROPOSED REPUDIATION TICKLES BOND BUYER

(U. P. Leased Wire to The Bend Bulletin)
PORTLAND, July 21.—When told this morning by the United Press of the purpose of the Bend city council to repudiate the contract under which the city's \$600,000 bond issue was sold April 1, Willis Clark, manager of the Bond department of the Ladd & Tilton bank here, was highly amused.

"I really don't know what we will do about that," he said "after his laughter had subsided. "Had the market gone the other way I don't think the city of Bend would have offered us a refund. I rather believe we should have been held to the contract."

"Do you know any more of funny stories this morning?" he asked.

NAVAL BASE HOPES DASHED BY WILBUR

Says Department Will Be \$50,000,000 Short

(U. P. Leased Wire to The Bend Bulletin)
ASTORIA, Ore., July 21.—Little hope for any further development of the Tongue Point naval base is given by Secretary of the Navy Willbur, who is here with the midshipmen's practice squadron, and who late yesterday made a brief inspection visit to the site donated by the people of Clatsop county. In a conference with Senators McNary and Stanfield, Congressmen Hawley and Crumpacker, Colonel A. N. Clark, chairman of the Oregon naval base committee and other members of that committee from Astoria and Portland, he declared that funds are so badly needed for building up the battle fleet and maintaining it on an equality with that of any other nation that some of the plans for development of land defenses must be set aside for the time being.

Moreover, he declared that the work already done on the base here was sufficient to insure its completion and utilization without great delay in time of emergency. The navy department will be \$50,000,000 short in the budget of the amount it had hoped to get, he said, and the Coolidge program of economy stands in the way of including items for development of new bases.

Last Man Will Drink Bottle of Rare Wine

(U. P. Leased Wire to The Bend Bulletin)
STILLWATER, Minn., July 21.—Three tottering old men gathered round a rare bottle of Burgundy today—marking time.

The one who lives longest may quaff the wine.

Token of the Last Man's club, the old bottle with its ruddy contents was taken from its cherrywood case in the bank vault today—to grace the 41st annual banquet of the club.

Only four members remain of the 33 who sat at the first banquet of the Last Man's club. All were survivors of the battle of Bull Run and this date commemorates the struggle.

They were members of B company, first Minnesota infantry.

Every year since the club was organized, its members have met here to eat, drink and be merry with little thought of the morrow. But each year, almost, the number has dwindled. Each year there were more vacant chairs.

"Today only three were here. The fourth survivor is confined to a wheel chair."

Status of Tax Argued Before Circuit Judge

Suits involving the question of whether or not irrigation district taxes are special taxes, were argued in Circuit Judge T. E. J. Duffy's court Monday.

In each of these cases land on the Ochoco project, in Crook county, was sold for taxes, and the legality of these sales is questioned.

The suits are those of N. G. Wallace, trustee for Stevens & Co., vs. George Roberts; N. G. Wallace, trustee, vs. John L. Karnoff; and Frank S. Towner vs. W. B. Morse.

Wallace was opposed in arguing the cases by M. E. Brink. Judge Duffy took the cases under advisement.

Portland Attorneys Will View Proceedings

WOULD ANNUL SALE

Resolution Announces Intention of Setting Aside Contract of April 1

Bend's \$600,000 water bond election will be held on August 6. This was the decision reached by the council in special session last night when a resolution of election was passed, at the same time nullifying proceedings of a special meeting of July 11, at which July 22 had been set as the time for voting on the bonds.

To make sure that the election can now be held as scheduled, the council is sending to its bonding attorneys in Portland minutes of Monday night's meeting, including the resolution for approval. The first election ordered was disapproved by the attorneys since the published resolution did not contain the ballot title. It is explained by Recorder Louis Bennett, however, that this was because this part of the proceedings had not been furnished by the attorneys.

Forecasting repudiation of the city's contract with Portland, Spokane, and Seattle banks for the purchase of the \$600,000 bond issue should they be voted, a resolution was passed pointing out that the bond market has improved since the contract was entered into, and that the city's securities should now bring a better price than that of 35.03 for 5 1/2 per cent bonds, the offer of the Ladd & Tilton bank, the Union Trust Co., and the Seattle National bank, which was accepted by the council on April 1.

Legality Questioned
The resolution provides that if the bond election carries an ordinance will be ready for passage to set aside the April 1 proceedings, and to re-advertise the bonds for sale.

Legality of such a repudiation was questioned by Councilman K. B. Well, but it was argued against him that between now and the election the city attorney could look into this phase of the question. As chairman of the finance committee Well made the motion for adoption, seconded by O. C. Henkle. With the exception of Oscar Carlson, who declared that his mind was not made up and that he wanted more time to consider the points raised, all votes were favorable. C. P. Niswonger was not in attendance.

Carlson had already mentioned that a clause in the resolution which provided for condemnation of the Bend Water Light & Power Co. plant in case a fair price could not be obtained, was apparently superfluous in view of the fact that the company has set a price which is virtually the same as that reached in the appraisals of Duhuis and Koon, the city's special engineers.

A health ordinance covering the city's disposal facilities was introduced at the request of the city physician, and passed under an emergency clause.

Honolulu "Wide Open," Says Prohi Official

(U. P. Leased Wire to The Bend Bulletin)
HONOLULU, July 21.—Honolulu is "wide open," booze is flowing freely and he is powerless to curb the situation, John H. Wise, federal prohibition director for Hawaii, declared heretofore.

Arrests are difficult on account of the laws covering search warrants, which are hard to obtain, and even when arrests are made juries refuse convictions, Wise asserted.

The director said he finds no sentiment here for the dry law, and there has not been a federal conviction in more than two months.

He is now holding 200 gallons of liquor as evidence, Wise said, but has been unable to get a verdict.

Zanni Reaches Seattle Headed for Argentina

(U. P. Leased Wire to The Bend Bulletin)
SEATTLE, Wash., July 21.—Major Pedro Zanni, Argentine aviator who was forced to abandon his round the world flight because of an accident to his plane in Japan, arrived here late last night aboard the liner Arica Maru. Zanni is on his way back to his home in Buenos Aires.