

GERMANY GUILTY OF BARBARITIES IN WAR CONDUCT

Atrocious Treatment of the Helpless Part of Campaign Plans of Military Leaders.

POLICY OF FRIGHTFULNESS

Terrorism Declared a Necessary Principle in National Warfare—Brutalities May Be Said to Be Directly Attributable to the Emperor Himself.

The committee on public information, appointed by the president, and consisting of the secretary of state, secretary of war, secretary of the navy, and George Creel, official censor, has made public a mass of evidence dealing with German war practices which shows the Kaiser's leaders in the field and in command of captured points to be directly responsible for the beastliness which has characterized the operations of the "Huns," in the present conflict. Quotations from the pamphlet follow:

For many years leaders in every civilized nation have been trying to make warfare less brutal. The great landmarks in this movement are the Geneva and Hague conventions. The former made rules as to the care of the sick and wounded and established the Red Cross. At the first meeting at Geneva, in 1864, it was agreed, and until the present war it has been taken for granted, that the wounded, and the doctors and nurses who cared for them, would be safe from all attacks by the enemy. The Hague conventions, drawn up in 1864 and 1907, made additional rules to soften the usages of war and especially to protect non-combatants and conquered lands. Germany took a prominent part in these meetings, and with the other nations solemnly pledged her faith to keep all the rules except one article in the Hague regulations. This was article 44, which forbade the conqueror to force any of the conquered to give information. All the other rules and regulations she accepted in the most binding manner.

But Germany's military leaders had no intention of keeping these solemn promises. They had been trained along different lines. Their leading generals for many years had been urging a policy of frightfulness. In the middle of the nineteenth century Von Clausewitz was looked upon as the greatest military authority, and the methods which he advocated were used by the Prussian army in its successful wars of 1806-1871. Consequently because these wars had been successful the wisdom of Von Clausewitz' methods seemed to the Prussian army to be fully proved.

Policy of Frightfulness.

Now, the essence of Von Clausewitz' teachings was that successful war involves the ruthless application of force. In the opening chapter of his master work, "Vom Kriege" ("On War"), he says:

"Violence arms itself with the inventions of art and science. . . . Self-imposed restrictions, almost imperceptible and hardly worth mentioning, termed usages of international law, accompany it without essentially impairing its power. . . . Now, philanthropic souls might easily imagine that there is a skillful method of disarming or subduing an enemy without causing too much bloodshed, and that this is the true tendency of the art of war. However plausible this may appear, still it is an error which must be destroyed; for in such dangerous things as war, the errors which proceed from a spirit of 'good-naturedness' are precisely the worst. As the use of physical force to the utmost extent by no means excludes the co-operation of the intelligence, it follows that he who uses force ruthlessly, without regard to bloodshed, must obtain a superiority, if his enemy does not so use it."

In 1877-78, in the course of a series of articles upon "Military Necessity and Humanity," General von Hartmann wrote, in the same spirit as Von Clausewitz:

"The enemy state must not be spared the want and wretchedness of war; these are particularly useful in shattering its energy and subduing its will." "Individual persons may be harshly dealt with when an example is made of them, intended to serve as a warning. . . . Whenever a national war breaks out, terrorism becomes a necessary military principle." "It is a gratuitous illusion to suppose that modern war does not demand far more brutality, far more violence, and an action far more general than was formerly the case."

In 1881 Von Moltke, who had been commander in chief of the Prussian army in the Franco-Prussian war, declared:

"Perpetual peace is a dream and not even a beautiful dream. War is an element in the order of the world established by God. By it the most noble virtues of man are developed, courage and renunciation, fidelity to duty and the spirit of sacrifice—the soldier gives his life. Without war, the world would degenerate and lose itself in material-

ism." "The soldier who endures suffering, privation and fatigue, who courts dangers, cannot take only 'in proportion to the resources of the country.' He must take all that is necessary to his existence. One has no right to demand of him anything superhuman." "The great good in war is that it should be ended quickly. In view of this, every means, except those which are positively condemnable, must be permitted. I cannot, in any way, agree with the declaration of St. Petersburg when it pretends that 'the enemy' constitutes the only legitimate method of procedure in war. No! One must attack all the resources of the enemy government, his finances, his railroads, his stock of provisions and even his prestige. . . ."

Many other examples might be cited from the writings of German generals. The very best illustration of this attitude, however, is to be found in the emperor's various speeches, and especially in his speech to his soldiers on the eve of their departure for China in 1900. On July 27 the Kaiser went to Bremerhaven to bid farewell to the German troops. As they were drawn up, ready to embark for China, he addressed to them a last official message from the fatherland. The local newspaper reported his speech in full. In it appeared this advice and admonition from the emperor, the commander in chief of the army, the head of all Germany:

Soldiers Told to Be Merciless.

"As soon as you come to blows with the enemy he will be beaten. No mercy will be shown! No prisoners will be taken! As the Huns, under King Attila, made a name for themselves, which is still mighty in traditions and legends today, may the name of Germany be so fixed in China by your deeds, that no Chinese shall ever again dare even to look at a German as a foe. . . . Open the way for Kultur once for all."

Even the imperial censors seem to have been shocked at the emperor's speech, and efforts were promptly made to suppress the circulation of his exact words. The efforts were only partly successful. A few weeks later, when the letters from the German soldiers in China were being published, in local German papers, the leading socialist newspaper, Vorwaerts, excerpted from them reports of atrocities under the title "Letters of the Huns." Many of the leaders in the reichstag felt very keenly the brutality of the emperor's speech. The obnoxious word "Huns" had excited almost universal condemnation. When the reichstag met, in November, the speech was openly discussed. Herr Lieber of the center (Catholic party), after quoting the "no mercy" portion of the speech, added, "There are, alas, in Germany groups enough who have regarded the atrocities told in the letters which have been published as the dutiful response of soldiers so addressed and encouraged." The leader of the social democrats, Herr Bebel, spoke even more pointedly. Toward the end of a two-hour address on the atrocities committed by the German soldiers in China and on the speech of the emperor, he said:

"If Germany wishes to be the bearer of civilization to the world, we will follow without contradiction. But the ways and means in which this world policy has been carried on thus far, in which it has been defined by the emperor . . . are not, in our opinion, the way to preserve for Germany the respect of the world."

The consequences of the emperor's speech Bebel aptly described: "By it the signal was given, garbed in the highest authority of the German empire, which must have most weighty consequences, not only for the troops who went to China but also for those who stayed at home. An expedition of revenge so barbarous as this has never occurred in the last hundred years and not often in history; at least, nothing worse than this has happened in history, either done by the Huns, by the Vandals, by Genghis Khan, by Tamerlane, or even by Tilly when he sacked Magdeburg."

Atrocities in China.

These atrocities in China or "Letters of the Huns" continued to be published in the Vorwaerts for several years and appeared intermittently in the debates of the reichstag as late as 1906. At that time the socialist, Herr Kunert, reviewing the procedure in a trial of which he had been the victim in the previous summer, stated that he had offered to prove "that German soldiers in China had engaged in wanton and brutal ravaging; that plunder, pillage, extortion, robbery, as well as rape and sexual abuses of the worst kind, had occurred on a very large scale and that German soldiers had participated in them." He had not been given an opportunity to prove his allegations, but had been sentenced to prison for three months for assailing the honor of the "whole German army." The outrageousness of this sentence was made clear by the revelations, made in the reichstag shortly afterwards, of similar atrocities committed by German officials and soldiers in Africa in the campaign against the Hereros.

For the guidance of the officers in case the inhabitants of conquered territory should take up arms against the German army, the "German War Book" quotes with approval the letter Napoleon sent to his brother Joseph: "The security of your dominion depends on how you behave in the conquered province. Burn down a dozen places which are not willing to submit themselves. Of course, not until you have first looted them; my soldiers must not be allowed to go away with their hands empty. Have three to six persons hanged in every village which has joined the revolt; pay no respect to the cosack" (that is, to members of the clergy).

C. O. I. COMPANY ORDERED TO PROVIDE SYSTEMATIC DELIVERY OF ITS WATER

(Continued from Page 1.)

terposed and sustained on the ground that the supreme court had no original jurisdiction over the question presented.

Demurrer Sustained.

Thereafter a similar writ was sought in the circuit court of the State of Oregon for Marion county. A demurrer to the petition was sustained on the ground that the company had an adequate remedy by instituting suit to restrain the enforcement of the commission's order if not satisfied with it.

The defendant thereupon, without waiving its objection to the jurisdiction of the commission, but reserving all its rights in that respect, answered putting at issue all the material allegations of the complaint, and in addition set up the facts upon which it bases its objection to the jurisdiction of the commission, together with numerous allegations relative to the failure of members of the plaintiff association to pay their maintenance fees, and generally that the complaint herein is the result of discontent and discord which has resulted from unfair and unwarranted reports and acts of the state engineer, and hostile newspaper criticism.

Hearing Given.

Public hearing upon the matters at issue was held at Bend, Oregon, and a personal inspection of the irrigation system was made by the commission.

Appearances: For plaintiff, H. H. De Armond, its attorney; for defendant, Jesse Stearns, its attorney.

Findings: Central Oregon Irrigation Company is an Oregon corporation. The property here under consideration is a so-called "Carey Act" project, situated in Deschutes and Jefferson counties, Oregon, and is being developed by this defendant under contract with the State of Oregon. It is contended the rights of this corporation are fixed by contract with the state through agents of the state duly authorized to make such contracts, and that the commission is without jurisdiction to alter or interfere with the terms thereof.

We are convinced the defendant corporation is a public utility within the meaning of the Public Utility Act (Laws 1911, Chapter 279), and as such, is subject to the jurisdiction of the commission.

Based upon the record before it and a personal investigation of the irrigation system, the commission now finds that:

The canals, ditches and flumes operated by the Central Oregon Irrigation Company for the supply of water are of sufficient size and capacity, if properly maintained and efficiently operated, to permit proper irrigation of land now sold and requiring water.

Water Sufficient.

Under prevailing normal conditions the supply of water available for use

upon the land covered by this project is sufficient to provide the service specified in the contracts between the Central Oregon Irrigation Company and the State of Oregon.

Due to geological formation of the earth's surface in the district in which this project is situated and through which the canals and ditches are constructed an excessive waste of water is occasioned especially when the same is operated with small heads and through ditches not maintained in such manner as to allow its free and unimpeded passage.

Uneven Distribution.

The Central Oregon Irrigation Company in the past has collected the annual maintenance charges provided in the contract between the successor in interest and the State Land Board insofar as it could, but in return has not continuously maintained the canals and ditches in such manner as to allow the free flow of water therein; and partially because of this condition has deprived many of the settlers of the use of enough water to properly make up the deficiency in natural moisture upon their land; and has not distributed the water flowing into its ditches according to the respective rights of the settlers the record clearly showing that there has been actual and unjust discrimination between various settlers in the several portions of the irrigated district, which discrimination has resulted in the receiving by some settlers of more and by others of less than their proper and necessary share of the available water.

No Standard System.

No satisfactory or standard system of measuring and recording the amount of water taken for each parcel of land is provided by the company.

By the use of larger heads of water, through ditches and canals, properly maintained to furnish carrying capacity for the same, and under a system of rotation of irrigation on the lands of the several settlers, a portion of the naturally losses of water, due to abnormally deep percolation, may be avoided; considerable time may be saved in the irrigation of the lands of the individual settlers; considerable less water will be required for each tract, due to the possibility of rapid flooding and the elimination of the aforementioned excessive percolation loss; and it will be more nearly possible for the company to properly supply the needs of each water user according to the requirements of the contract. It is believed that such larger heads of water may be administered safely under proper supervision to guard against excessive erosion of the canal and ditch embankment.

The income and expenses of the company for maintenance, exclusive of the sales and contract department, appear from the record as presented below for the period from January 1, 1913, to August 31, 1916, inclusive.

Yearly	1913	1914	1915	1916	Total
Fees charged	\$25,301.56	\$25,500.50	\$28,711.20	\$36,290.89	\$115,804.45
Cancelled contracts	4,433.64	371.00	843.80		5,648.44
Adjustments with settlers				3,123.55	3,123.55
Ledger				2,099.50	5,095.41
Adjustment of contracts					
Acresage	1,932.86	1,062.05			
Total Adj'ts.	\$ 6,367.50	\$ 1,433.05	\$ 843.90	\$ 5,223.05	\$ 13,867.40
Net y'rly fees	\$28,934.06	\$24,067.75	\$27,867.40	\$31,067.84	\$131,937.05
Expenses:					
Direct maintenance	18,064.66	17,408.63	22,917.92	15,941.17	74,332.43
Administration and general	10,346.39	7,942.93	6,038.25	5,224.68	29,552.40
Net income	\$ 529.01	\$ 8,716.09	\$ 8,911.13	\$ 8,991.99	\$ 28,048.22

This statement does not include any allowance for a reduction in revenues due to the impossibility of collecting a certain portion of the yearly fees charged. This item has been estimated as \$9,358.70, total probable loss during the period from January 1, 1907, to August 31, 1916 inclusive, during which time there appeared upon the books of the company total unpaid fees of \$44,345.86, of which \$33,037.43 was delinquent.

No Reserve Fund.

No allowance has been included for the establishment of a depreciation reserve fund.

Current maintenance expenditures will retain the property in serviceable condition only to the extent that such repairs are possible on account of the physical condition of the individual unit to which applied. It is not to be expected that such depreciable property as wooden flume and conduit construction will last indefinitely on the strength of ordinary maintenance expenditures. Such structures have an ultimate limit to their lives as units, at the expiration of which total replacement is necessary.

Property Depreciable.

The principal property of the defendant, which may be classed as depreciable property, consists of a large open wooden flume known as the Pilot Butte Flume, and various other smaller conduits. On account of elapsed life, use and exposure to the elements these structures are gradually becoming less dependable for service. To properly provide for their continuous maintenance in good condition as required by the several contracts with the state, and by the terms of the same providing for the ultimate transfer of control of the irrigation system to the water users association, when such shall be desired, it is necessary and proper that a depreciation reserve fund be established and set aside to provide and guarantee replacement of such depreciable structures when the ultimate limit of their useful life is reached.

Allowance Needed.

An annual allowance of not less than \$2,500.00 should be set aside each year from maintenance fees for such purposes.

After due allowance for both uncollectable maintenance fees and the

annual depreciation allowance heretofore found to be reasonable, the net income from the maintenance department during an average year, assuming a continuation of present expense and revenue may be expected to reach from \$4,000 to \$5,000. This sum may be considered reasonably representative of results to be encountered in the near future under conditions which may be considered normal and is sufficient margin to cover any additional maintenance expense or emergency repairs which may be found necessary.

The commission now being possessed of full knowledge of the conditions surrounding this complaint and in view of the findings heretofore set out.

Measurement Ordered.

It is therefore ordered, that the Central Oregon Irrigation Company before the beginning of the irrigation season for the year 1918 shall install at the point designated for delivery of water to the land of each settler a suitable device for the measurement of all water to be used by the said settlers. Company shall also, prior to the opening of the irrigation season before mentioned, file with this commission a plan for the systematic distribution of water for irrigation of the lands of the various settlers in turn and by rotation as will best protect and serve the interests of all the users of water from the canal system. This plan for the measurement and distribution of water, before submission to this commission, shall have been approved by the proper representative of the state as specified in Section 4 of the contract executed June 17, 1907, between the State of Oregon and the Deschutes Irrigation and Power Company, which contract has since been assigned to the defendant, Central Oregon Irrigation Company.

That the Central Oregon Irrigation Company, before the opening of said irrigation season and continuously thereafter when water is passing through the canals, ditches, or flumes of the irrigation system, shall make every reasonable effort to maintain the canals, ditches and flumes in good condition, free from excessive leaks and obstruction and in such condition as to allow carrying capacity sufficient for the needs of each set-

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ter, limited only by the available water supply.

Must Establish Fund.

And it is further ordered, that the defendant, Central Oregon Irrigation Company, beginning with the year 1918, shall establish a depreciation reserve and annually charge thereto such an amount as has heretofore been declared reasonable and shall set aside in a reserve all moneys available for such purpose from yearly maintenance fees after the deduction of such reasonable operating expenses as may be assignable to the maintenance of the system; and such money, when set aside in a reserve fund, shall be expended only for the purposes intended and according to plans which shall be submitted to the commission for its approval.

Dated at Salem, Oregon, this 27th day of December, 1917.

PUBLIC SERVICE COMMISSION OF OREGON, By FRANK J. MILLER, H. H. COREY, Commissioners. Attest: ED. WRIGHT, Secretary.

EXAMINATIONS TO BE HELD IN SPRING

(From Thursday's Daily.) Congressman Nick Sinnott has been called upon by the War Department and the Navy Department to designate a cadet for the military academy and a midshipman for the naval academy to take official examinations for admission during the spring of 1918.

He will make designations of principals and alternates to fill both these vacancies on the basis of a competitive examination to be held on January 9, 1918, by the U. S. Civil Service Commission simultaneously in the following eight cities in his district: Klamath Falls, Lakeview, Ontario, Bend, Baker, La Grande, Pendleton and The Dalles. Candidates should report to local Civil Service secretary at the postoffice at 9 o'clock a. m. on that day.

Any young man of the required age is eligible to enter this competition who is now, and has since December 1, 1917, been an actual bonafide resident of the Second Oregon District. Candidates for admission to the military academy at West Point must not be under 17 nor over 22 years of age on the date of admission; the naval academy, between the ages of 16 and 20 years on date of official examination.

The competitive examination will probably cover the following subjects: Algebra, geography, history, English, English composition and literature, plane geometry and English grammar.

Those desiring to take the examination should write to Congressman Sinnott, 242 House of Representatives, Washington, D. C., at once, for sample questions and further information. It is reported that NHOCSIV should also state whether he prefers designation to the military or naval academy.

DR. MERRIAM FIRST TO ASK COMMISSION

(From Monday's Daily.) Dr. R. K. Merriam is the first physician from this section of Central Oregon to apply for a commission in the medical reserve corps of the

army. He will leave for Portland tonight to appear before the examining board. Dr. Merriam has been in Bend since July but has not practiced here, owing to his certificate being from another state. On this account he was uncertain as to whether he would be permitted to take his examination in Oregon and had delayed it until he received word this morning from Dr. Ralph Fenton, of Portland, asking him to come at once.

LEGAL NOTICES

NOTICE FOR PUBLICATION.

Department of the Interior, U. S. Land Office at The Dalles, Oregon, December 1, 1917.

Notice is hereby given that Bennie Goodman, of Millican, Oregon, who, on December 19, 1913, made Homestead Entry, No. 012347, for Lot 2, SE 1/4 NW 1/4, S 1/2 NE 1/4 and SE 1/4, Section 18, Township 20 South, Range 15 East Willamette Meridian, has filed notice of intention to make final three year proof, to establish claim to the land above described, before H. C. Ellis, U. S. Commissioner, at Bend, Oregon, on the 14th day of January, 1918.

Claimant names as witnesses: William Spencer, Peter B. Johnson, Vernon Cleverger, of Millican; Burton E. Davis, of Bend, Oregon.

H. FRANK WOODCOCK, Register.

NOTICE TO CREDITORS.

Notice is hereby given that the undersigned has been by the County Judge of Deschutes County, Oregon, appointed executor of the last will and testament of Mary O'Donnell, deceased, and all persons having claims against the estate of said deceased are hereby notified and required to present the same with proper vouchers to the undersigned at Bend, Oregon, within six months after the date of this notice.

Dated and published first time this 27th day of December, 1917.

ANNE O'DONNELL, Executrix of the Last Will and Testament of Mary O'Donnell, Deceased. 43-47c

NOTICE OF ADMINISTRATOR'S SALE.

In the County Court of the State of Oregon for Lake County.

In the Matter of the Partnership Estate of F. W. Silvertooth and Samuel A. Lester, the former now deceased.

Notice is hereby given that I, Samuel A. Lester, the duly appointed, qualified and acting administrator of the partnership estate of F. W. Silvertooth and Samuel A. Lester, the former now deceased, will, on and after the 31st day of January, 1918, sell at private sale for cash in hand the following described real property belonging to said estate, to-wit: The north half of the northwest quarter of the southeast quarter, the southwest quarter of the northwest quarter, and the southeast quarter of Section twenty-eight (28), in Township twenty-two (22), south of Range nine (9) east, Willamette Meridian, in Crook County, Oregon.

Said real property to be sold subject to re-sale and confirmation in the same manner as other sales of real property made by executors and administrators.

In testimony whereof, I have hereunto set my hand this twenty-fourth day of December, 1917.

SAMUEL A. LESTER, Administrator of the Partnership Estate of F. W. Silvertooth and Samuel A. Lester, the former now deceased.

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