

THE BEND BULLETIN.

VOL. VIII

BEND, OREGON, WEDNESDAY, OCT. 12, 1910.

NO. 31

NO LOG CONTRACT

RIVER NOT TURNED OVER AS A HIGHWAY.

Animated Discussion of the Matter in Bend Commercial Club—Business of the First Regular Meeting of that Organization.

The first monthly meeting of the new Bend Commercial Club last Thursday night was held in the room since vacated by the Library reading room and was relieved of monotony by a discussion of the proposal to grant John E. Ryan an exclusive right to use the Deschutes river as a highway for floating logs and lumber. The County Court at its September meeting had made an order granting Ryan a franchise upon the river but the contract defining his rights more particularly and fixing the toll that he might collect for running logs had not been executed and delivered. It turns out that this was to be held up a month (all its terms having been agreed upon) and if no protest or objection appeared the transaction was to be completed. The month was to expire October 8 (last Saturday). Before that time other timbermen, led by W. B. Sellers and M. J. Morrison, protested and it had been decided to postpone this contract until January. The discussion before the Commercial Club had in view the removal of opposition, but that result was not attained.

Hugh O'Kane introduced the subject, referring to it as one of great importance to Bend, and called upon Mr. Ryan to state the case. Ryan submitted a copy of the proposed contract, which was read by the Secretary. Then he explained that the main purpose of the contract was to open the river so that all-comers could float logs without being subjected to the annoyance of having to make terms with every riparian owner, and the toll of \$1 per thousand feet he thought reasonable in view of the expense of improving the river and handling the traffic. Ryan said he would not keep the contract for himself, because he did not deem it desirable to keep, but would turn it over within 24 hours so that the beneficiaries, the timber interests, should carry the burden, "pack the bond." He also offered to turn it over to anybody else who would take it and put up the \$10,000 bond required.

how this proposed contract would benefit Bend, since it would apply to the river southward from a point more than six miles south of Bend. If anything he thought it would be a menace to Bend by providing an inducement for milling on the upper river. Then he thought the toll named excessive. He said that on the Mississippi river, where conditions for driving were not nearly so favorable as on the Deschutes, logs were driven a distance of 280 miles for 5 cents a thousand. And above all he said the Ryan contract would place all the timber on the river largely at the mercy of the holder of this contract, and he would have \$1 per thousand advantage in bidding on all the vast quantity of timber to come down Big River out of the National Forest. Morrison thought it would be bad for Bend and for every other timber interest to have such a contract in operation.

Ryan defended the toll as reasonable and called on John Steidl to say how much per thousand it had cost to drive logs the short distance from the Sismore place down to the Pilot Butte mill.

Steidl admitted that it had cost about \$1 a thousand. But he called attention to the fact that the proposed contract would not cover that portion of the river.

Ryan contended that it would help Bend to have the river opened as contemplated in the contract. He also reproached Bend citizens for their conduct in such matters. "You sit around and rot," he said, "unable or unwilling to initiate or carry out any considerable development plans. And when anybody else comes in, sees opportunities and moves to take advantage of them you knock him to death."

W. B. Sellers said that as the representative of the Shevlin people he had protested against the completion of the proposed contract. He thought the Shevlin 120,000 acres of timber should be entitled to quite as much consideration as the 56,000 acres of the Deschutes Lumber Co. and he assured the meeting that by January there would be responsible bidders for a contract at least as favorable to the public interest as the one now under consideration.

There was some talk about Ryan turning over his contract, if it should be perfected, to others, but Morrison said the objection was not to Ryan but to the terms of the contract and there would be as much opposition to the same contract in the hands of any other bidder.

J. M. Lawrence, J. A. Eastes and H. J. Overturf were appointed a committee to facilitate the more direct transportation of mail that is to go into effect next month, whereby all mail matter for the western part of the county and Lake county will come through direct from Madras. Frank Robertson, J. N. Hunter and W. W. Orcutt were appointed a special committee to attend to the opening of a good road eastward to the Hampton Butte country.

GOES TO VOTERS A JURY ACQUITS

ELECTION ON THE CITY BOUNDARY QUESTION.

Property Owners Oppose Scheme—Petitioners Would Have Sunday Closings and Open Library—Much Money in Treasury.

The matter of enlarging the municipal boundaries of Bend will be decided by election. At last night's council meeting Overturf's motion to this effect, seconded by Kelly, was passed; Oneil, Triplett and Kelly voting for, Hunter and Overturf against it. No date for election was fixed. The special committee reported a strong opposition to the scheme on the part of owners of property included in the proposed annexed area.

A petition for closing bowling alleys and skating rinks on Sunday, and suggesting an open library on that day bearing 21 signatures, was read and laid on the table.

Permission was received from the U. S. G. S. to move the bench mark near the Pilot Butte Inn.

Policeman Chapman's report, showing 13 arrests and \$39 collected, was read and approved. The special committee reported the use of 11 hydrants could be had for \$35 each per annum, the fire department to use one for one hour a week for practice. The committee on dumping grounds had taken no definite action. The matter of purchasing additional fire equipment was discussed. Due to the absence of Overturf and Hunter, who left at 11:15, there remained no quorum to vote on Kelly's motion that a \$750 chemical engine be purchased. The Treasurer's report, read and accepted, showed a balance on hand October 1st of \$727.35. Since that date \$784.25 has been received, leaving \$1510.60 in the treasury to date.

FIGHT COUNTY SPLIT.

Commercial Club Prepares to Get into the Campaigns.

At a meeting of the Commercial Club last night J. M. Lawrence and Frank Robertson, who this morning left for Portland, were authorized to take what steps they deemed best towards inaugurating a campaign in the Willamette Valley against the splitting of Crook county.

They will confer with the general anti-county division committee in Portland, and arrange for the Bend organization either to work with that body or independently.

The members present at the meeting were unanimous in their support of the proposed fight.

Subscribe for The Bulletin.

CHAPMAN FOUND NOT GUILTY OF BUYING VENISON.

Testimony of One Witness Deemed Insufficient to Convict—Prosecution Not Malicious or Without Probable Cause.

C. A. Chapman was acquitted by a jury in Justice Lawrence's court last Thursday of the charge of buying venison from Jake Culp, an Indian. The complainant, H. J. Eggleston, swore that he saw the Indian deliver the deer meat to Chapman, heard Chapman inquire "how much" and saw Chapman pay the Indian two 50 cent pieces and some small change making a total of \$1.50 for the venison; that complainant himself, being thus made aware of the fact that venison could be procured, bought a deer ham from the Indian, for which offense he had pleaded guilty and paid a fine of \$50 in the same court.

There was no contradiction of the charge against the defendant, who did not himself take the stand to testify, but it appeared that the feeling between the complainant and the defendant was not very friendly and confidence in the trustworthiness of complainant's judgment was also weakened by his insistence that he could easily find with certainty tell venison from any other meat, though he had not eaten or had contact with venison for 21 years, not since he was 10 years old; so the jury deemed the evidence insufficient to convict.

After the verdict the defense moved that the court find that the prosecution was malicious and without probable cause and tax all the costs against complainant. This was denied for the chief reason that the fact testified to by complainant was uncontradicted by the only person competent to contradict it if it were untrue, the defendant himself, and thus it could not properly be assumed that the prosecution was without probable cause or malicious; that if the charge had been clearly shown to be untrue, then malice or lack of probable cause could be urged with propriety against the complainant.

V. A. Forbes conducted the defense. The deputy state game warden and then the deputy district attorney represented the state until it was found impossible to get the Indian here to corroborate the complainant's testimony. Then he employed C. S. Benson for the hearing. The jurors were W. H. Staats, foreman, D. Williams, J. L. Byrne, F. L. Kulp, Joe Innes and George Hobbs. C. L. Hotelling, J. E. Goodfellow, M. J. Kelley, S. J. Spencer and H. P. J. McDon-

all were found to be disqualified on the score of residence, and F. C. Rowlee and H. E. Allen were peremptorily challenged by the prosecution. The defense sought to have Allen retained on the jury and yet a little later called him as a witness in the case, touching a street conversation with the complainant about the matter at issue.

ROLYAT POSTOFFICE. New One in Hampton Butte Valley—Trade is Starting.

Victor Schrader, a settler in the Hampton Butte valley 18 miles southerly from Fife, was in Bend Saturday. He has been appointed postmaster for the new postoffice of Rolyat. His bond has been approved and the supplies for the new office are expected to arrive so it can transact business within two weeks. The mail service will be from Fife once a week as a starter. It will accommodate about 40 families at the beginning, and the valley is settling up fast.

The first produce for market from the Hampton Butte valley reached Bend, when H. C. Miller brought in several dozen eggs and sold them at Lara's store. This is the small beginning of what is expected to be a considerable commerce.

KILLED BY A BLAST.

Delayed Explosion Catches Italian Laborer on Railroad.

Jim Ross, an Italian laborer, was instantly killed Saturday morning by a powder blast on the railroad grade eight miles north of Bend last week. Two other workmen were slightly injured. Justice Orcutt empaneled a jury to examine into the case, but there was nothing to indicate that the death was not entirely accidental.

A quantity of black powder had first been put in the hole, then giant powder, and finally a stick of dynamite with the usual fuse. The charge was lighted and the men sought safety until it exploded. There were two explosions, as expected, and then the men returned to work. Then came a third explosion, which did the damage. It is supposed that the concussion of the first explosion did not set off the black powder, which may have been separated from the remainder of the charge by some substance that retained a spark that reached the black powder just as the men returned.

School Notes.

Ruth Conway and Bird Lowell have entered the Seventh and Eighth grades respectively.

There were no cases of tardiness nor absence in the second grade last week.

The Seventh and Eighth grade club will meet Thursday to initiate new members.

Dora Fleming has entered the Second grade.

The Bend High School has been asked to enter the State Debating League.

SELLS PROPERTY

REORGANIZATION COMMITTEE BUYS D. I. & P. HOLDINGS.

Receivership Will Terminate if Court Confirms Sale—Reorganization Will Proceed—R. S. Howard Appeals His Case.

Last Wednesday the personal property of the Deschutes Irrigation & Power Co. was sold in Portland upon a bid of \$20,000 by the reorganization committee of the corporation. On Friday the realty was sold in Prineville to the same committee for \$13,000. Both sales now go to the court for confirmation before they become effective.

The personal property sold included the contracts with the state and with settlers, settlers' notes, construction plant, office furniture etc. The realty included two lots in Bend, three lots in Redmond, the Stearns tract of 200 acres north of Bend and a few pieces of dry land east of Powell Butte. Redmond real estate men bid against the company at the Prineville sale, but did not crowd the figures up much.

Receiver and Special Commissioner Redfield, Jesse Stearns and Roscoe Howard came in from Portland Thursday night, went over to Prineville for the sale Friday, returning to Bend the same day and leaving Saturday morning for Portland. There Special Commissioner Redfield will make report to the court of the sales and turn over the money to Receiver Redfield. If the sales shall be confirmed by the court it is expected that the receivership will end and the work of reorganization will proceed. Mr. Redfield is expected home again tomorrow.

The text of Judge Bean's decision in favor of the D. I. & P. Co. shows that he admits the intervenor to a hearing as to the disposition of the assets of the corporation.

Mr. Drake has submitted a proposition for settlement of all the controversies between him and the D. I. & P. Co. out of court.

Last Saturday the Portland Oregonian printed the following concerning the appeal of the intervenor cases decided last week:

Setting out 24 instances in which it is alleged that the United States Court erred in refusing to allow R. S. Howard, Jr., to intervene in the foreclosure of the assets of the Deschutes Irrigation & Power Co.

(Continued on page 8.)

The Basic Problem of Life.

THE GREATEST OF ALL PROBLEMS TO THE GENERAL PUBLIC IS THE BREAD AND BUTTER PROBLEM

INDUSTRY alone will not solve the bread and butter problem; but if one lays by something, however small, from the fruits of his industry, he has found the solution of this problem. To the man with a bank account opportunities arise, which would otherwise be beyond his reach. You have often heard a man say, that were it not for his family responsibility he would do this or that. With a bank balance to his credit the bread and butter problem is solved for the present, and he is therefore able to make it a less important problem in the future.

The Deschutes Banking & Trust Company

"Conservative Banking for Conservative People."

L. B. BAIRD, Pres. J. W. MASTERS, Vice Pres. M. G. COR, Cashier.

Rough and Dressed

LUMBER

ALL SIZES OF DOORS and WINDOWS

"REX FLINTKOTE" AND "MIKADO"

ROOFING BUILDING PAPER

DEADENING FELT AND TAR PAPER

16-IN. SLAB WOOD

Delivered in Bend Per Cord \$3.50

Get Your Winter's Supply.

Pilot Butte Development Co.

The First National Bank OF BEND, BEND, OREGON

Dr. U. O. COE, President E. A. BATHER, Vice President
O. S. HUDSON, Cashier

Capital fully paid \$25,000
Stockholders' liability \$25,000
Surplus \$5,000

WHILE you are preparing for winter, don't neglect to make provision for unforeseen needs. A good Bank account means food, fuel and clothing and necessities in case of sickness or loss of employment. Start this week to lay away enough to tide you over comfortably. Always glad to see you at this Bank.

DIRECTORS:

U. C. COE B. A. BATHER C. S. HUDSON
F. P. SMITH H. C. KILLEN