

# THE BEND BULLETIN.

VOL. XIV.

BEND, OREGON, WEDNESDAY AFTERNOON, NOVEMBER 22, 1916.

NO. 38.

## C. O. I. HEARING IS TOMORROW

### TO DISCUSS REPORT OF AUDITOR

#### De Armond's Brief for Water Users Filled With Public Service Commission, Requests Active Steps by That Body.

(Special to the Bulletin.)

SALEM, Nov. 21.—On Thursday in Portland will occur one of the decisive rounds in the long fight of the C. O. I. settlers to have the Central Oregon Irrigation company brought to time by the Public Service Commission of Oregon.

The Commission at a hearing on Thursday, will listen to final objection on the part of Attorney Stearns of the Company, to the report of the state's auditor which has been submitted to the Commission after his investigation of the Company's books and records. Presumably, Mr. Stearns will try to have changed certain details of the report before it is admitted as evidence to be acted upon by the Commission. The water users' attorney, Harvey DeArmond, of Bend, has already signified his satisfaction with the report as it now stands.

Following this last sparring, the Commission "will get down to business" and will make its final first hand investigations. Thereafter it will issue such orders as it sees fit, and it remains to be seen whether or not the Company will abide by them or attempt to fight the matter further in the courts.

The brief of Mr. DeArmond for the settlers, has been received by the Commission. It is a lengthy document of 32 typewritten pages.

The main portion is taken up with discussion of the Company's efforts to evade action on the part of the Public Service Commission, on the grounds that it, the Company, was a public service corporation. Last year, it will be recalled, the Commission applied to the Supreme Court Washington for prohibition to restrain their mission from investigating from these grounds. The writ was denied.

DeArmond cites exhaustive reasons why the Company properly should be considered as a public service business, and therefore subject to the jurisdiction of the Commission. Many authorities and cases are quoted.

In the conclusion of the brief, Mr. DeArmond says "this brief fully demonstrates that the petitioner herein is a public service corporation, subject to the Public Utility Act."

The complaint filed by the Water Users' Association, the brief continues, "sets forth the fact that the corporation is not applying the maintenance fees to the upkeep of its plant. It further sets forth the fact that the system is to be turned over to the Association about June 1, 1917, when the contract of the corporation with the state expires. Apparently the Company believes that it can escape, by resorting to the court, any action by the Public Service Commission until after June 1, 1917, it will therefore escape from paying its flumes and ditches."

Other allegations are that, according to the report of John Dubuis of the State Engineer's office, the Company has sold some 14,000 acres in excess of the carrying capacity of the flumes and ditches. Either lack of care or inability properly to control distribution is blamed for short-

(Continued on page 5.)

## FEW ATTEND REBEC LECTURE GIVEN HERE LAST SATURDAY

### Professor George Rebec, of the University of Oregon, Gives Interesting Address to Citizens.

The third of the series of lectures given under the auspices of the Parent-Teachers' Association, was held last Saturday evening in the Baptist church. Prof. George Rebec, of the department of Philosophy of the University of Oregon, was the speaker. By one who attended the meeting the following report was given of the meeting:

It is more than a pity that less than fifty people were present at the third of the series of community lectures held at the Baptist church Saturday. Such a ringing call to our city in the making, such a solemn warning against our point of greatest weakness should not pass unheeded. Perhaps a brief echo may not be out of place.

Prof. George Rebec, of Eugene, was the speaker. His subject, "What the School May Mean to the Average Community." In reality, he spoke on what Bend must be and do in order to take her place as a real leader among the new 20th century cities, and how the school can and must either help or hinder her in realizing this ideal.

This city, now building, is working in a new age with new revelations and new factors making for a new kind of success or failure. The European war is a culmination, a smashup of the old, a terrific impetus toward the new, toward a freer life, and to the joy of living. After the war, labor will be a tremendous premium and will find means of coming into its own.

The city which recognizes this, which plans for a working together in citizenship, for a new agriculture and a new industry based on cooperation and scientific research, most of all for a fuller, richer community life, for thinking together and playing together and working together for non-material ends—such a city we must have, even for mere material success.

We must look on our schools, not merely as a preparation for life, but as a "segment of life". We cannot succeed without schools which point the way, in a practical sense, to the new agriculture and the new industry, to the new need of individual intelligence and responsibility in civic matters, most of all, perhaps, to America's greatest need, an awakening to the real joys of living; to a life beyond and above the mere massing of material wealth, which we do not even know how to enjoy. In many respects the employer and business man is almost as much of a slave as the laborer.

To have such schools, we must have the courage to give them a free hand and make them a real center of our community life. They must be so well supported that they may become laboratories for scientific information having a real practical bearing on our agriculture and our industries; they must be free to point out in their civic teaching not only the good but also the bad, in actual civic and political life of our city, to touch even on our sorest spots. Most of all, they must be so big and so broad that manifestations of the new life of the spirit, the new right to play and to think and to feel toward which the laborer (as well as the rest of us) is yearning—and which he will soon be demanding—that such manifestations may become infinitely more a matter of civic pride than any heap of stone and mortar, however costly and impressive.

### HOLD CAPE MANAGER

Chas. H. Hudson and Lorena Alley were placed under arrest Thursday morning by Chief of Police Nixon, and were given a preliminary hearing Friday, charged with lewd cohabitation. They were each put on \$150 bail to appear before circuit court. Hudson is manager of the Bend Cafe.

## DESCHUTES COUNTY WILL BE FOUGHT IN COURTS

### DEMURRER IS FILED TO COMPLAINT ENJOINING CLERK BROWN FROM CERTIFYING FIFE PRECINCT RESULTS—BROWN SAYS LAWYERS WHO FILED PAPER NOT ENGAGED TO DEFEND HIM—ORGANIZATION IS EFFECTIVE TO SOLICIT FUNDS AND FIGHT CREATION OF NEW COUNTY.

The present situation of the county division matter is as follows:

Willard H. Wirtz, N. G. Wallace and M. R. Elliott, of Prineville, have filed a general demurrer to the complaint against County Clerk Warren Brown on which he was temporarily enjoined from certifying the results of the county division vote in the Fife precinct.

Without going into the technicalities of legal phraseology, a demurrer may be described as saying that the complaint does not state sufficient facts on which to base a case. In other words, Messrs. Wirtz, Elliott and Wallace assert by their demurrer that the complaint in which the facts of the Fife vote are set out do not constitute a cause of action.

Hearing on the demurrer will probably take place tomorrow. If it is sustained it will be necessary to amend the complaint or file a new one; if it is over-ruled the defendants will probably ask for permission to answer, after which a hearing on the merits of the case will be held.

### Something In Woodpile.

The demurrer filed by Messrs. Wallace, Wirtz and Elliott purports to be filed on behalf of County Clerk Warren Brown, the defendant in the case. Over the telephone this morning, however, Mr. Brown assured a representative of the Bulletin that he had nothing to do with the matter. According to his statement, the demurrer was filed without consultation with him. Mr. Brown's only wish is to see the matter cleared up. He agrees that the facts as to the Fife vote cannot be disputed and he has no desire to do anything which will delay a settlement of the case. Mr. Brown stated that Mr. Wirtz's name was signed to the demurrer, in his capacity as a private attorney, and not as district attorney and also that he had not employed Messrs. Elliott and Wallace to appear for him.

Following the conversation with Mr. Brown, The Bulletin called Mr. Wirtz to ask for whom he appeared in the proceeding and was informed that he represented Mr. Brown, the county clerk, and that if his title of district attorney had been omitted from the demurrer it was the mistake of Messrs. Wallace and Elliott, who had prepared the paper.

When asked if Messrs. Wallace and Elliott had been employed by him to assist in presenting the clerk's case, Mr. Wirtz said, "No."

Mr. Wirtz was unable to say whom Messrs. Wallace and Elliott appeared for, if not for Mr. Brown. Later Mr. Wirtz called up to say that if Mr. Brown had given the impression in his talk that he wanted the case to go by default he did not mean it, that he wanted an appearance entered for him. Mr. Wirtz was told that if Mr. Brown wished to make a statement it would be printed exactly as received. Up to the time of going to press no statement had come from Mr. Brown.

### The Real Parties

From statements made by both Mr. Brown and Mr. Wirtz, as well as from information from other sources, it is understood that the actual fight

against Deschutes county, aside from what Mr. Brown claims to be merely nominal defense on his behalf in the present suit, is being made as a result of a decision reached at a meeting held in Prineville Saturday night. According to reports from Prineville there were present and taking an active part, J. J. Ellinger, Denton Burdick and J. R. Roberts, of Redmond; Roscoe Howard, of Deschutes; L. A. Hunt and G. E. Stadig, of Lower Bridge, and a number of Prineville men, including W. F. King and attorneys Wallace and Elliott.

Various legal questions were discussed at the meeting and the agreement reached that if funds could be raised the formation of Deschutes county would be fought in the courts. The sum of \$1,000 was set as the amount needed, and about \$400 was pledged. This included a \$25 contribution from Roscoe Howard, of Deschutes.

To take charge of the fight, an executive committee, consisting of W. F. King, C. L. Shattuck, W. J. Pancake and H. B. Still was appointed, and finance committees as follows: West Side, George Bates, Earl Saunders, G. E. Stadig, and Mrs. Harvey Gates; east side, J. J. Ellinger, J. B. Shipp and E. T. Slayton.

### POTATO GROWERS TO MEET

There will be a meeting of the Deschutes Potato Growers' Association at the office of the county agriculturalist at Redmond on Saturday, December 2. The meeting is called by the president, G. E. Stadig, who urges every member and others interested in the upbuilding of the potato growing industry here to be present. Important matters are to be taken up and presented by the board of directors. Manager Parsons has some things to say. It is highly important that every member be there. Don't forget the date—Saturday, December 2.

### NO SCORE IN REDMOND GAME

Although outweighed more than 20 pounds to the man, the midge Bend High School football team played the big Redmond High School eleven to a 0-0 score last Saturday afternoon on the local grounds. Redmond's weight did not count for a great deal, as the team was slow in getting away. Bend was saved largely by the good kicking of Brosterhouse, who kept the visitors well out of danger. The Bend lads played scrappy football all the way through the game.

### MRS. C. L. BENSON DIES

Mrs. Claude L. Benson died last Tuesday at the Bend Hospital, of heart failure, after a brief illness. The remains were shipped to Chicago for interment.

### CANDIDATES COMING OUT

With the city election less than two weeks away, candidates for office are now beginning to come out. Among those who have so far announced their candidacy, are Mayor Eastes and City Treasurer Coleman, who will seek re-election. Petitions are also being circulated to nominate C. W. Thornthwaite, Ed. Brosterhouse and Dennis Carmody for the council.

### FARMERS ATTENTION

There will be a meeting in the council room, O'Kane building, Tuesday afternoon, at 1 o'clock, for the purpose of discussing the new rural credits laws, both state and national, and considering whether the law can be made use of here. C. S. Hudson will address the meeting. All farmers and others interested are invited to be present. P. H. DENCER.

### BOY SCOUTS ACTIVE

Nearly 40 Now Engaged in Work—Measurements are Taken.

Under the leadership of Rev. H. C. Hartranft, of the Presbyterian church, the boy scout work in Bend is being developed this fall to a greater degree than ever before. At Monday night's meeting, nearly 40 boys were present, of whom 18 were registered scouts. In addition a large number of boys not old enough to be received into the organization are being formed into a body of junior scouts.

A new feature of the work this year is the taking of physical measurements monthly, thereby affording opportunity to study the development of the boys engaged in the work. Points to be given for the monthly development shown. Other features of the work include the scout business meetings, games and gymnastics.

Rev. W. C. Stewart, of the Methodist church, and Rev. J. L. Perliger, of the Baptist church, are assisting Mr. Hartranft in the work with the boys.

### RINGO TO BUILD HOTEL

New Structure Will Be Rustic—To Cost \$10,000.

Joseph Ringo, of Crescent, has announced his intention to erect a modern tourist hotel at Crescent, which will replace the hotel which was recently destroyed by fire. The plans for the hotel are being drawn by Edward H. Keane, of Bend.

The structure will be built rustic style of lodge pole pine logs, specially selected, with stone fire places. The roof will be shingled with hand shaved shingles. The porches are to have log columns. A large lobby space has been provided and spacious dining hall, each of which will have large fireplaces. The lobby, dining hall and kitchen interiors are to be rustic in the interior, but the guest rooms are to be plastered.

### BAIRD BUYS GROCERY

E. A. Sather Sells Part Interest in General Merchandise Store.

Lyman Baird this week completed negotiations, through which he has purchased the grocery department of Sather's store. Mr. Baird will take possession about December 1. Mr. Baird has been engaged in the general merchandise business for a number of years previous to coming to Bend, was cashier of the Deschutes State Bank, here for a number of years.

It is Mr. Sather's intention to remain in Bend and conduct the dry goods department of the store, exclusively.

### TO BUILD NEW LINE

A rearrangement of the farmers' telephone line, east of town, was provided for at a meeting held at the Richardson school house Monday night. Twelve of the farmers interested attended the meeting and decided to form a second company, probably to be called the Farmers No. 2, to build and operate a line to run south of Pilot Butte and out to the Stanley-Davenport ranch. The Farmers No. 1 line will come in north of the Butte and will serve the Grange hall section.

## TAXES FOR NEXT YEAR TO BE HIGH

### ALL THREE BUDGETS NOW PUBLISHED.

#### Bend Must Raise \$13,000, as Against \$7,000 Last Year—School District Wants Three Times More Than Before—County Taxes High.

With the proposed budgets of the city, the school district and the county now made public, it is possible for the tax payer to begin to figure what his tax levy for the coming year will be. While actual levies have not yet been made it is apparent that if the sums named in the budgets are to be raised, taxes will be high.

The total amount for which the city of Bend expects to levy is \$13,065. This is to be produced from an assessed valuation of \$532,700 and will require a levy of 25 mills. The amount of tax is practically twice what it was last year, when the city valuation was \$461,534 and the tax 15 mills, producing \$6,932.76.

In school district 12, estimates for the coming year total \$52,800, as against \$16,475.20 raised by taxation for the district in the past year, the item of teachers' salary alone being \$30,000, or almost double what was raised for all purposes last year.

For Crook county, a appears by the budget elsewhere in this paper, the total to be raised is estimated to be \$201,805, as against \$205,757.49 last year. The county valuation is several hundred thousand dollars higher this year than last, but the amount needed is so much greater that a much higher levy is expected than was made last year, when it was 25 mills.

### GUSS BUYS OUT COBBS

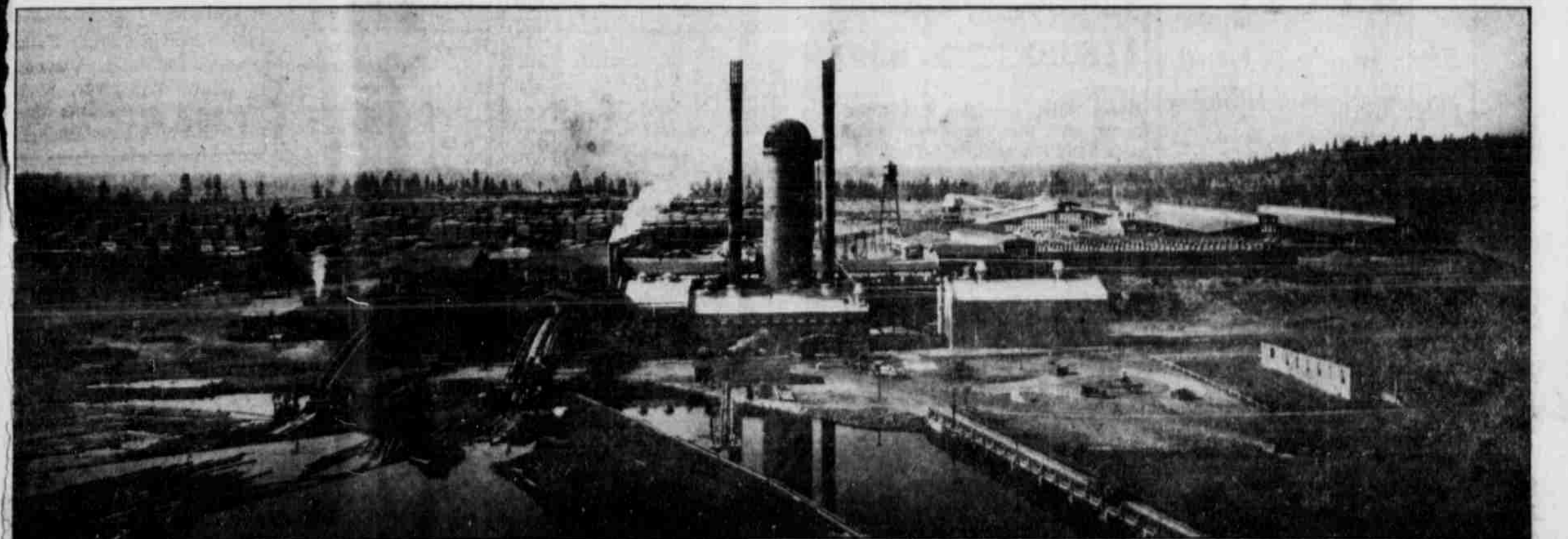
#### Former Oklahoma Banker Takes Interest in Local Bank.

Announcement was made on Thursday of the purchase by U. C. Guss of the Cobb interests in the Central Oregon Bank, Mr. Guss taking possession at once. Mr. Guss becomes president of the Central Oregon Bank and his son, G. S. Guss, assistant cashier, H. M. Stephens being made cashier. The directorate remains unchanged except that Mr. Guss takes the place of Thos. Cobb on the board.

Mr. Guss came here from Guthrie, Oklahoma, having had his attention called to Bend by his son-in-law, H. B. Cockrum, who is connected with the First National Bank, of Ontario. In Guthrie, he was formerly connected with the Bank of Indian Territory and also the Guthrie National, selling out his interests there a few years ago. He expresses himself as much pleased with the promise of development shown by Bend, as well as by its present prosperity.

### GIVEN LOVING CUP

Mrs. Emma Gardner, clerk at the W. F. Rogers Camp No. 2, had a pleasant surprise on Monday, when she was presented with a large silver loving cup by the Shevlin-Hixon employees living at the camp. The inscription on the cup reads as follows: "This loving cup presented to Mrs. Gardner by the boys of Shevlin-Hixon Company, as a slight token of their appreciation and gratitude for her kindness." Mrs. Gardner leaves for a vacation tomorrow.



THE SHEVLIN-HIXON COMPANY AT BEND

From Photo by H. P. Riley, La Paz, Or.