

THE BEND BULLETIN.

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HIGHEST BID WINS CONTRACT

Majority of County Court Favors Donohue at Five Cents an Acre, Disregarding Lower Bids and Placing Apparently Unnecessary \$12,000 or \$16,000 Burden on Crook Co. Tax Payers.

Crook county taxpayers are rubbing their eyes and trying to figure out just what happened, and why it happened, at the meeting of the County Court last Thursday, when a majority of that body awarded a contract to the highest bidder, apparently disregarding any claims of lower responsible bidders, and placing what appears to be an unnecessary burden of some \$12,000 or \$16,000 upon the taxpayers.

In a nutshell, A. P. Donohue, now of Portland, was given the contract. County Commissioner Rice and County Commissioner Bayley favored the award. Judge Ellis opposed it.

Responding to a demand for the reason for his position, Commissioner Bayley stated briefly that the highest bid received was the lowest price for which good cruising could be done, and if a lower bid were accepted the result would probably be found unreliable.

Means \$12,000 or More.

Donohue's bid is five cents an acre. Other bids ranged from 2 3/4 cents an acre to 4 1/2 cents. As far as can be ascertained, at least several of the other bids were offered by responsible parties, and complied with all the requirements as regarded bonds etc.

Well informed men state that on a conservative basis there are at least 800,000 acres of timber that will be cruised under this arrangement, provided it goes into effect. This means that the difference between the five cent bid and, say, a 3 1/2 cent bid, is some \$12,000. This amount—and it may be \$16,000 or more—comes out of the tax payers at large, as it is raised by a general special assessment divided among all classes of property owners.

The Court Record.

The official record of the Court's procedure, as set down at its meeting, stands as follows:

(From a typewritten copy obtained from Prineville.)

May 2, 1912.—Now is presented to the court eleven bids for cruising timber in accordance with the advertisement therefor heretofore made, and the following abridged statement represents the amount of the several bids:

Miller Bros., 40 acre tracts \$1.60,

less than 40 acres 4 cents per acre.

Hunter, Staats & Bloss, timber lands lying on westerly side of county 4 cents per acre, on easterly side including the Blue mountains, 5 cents per acre.

A. J. Dwyer, 2 1/2 cents per acre.

R. E. Jones, 40 acre tract at \$1.00.

Archie Johnston, 3 1/2 cents per acre.

A. P. Donohue, 5 cents per acre.

M. G. Nease, 3 cents per acre.

The J. H. Haner Company, merchantable timber (except such timber as may be classified as cord wood timber) subject to taxation, in Crook

county, Oregon, \$22,000.

R. R. Gardner, for entire timbered area in Crook county, not to exceed 50,000 feet per 40 acres, subject to taxation, \$22,450, being on a basis of approximately 3 1/2 cents per acre.

D. E. Stewart, \$1.08 per 40 acre tract or lump sum of \$19,450.

M. G. Nease, 3 1/2 cents per acre.

Upon reading and examining all of said bids and the conditions thereof, a majority of the court decided to accept the bid of the said A. P. Donohue, for 5 cents per acre, the complete details of a contract for such cruising and all matters incidental to the carrying out of such work was continued until Monday, May 13, 1912, which said contract and agreement is to be drafted by District Attorney Wilson.

At this time the county judge states the following, among several reasons, for not joining in the opinion of the majority of this court, to-wit: That other bids were submitted for performing the same services at a lower figure, by other parties, who

(Continued on last page)

THREE QUICK INDICTMENTS BROUGHT BY GRAND JURY

Bend Has Monopoly of Criminal Cases—Patterson Pleads Guilty and Gets Term in Penitentiary.

Three criminal cases were disposed of by the Grand Jury Monday with alacrity. The principals in each instance hailed from Bend.

The jury was selected at 11 a. m. At one thirty Chris Woods was indicted on a charge of larceny, perpetrated by J. M. Lawrence, and forthwith pleaded guilty. His sentence was suspended.

Next came the case of Fred Hahn, alias "Blackie" for shooting Herman Brauer, alias "Peoria Slim," in Bend. Hahn was indicted for assault and was sentenced by Judge Bradshaw to a 500 fine.

The third case was that of Ralph Patterson. The Grand Jury brought in a true bill, and Patterson pleaded guilty. This morning sentence was pronounced, from 3 to 20 years in the penitentiary, depending upon behavior.

GOES OVER BURNS ROUTE.

F. E. Whiney, a postal inspector, detailed to look over the road between here and Burns, with a view to establishing mail service, went out Monday morning by auto. He will return by way of Vale and on his report will depend largely whether or not the mail service is established from here to the Harney county seat.

TIMBER CRUISE MAY BE CHECKED

APPLICABLE VALUE IS WANTED FIRST

Report From Prineville States Matter Now Before Grand Jury—Objectors Contend Court Has No Right to Institute Action.

While the action of the County Court in awarding the contract to the highest bidder is the matter commented upon by many just at present, others are going back further and questioning the right of that body to institute the proposed timber cruise at all.

From Prineville reports it is understood that the matter has been placed before the Grand Jury, with the request that an investigation be made. Corroboration of this, with report of what action is taken, if any, will not be forthcoming until next week.

When it was first learned that bids for the cruise were to be submitted on Monday, March 25th, a protest was made by many timber owners, and others. At that time the following men and companies objected to the proposed cruise: Christian Mueller Land & Timber Co., H. J. Overturf, John Bloss, J. H. Bean, Scanlon-Gilson Lumber Co., J. N. Hunter, F. P. Smith, The Bend Co., J. M. Lawrence, Clyde McKay and W. H. Staats.

The argument presented in brief, was about as follows:

The Argument.

The proper advertisement for the bids had not been made.

That listing and appraising taxable property of the county is lawfully the duty of the assessor, and the assessor only.

That the County Court has no power to impose upon the assessor or equalization board any data it may obtain relative to the quantity or value of the timber or any other taxable property.

That the proposed large expenditure would be unjustifiable in the absence of power to get any benefit therefrom.

After listening to the protest, the five bids which had been received were returned, and the whole matter continued over for ten days.

The original bids were as follows: G. R. Gardiner, 4 1/2 cents, M. G. Nease, 4 3/4 cents, Archie Johnson, 3 1/2 cents, L. Metke 3 1/2 cents, J. H. Haner, 5 cents.

At the meeting of April 4th, when the protesters were again on hand, it was decided to let the matter lie over until the May term of court. In the mean time proper advertisement for bids was made.

Drastic Action Possible.

Following out the grounds of these previous complaints, it appears probable that action will be taken to prevent the Court from proceeding with the matter until its entire legality and applicable value to the county has been established beyond question.

AGREE ON NORTH CANAL TRUSTEE

TITLE & TRUST CO. CHOSEN

C. O. I. Co. and Desert Land Board Sign Agreement Regarding Handling of Funds for This Project. Board's Representative Here.

An agreement was signed on April 30 between the Central Oregon Irrigation Co. and the Desert Land Board, whereby the Title & Trust Co. of Portland is appointed as the trustee which is provided for in the agreement made between the irrigation company and the land board on February 5.

The services of the trustee are to be paid for by the company, and all of the \$150,000 raised by subscription by the company for constructing the North Canal is to be paid to the trustee. The board has also turned over to the trustee the cash in the guarantee fund accumulated under the contract of June 17, 1907, and the settlers' notes. Payments are to be made out of the moneys held by the trustee monthly upon the presentation of vouchers duly certified by the general manager and chief engineer of the company, in proportion to the amount of work done on the canal. The trustee is also authorized and directed to pay for lateral or maintenance work done under the Pilot Butte and Central Oregon systems a sum not exceeding \$5000 in any one month.

Brodie Representative of Board.

The April 30 agreement provides that "before payment shall be required of the trustee monthly * * * there shall be presented to the trustee the certificate of H. C. Brodie as representative of the board, stating that the aggregate amount of vouchers certified by the general manager and chief engineer of the company does not bear a greater proportion to the sum of \$150,000 than the amount of work then done as shown by the inspection report of the board shall bear to the entire work as shown by the plans and specifications."

Mr. Brodie was in Bend the last of the week, having come over from Salem to inspect the canal work. He is assistant secretary of the land board.

ARNT AUNE BURIED.

Last Friday at 10:30 funeral services were held over the body of Arnt Aune, at the home of his sons, Rev. I. I. Gorby conducted them. Later, the casket was taken to the cemetery where the interment took place. Many beautiful flowers brought from Portland by the family and friends contributed to the beauty and impressiveness of the last rites of the old pioneer, as did the singing of a quartet composed of Mrs. Z. W. Lindborg, Miss Arrie Black and Messrs. L. A. Jackson and Prince Staats.

BIDDER ASKS HOT QUESTIONS

M. G. Nease Writes Open Letter to County Commissioner Bayley Requesting Information Upon Points Connected With Timber Cruise and Insinuating That Deal Needs Publicity.

(The following letter reached The Bulletin from Portland this noon. M. G. Nease, the author, is one of the bidders for the cruising contract whose offer of 3 1/2 cents an acre was not accepted. In publishing it, The Bulletin wishes to state that its columns will be as open to any other communications, regarding this or any other matter, as it is to this interesting document.)

Open Letter to Mr. County Commissioner Bayley.

Why didn't you spring A. P. Donohue's proposition before the public at the Court's meeting in the early part of April, inasmuch as you had his proposed contract in your possession at that time?

Where does Joe Haner figure in this transaction?

After stating in open Court that the contract had been awarded to your ex-neighbor Donohue, why was it necessary to have so many conferences in Donohue's room at the Prineville Hotel, and in the hallways of this hotel? These conferences taking place as late as three o'clock in the morning. Did you know that when you were discussing the advisability, in Donohue's room, of backing up on the Donohue proposition, and swinging the deal to Haner, that in the adjoining room there were parties who overheard your conversation, and do you challenge me at this time to make public the conversation overheard?

Who originated the idea of cruising the timber of Crook county? Isn't it a fact that it was Joe Haner, and isn't it a fact that Haner attempted to secure a contract for furnishing estimates (not cruising) at a Star Chamber Session of the Court in the early part of the year, and isn't it a fact that said attempt was blocked by Judge H. C. Ellis?

Did Donohue's so called bid conform, in any respect, with the advertised call for bids, which call for bids expressly stated that bids were to be filed with the County Clerk prior to May first? Donohue's bid being filed on May first?

Do you feel today that you have the nerve to go through with this deal, and do you think that the taxpayers of Crook county will stand for it?

Mr. Bayley, you know I asked you some questions in open Court which you did not answer. I also asked you some questions at the dining table at the hotel in Prineville, in the presence of several people, and you know that you stated to me that you would prefer to discuss this proposition with me in private, but this is not a matter between yourself and myself, Mr. Bayley, but a matter which concerns the public in general, and especially the taxpayers of Crook county, and to them you owe

your answer to the questions which I have asked above.

You know, as well as PRACTICAL timber men WELL know, that the price proposed by Donohue is a ridiculous one, as the timber of Crook county is very inexpensive to cruise on account of so much of it being practically level country and no brush.

I challenge you to justify awarding this contract to Donohue on the grounds that he was the only responsible bidder, and the only man qualified to properly perform this contract. Of all bidders submitting proposals, judging by past experience Donohue is less qualified than any person submitting a bid.

Again referring to the meetings held at the Prineville Hotel, would you care to have made public the conference held in Donohue's room the night before the contract was awarded to Donohue?

Trusting that you will answer all the above questions to the full satisfaction of the taxpayers and residents of Crook county, and assuring you that if you desire me so to do, that I am always ready to ask a few more questions, I am,

Yours sincerely,
M. G. NEASE.

PRINEVILLE PEOPLE WANT INVESTIGATION OF SITUATION

Possible That Injunction Proceedings Will Be Started by County Seat Men, According to Forbes.

That influential people in Prineville are opposed to the award of the cruising contract to the highest bidder is the word received from V. A. Forbes, now at the county seat on legal business.

"J. H. Gray, among others, has talked to me," telephoned Mr. Forbes, "asking if they would get Bend's cooperation if they instituted action to restrain the Court with an injunction from going further. I think there is no doubt an injunction will be secured by men here."

Among the names mentioned by Forbes of men who propose to put a check on the proposed action are those of Judge Booth, C. Sam Smith and W. Wurtzweiler.

Everyone who wants to see trout fishing in the Deschutes river improved and made permanent, should write to the State Game Warden at Portland, requesting action in the matter of locating a hatchery near Bend, pointing out the importance of the Deschutes as a fishing river.

Mr. Blank's Mistake

"I made a bad mistake today" said Blank to his wife. "I went to pay that subscription to the daily, which was \$5. I found out afterward that I had handed the agent a \$100 bill and didn't notice it until he was gone—guess he didn't either. I suppose the fellow is honest and I'll get my money back, but it'll be some trouble." "I've been telling you" said his wife "that you should deposit your money in the bank and then pay by check. Then you won't be making such mistakes and having so much trouble." Was she right? She was. We invite one and all to open a checking account at our bank.

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