

# THE EUREKA SPRINGS TIMES.

Volume XXV.

Eureka Springs, Arkansas, Friday, July 28, 1911.

Number 1

## MAYOR BUTT'S AND J. W. NEW-PORT'S REPLY TO COL. JAMES

In Which They State More In Detail Their Position Regarding the Water and Sewer Board Muddle.

O, that mine enemy would write a book.

If the reasons for the ancient worthy's longing are still true, then I ought to be most happy. I have noted with appreciation the increase in the Times-Echo's pages from four to eight, but only after finding Mr. James' article in last Friday's issue, was the explanation furnished. It is to be hoped, however, that the change may prove permanent even after accomplishing its mission of publishing the exhaustive and exhausting explanation of Mr. James. Brevity might have helped it some, but Mr. James rather apologizes for having to discuss it briefly, and offers as an excuse the fact of being detained at target practice and in the courts. But if that is what he considers a brief response, then when he comes to discuss it fully, I suppose he will use a Sunday edition of the Post Dispatch. Nothing less would accommodate

ing it is false, or as far from the truth as the North and South Poles, or some other equally emphatic expression, and then goes on to discuss, and finally winds up by a tacit or clean admission of the truth of each charge. The important item of the charge was that the treasurer was short \$3,700; and the sum total of the reply is an open-hearted confession that this is true and an attempt to justify the old board for having kept it secret since 1907. If the reasons for the old board doing nothing to get back this money were good, it is passing strange that they should keep them so profoundly a secret all these years, only admit its truth now, after being found out, and concealment no longer possible.

Mr. James' opening volley is an objection that the mayor and council ought not to have found out about this matter, or at least that the mayor ought not to have said any thing about it; and indeed he takes the trouble to quote law and

if I wanted to be. I sometimes fear that I have already alienated the gambling and blind tiger and red-light elements, and now if these citizens like Mr. James who have never "caused their wives and children to bow their heads in shame" become peeved at me, I fear that my political hopes that I might have been indeed hopeless.

But my charges were not made wildly. I had no wish to do any one an injustice; and charging that the treasurer was short, I added the only explanation of this shortage that I had received, in order to show the probability that the treasurer Jordan had not been dishonest, but, at the worst an over confining man. But whether a treasurer is a knave or a fool does not alter his liability for money charged to him for which he does not account. "Evil is wrought by want of thought, as well as want of heart" and the business of boards is to see that their treasurers furnish bonds that insure against the knave or the fool. So far as Jordan's personal honesty is concerned, no one has greater confidence in it than do I; if there was one thing more than another that I personally regretted in having to bring this matter to the public light, it was the necessity of bringing Dr. Jordan before the public in this unenviable attitude. But I could not help the situation; he helped to make it and not the mayor.

Now as to the treasurer serving a year without any bond. Mr.

The purpose of such a bond is to protect the districts; the effect of the bond he took is not to protect anything, but to make things look right on their face. In short instead of giving the people bread, I give them a stone. Upon giving bond Jordan would be entitled to receive the district money, and to receipt Treasurer Duncan thereof. By getting this receipt, Duncan gets a clearance, and his skirts are cleaned from any of the mire through which he may have gone in dropping this city money; and the company signing the bond would get the pay for signing it. Their interests would be to assume just as little risk as possible in signing such a bond. So we have here four distinct parties interested in the bond that I object to, which afterward proves so surprising. Each party was represented by an agent; the surety company was represented by its enterprising agent, Charles D. James; Mr. Duncan was ably represented at that time by his then personal counsel, Colonel Chas. D. James; the water districts were represented by their vigilant chairman C. D. James; and Mr. Jordan's personal attorney at the time was lawyer Charlie James. In fact, James seems to have officiated so promiscuously, as to become omnipresent, and if there had been just one more party to have been represented, we would have become so familiar with the name of James, as to be tempted simply to call it Jim. Every one of these four interests

by W. M. Duncan—he finally did go on. Like our mayor, he ran up on something right off the bat, that surprised and chagrined him. He discovered to his amazement that Mr. Duncan's bank which had busted three months before, had eaten up the city money before it exploded, and that Mr. Duncan did not have any bond as treasurer, because the bond he had given in 1906 was no longer in force, since that term of Duncan had expired, and he had been re-elected treasurer. The most wonderful thing about this information is how Mr. James has managed for three years to keep this amazement blotted up, so that we now hear from him for the first time about it. There is a difference between the chairman of the old board and the mayor. I do not have self control; I lack that poise and conservatism that enables me to smother in my bosom the viper that is gnawing my heart; I just have to yell and let it out. This is an infirmity that I doubt Mr. James' right to throw in my teeth. But getting back to the facts, it appears that Mr. James did know that Duncan had given a bond in 1906. He was also at the time a pretty fair lawyer, and in addition indicates that he took his troubles to other lawyers; and if he had read that section of the statutes which he quotes in his article, it might have dawned upon him that in order for a treasurer to qualify, that he must do two things, first take the oath of office and



## BLACK HAWK STATUE

Lorado Taft's Monument to Vanishing Race.

Red Man, Towering Over Valley Long Indians' Sole Property, Seems Leaving the Site Reluctantly—Made of Concrete.

Oregon, Ill.—With impressive ceremonies the statue of the famous Indian chief Black Hawk was dedicated at Eagle Nest camp, the summer colony of Chicago artists and writers, near here. The statue of the great chieftain is the work of Lorado Taft and stands on a 200-foot bluff across the river from the town and just outside the limits of the camp. Among the members of the party at the dedication were some of the best known of Chicago's artists, sculptors and writers. Edgar A. Bancroft was the principal speaker and presented the statue to the people of Illinois. Responses were made by Dr. Charles C. Eastman and Miss Laura M. Corneliuss.

The statue of Black Hawk occupies a position on the highest point in Rock river valley. It is mammoth in size—being 47 feet high—and represents the work of four years. It is built of concrete and is expected to be a permanent monument to the red men who once roamed this section. The facial lineaments are of Black Hawk, but the sculptor's idea was to make the statue typical of the vanishing North American Indians.

The figure of Black Hawk is represented girt in a blanket, reluctantly leaving the valley which served his tribe as council grounds long before the white man came to this continent.

This remarkable statue, which is made of re-enforced concrete by a new process, is itself imposing, and has been placed upon a rock 200 feet above the water, the highest point in the picturesque Rock river valley. The statue



## DICTOGRAPH AS A DETECTIVE

Recently Invented Instrument Plays an Important Part in the Chicago Bribery Trial.

Columbus, O.—In the trial of Rodney J. Diegle, sergeant-at-arms of the Ohio state senate, convicted of aiding and abetting the alleged bribing of a state senator, the state relied on a mechanical device, the dictograph, a highly sensitized telephone, for its strongest evidence.

The dictograph transmitter was secreated in a detective's room in a hotel and a court stenographer in another room, reported the conversation which it was alleged bribes were referred and accepted.

For the first time in the history of detective work this curious machine was used.

A dictograph consists of a series of sensitive metal plates set in a hard rubber cylinder. In its elements it is a telephone transmitter magnified. Used in a business way it enables a man to sit at his desk in his private office alone and talk off his correspondence without the stenographer being

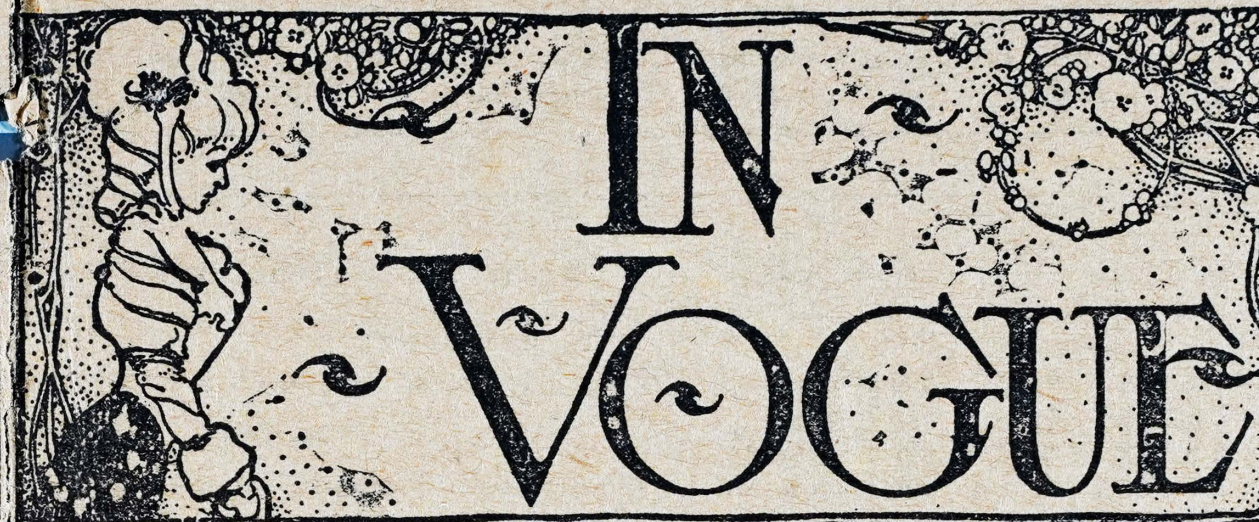


Operating the Dictograph.

present. The stenographer may be in the next room or the other side of the building, but she hears the words as distinctly as though she were at his elbow and sets them down.

The detectives got some of the suspected men, separately and together, in a hotel room, a dictograph was under the sofa. A court reporter was at the other end. Word for word his nimble fingers recorded every word that was uttered. None but he and the detectives knew.

Nothing escaped the transmitter—not even the opening or closing of the door—and the stenographer transcribed everything which the little instrument reported to him. This report was admitted as evidence by the judge who presided.



## USE OF THE ODD WAIST

FASHION DICTATES CERTAIN RULES TO BE FOLLOWED.

Garment Has Important Place in the Modern Wardrobe—Blouse Styles for Light Purses and Home Dressmaking.

The province of the odd waist is an important one this season, yet, somehow fashion decrees that a light bodice shall not be worn with a dark skirt unless it is covered with a coat. The reason of this objection is obvious enough to those who study the harmonious effect of the whole. However beautiful the white or pale bodice may be, when worn alone with a skirt in a dark color the sharp contrast cuts the figure in two, shortening thereby the length of limb required for grace and making the torso seem dumpy. So the all-white or delicately-colored blouse is confined to the coat suit, and even then the ensemble is better if the costume matches.

With all white materials, in the best instances Irish lace is employed, though it is more often put with a bit of other denelle than used alone. The narrow tick known as the "pin" is more frequently used than wider ones, and although the front frill that goes from the neck to the belt has its adherents since it involves a front opening and the back fastening is more popular, it gives something of a staid look with the high stock that accompanies it.

Only the mannish shirt has long sleeves, the skirt that has a stiff collar, or one that turns over in this manner. The sleeves of all the rest

that latterly goes with it, it seems always jaunty and youthful.

Our illustration presents the bodice cut young girls admire, but which may be worn by any woman whose throat is good enough to bear the low line of the sailor collar. It is in one-piece kimono style, with a back fastening, kimono sleeves and a V cut of the neck to accommodate the points of the square back collar. The lower view of the cut displays how the neck may be made high if this arrangement is liked.

Such a waist style has unnumbered uses. The bodice may be made of a thin lawn, pin tucked all over and



## CURE THAT SORE THROAT

Sore throat is inflammation of the mucous membrane of the throat, and if this membrane happens to be at all sensitive a predisposition to sore throat will exist.

Paxtine Toilet Antiseptic is both a preventative and a cure for sore throat because it possesses extraordinary cleansing, healing and germicidal qualities. Just a little in a glass of water, used as a gargle, will quickly relieve all soreness and strengthen the mucous membrane of the throat, and thus overcome all tendency to sore throat.

Paxtine is far superior to liquid antiseptics or Peroxide for all toilet and hygienic uses.

Paxtine may be obtained at any drug store, 25 and 50c a box, or sent postpaid upon receipt of price by The Paxton Toilet Co., Boston, Mass. Send for a free sample.

Wise.

"Bobby, didn't you hear mamma tellin' us to come in out o' the rain?"  
"Yep, but I'm not goin' to do it till I'm so wet that she can't lay me across her lap 'thout spoilin' her dress."

## Important to Mothers

Examine carefully every bottle of CASTORIA, a safe and sure remedy for infants and children, and see that it

Bears the Signature of *Chas. H. Fletcher*  
In Use For Over 30 Years.  
Children Cry for Fletcher's Castoria

## Honors More Than Even.

Mrs. Patrick Campbell is not kindly inclined to criticism of her work. At a rehearsal of a new play, one morning, her manager, Charles Frohman, stopped Mrs. Campbell and said: "Mrs. Campbell, it seems to me that those lines should be delivered thus," repeating the lines in question. Mrs. Campbell drew herself up and said: "Mr. Frohman, I am an artist." "That is all right, Mrs. Campbell," replied the urbane manager. "I assure you I will never reveal your secret."

## THERE ARE OTHERS.





# SUPPLEMENT TO THE EUREKA SPRINGS TIMES.

Volume XXV.

Eureka Springs, Arkansas, Friday, July 28, 1911.

Number 1

## CHAIRMAN CHARLES D. JAMES' ANSWER TO MAYOR BUTT

### He Makes a Statement Concerning His Acts As Chairman of Water and Sewer Board

I have often heard it said that truth needs no defense, but sometimes in the affairs of life, we are often called upon, in defense of honest actions, to make explanations.

I regret very much that it appears to be necessary for me, in justification of the old water and sewer boards, of which I had the honor to be chairman, to make any reply to the "splendid address" of Mayor Butt to the City Council at its first meeting in July, a copy of which purports to be published in the Eureka Springs Times, of July 7th; and also to answer or deny some of the reckless statements made by J. W. Newport, the avoirdupois member from the second ward, at the time he introduced the resolution mentioned in that paper, in which the council directs the water and sewer boards to employ a competent accountant to audit the books of the old board, and employ counsel to bring action to enforce the liability upon any bonds, on account of alleged shortage.

No one deprecates newspaper notoriety more than I do, and were it not for the urgent requests of friends, I would, so far as I am personally concerned, be willing to treat the false accusations and charges made by Mayor Butt and Councilman Newport with silent contempt, but the old members of the water and sewer boards, a public servant

wants to learn the truth and find out that Mr. Newport maliciously made false statements before the council, as to myself and the other members of the board, if they will call at my office, I will gladly show them the data that shows that Mr. Newport made false statements.

Now, as to Mr. Butt's "splendid address". He starts out by saying, in his message to the council, that he promised to give that body a statement of the financial affairs of the water and sewer districts, and he speaks in his "splendid address" of the funds belonging to the water and sewer districts, as city money, when the council has nothing whatever to do, under the law, with the financial matters of the water and sewer boards only with the reports made by the water and sewer boards.

Under the law, which I am able to show anybody and to those who would desire to see it, the water and sewer boards is a body corporate themselves, and have the right to sue and be sued, as improvement districts, and the city council has nothing whatever to do with these boards, except to elect the members thereof every two years, and to pass upon the reports that the board are required to file during the month of September of each year, and then, the council has only the right to reject and disallow

or destroyed) and upon proper motion being filed, the court would compel the United States Fidelity & Guaranty Company to produce a copy in court. This company is authorized to do business in this state and has an agent in the state, on which service can be had, and, even if the bond should be lost or destroyed, the board would not be prevented from recovering thereon.

He says that he was "surprised and chagrined" to find that the bond contains the following provisions, to-wit:

First. It guarantees, only, that John D. Jordan shall account for and pay over all moneys that may come into his hands according to law as such treasurer.

Second. That the bond expressly releases the surety for all liability for loss, cost, damages or expenses of any kind caused by the failure of any bank, institution or depository of any kind to pay or deliver any moneys of the treasurer placed with them by the treasurer.

And further says: "The circumstances of the case are such that at first sight, I am impressed with the thought that this bond appears to have been drawn with the specific purpose of not binding the surety company for the loss of (what he claims) this shortage." If Mayor Butt had taken the pains to examine Section 5710, Kirby's Digest, he will find that the first exception that he takes to the bond is required by that section. In that section the law provides that the boards shall elect a collector and treasurer and each shall give bond, and provides that the condition of these bonds mentioned therein, that the collector and treasurer shall "account for and pay over all moneys that may come to their hands according to law." If this provision is not proper, then the board, in accepting the bond in that particular, is not to be held liable because it

for business for a long time after that.

He charges that the outgoing board has been grossly derelict in its duty in permitting the city to drift along for three years, without taking some steps to compel an accounting, for what he terms a shortage of nearly \$4,000.00. The board, of which I was chairman, was elected in May 1907. At that time I was not elected a member of the board, but Mr. Myron Jordan was elected a member at that time and was also elected chairman of the board. Some time in the summer of 1907, Mr. Jordan moved away from Eureka Springs, and that left a vacancy in the board. I was elected to his place in September, 1907. I, at first, refused to accept the position, for the reason that I was one of Mr. Duncan's attorneys, and because the Citizens Bank had failed the July before, and Mr. Duncan having been treasurer of this board and of the boards previous, had a large amount of money belonging to the board on deposit in the Citizens Bank, as treasurer, and he was short at that time on account of the failure of the bank, and I felt that to accept this position would be placing myself in an embarrassing position and open to criticism (which has come true), for any act that I might do to protect the interest of the board in getting that money would appear that Mr. Duncan was being shielded in any way. I refused for some time to qualify, and during that time I made somewhat of an investigation of the affairs of the board. I found out this: that Mr. Duncan, as treasurer of the board, had been elected treasurer of this board, but had not given any new bond to the board, as he should have done and as the board should have required. I then declined absolutely to accept the position on the board. Mr. Duncan would personally

1903, and he thought and so did the members of the board, that he was not required to give a new bond to this board, and in that letter, above mentioned, I called his attention to the misapprehension under which he was laboring, and insisted upon the new bond being made as quickly as possible, as the law required. In reply to that letter to him of January 24th, 1908, he on January 27th, 1908, wrote me, the original of which I have in my office, and anyone can see it, who desires): "Assuring you that I had the understanding that my old bond held good, otherwise I would have made this new bond long ago, and promising to just as soon as possible, present my new bond for your approval and that of your board, I beg to remain, yours very truly."

It must now be remembered that Mr. Duncan, having been elected treasurer of this board in May or June, 1907, and having not given any new bond to the board, and having assumed the duties of treasurer, and the money being in his hands as his own successor, he had it there without any bond for the protection of the board elected in May, 1907. The Citizens Bank in which he had these funds failed July, 1907; therefore, the funds were lost during a period of time which the board had no bond in which to protect the public from loss, but it must be distinctly remembered that at this time I was not a member of the board. Mr. Duncan had been treasurer of the R. E. Blair board, who was chairman, and it is the bond that he gave to R. E. Blair as chairman, that Mayor Butt in his "splendid address" speaks about, and says that we have been derelict in our duty in not attempting to collect on same. In my opinion, and I was advised by other attorneys, that bond would not have been liable for any loss that



and what use would it have been to have incurred the unnecessary expense of bringing suit upon it? This will be seen in this petition as filed and sworn to by Mayor Butt, as the Attorney for the relators, in that case, and as a party to the suit. The public all know the result of the mandamus suit; the board came out victorious. Mr. Butt filed a motion for a rehearing, which was overruled by the court, and prayed an appeal to the Supreme Court, which he never took. I desire to state that the only reason no action was commenced on the bond was solely and only because the board was of the opinion, and it was so advised, that no recovery could be had thereon, and it would have been a useless proceeding and a useless expenditure of the public money.

Mr. Duncan did not file the new bond within the time required by our board, and Dr. Jordan was elected treasurer in his place, and Dr. Jordan gave his first bond, as I have already stated, in May, 1908, and ever since that time and up to the time he went out of office as treasurer, he has been under bond. Right here, I desire to state, as I have overlooked the fact, when speaking about the second provision of the Jordan bond, in which Mayor Butt stated he was surprised and chagrined, that bonds of this character are termed by the surety companies, "Fidelity Bonds," and cannot be executed by a local agent. They must be sent to headquarters, and I, as the local agent of the company, at that time had no power to execute the bond here, so I prepared the bonds, copies of which I have in my office, and anyone can see them, who is interested, and sent them to the home office for execution and signature. In the copies I prepared I did not have that second provision that the surety on the bond would not be liable because of any loss or damage sustained by the failure of any institution, etc., in which money is deposited. I had nothing to do with the inserting of that provision in the bond, Mayor Butt and J. W. Newport to the contrary, notwithstanding. When the bond first came I objected to it for that reason, but was advised that such was the usual custom, and believing and knowing at the time that the First National Bank would be the depository for

Jordan, I desire to say most emphatically that Dr. Jordan is not in any sense of the word, a defaulter. After Dr. Jordan had been elected treasurer and had filed his bond, and Mr. Duncan had been directed to turn over the funds in his hands to him, he and Dr. Jordan came to my office and informed me that Dr. Jordan had agreed to give him receipts for the amount of money that he, Duncan, was due the various districts, as treasurer, and in order to protect Dr. Jordan he was to give certain ample securities to Dr. Jordan, which he (Jordan) accepted. At the time I informed Dr. Jordan (and they will so inform the public), that that was a matter between him and Mr. Duncan, and that, if Dr. Jordan was willing to assume the responsibility on the securities Mr. Duncan gave him, and give Mr. Duncan these receipts, the board, of course would have to look to Dr. Jordan for the money. This was done, as will be seen by the entries in the chairman's ledger and also the receipts that were turned over to my successor in office. I understand and know that Mr. Duncan did give to Dr. Jordan securities, and I want to say that it was not a mortgage on lands, but it was an absolute conveyance to lands that have been sold for some time past, and every day Dr. Jordan has been expecting to receive the amount for which the land sold in order to satisfy his apparent shortage. No one has worried over this situation more than Dr. Jordan and myself. I have spent many a sleepless night studying over this matter, trying to devise some means to protect the districts from loss. It must be remembered, that when I took charge as chairman, we did not have a dollar in the treasury to work on. The bonds and coupons in water districts 3 and 5 were past due, and I was being worried by the parties who held these bonds, to pay the money, and finally it was done, and done by Mr. W. M. Duncan.

Water district No. 3, as everyone knows is bankrupt. We did not have enough money to pay the incidental expenses of the district, let alone the principal. All of this was necessary to me as chairman, to devise means to pay the bonds, and the only

timely. But I believe, that by being lenient and giving Mr. Duncan time (and I have been justified in that thought and by his actions in the premises) we could collect this money and we have collected it all, except that amount, and this amount will be paid to the board, just as soon as Dr. Jordan receives in his hands the price of the sale of the securities turned over to him by Mr. Duncan.

Personally, I am glad to know that we have such "watch dogs" over the treasury, and I trust that their expert accountant will give my books, that I handled while chairman of the board, a most thorough and careful investigation. If there are any errors therein, I want to know it, and if within my power, I will gladly correct same, but I trust that these "watch dogs" of the treasury will be as watchful and particular over the "other funds" of the city as they have been in their endeavor to cast slanderous insinuations and make slanderous charges against their fellow citizens. I have no criticism to make of anyone who seeks to protect the public fund and do their duty in this to the public. I have always considered a public office a public trust, but in protecting the public and looking after the interest of the public, those in charge and whose duty it is incumbent so to look after these affairs, should not and they are not justified in making slanderous insinuations and charges, until they are fortified with facts. Mere suspicion is not enough to convict any man, for often a malicious wag of the head, wink of the eye or point of the finger, has caused a heartache to many a man and has injured the character of many a virtuous woman. For that reason, I feel that these gentlemen have done the old board, Dr. Jordan and myself, irreparable injury by their unjust and untrue insinuations and accusations.

I have been a citizen of your town going on eighteen years and I have tried to live upright and do my duty as a citizen both in public and private affairs. I have stated to you as fully and fairly, as I can, from memory and as my limited time from my business in court will permit, a true statement as to the condition of affairs of the water and sewer boards of this city, and have stated before, if

and friends of Mr. Duncan, has not only embarrassed and prevented us from getting this money, but has worked, in my opinion, great irreparable injury to our city.

I regret, as I stated in the start, that it is necessary for me to appear in print in regard to this matter, but believing it was due the public and in justice to the board, Dr. Jordan and myself, as well as Mr. Duncan, I have made this statement. I have made it truthfully and conscientiously. It is now to the public for them to pass on. I know, as well as I know anything, that some will still criticize and condemn, but that still does not prove that we were derelict of duty, for we all, each of us, have the satisfaction that we have conscientiously done our duty to the best interests of the districts. I trust this will end the matter, and it will so far as to myself in the press.

I would have made this statement sooner, but at the time it first came to my attention, I was out of the city and was unable to write it from there, and again, since coming home I have been so busy in Chancery Court that this is the first opportunity that I have had to make any kind of a statement.

I do not wish to be severe and I did not like to use strong language in the public press, but I felt that the unnecessary slander and insinuations and accusations that have been made in regard to the water and sewer boards, Dr. Jordan and myself, fully justified me in using the language that I have used in this article.

Feeling that the public will be just and fair enough to receive this explanation in the same spirit it is given, I beg to remain,

Yours respectfully

Charles D. James.

Ex-chairman water and sewer boards.

## CHURCH NOTES

### Christian Church

Bible School 9:45 a. m.  
Communion 11:00 a. m.  
Preaching 11:15 a. m.  
Christian Endeavor 6:30 p. m.  
Preaching, 7:30 p. m.  
Visitors are always welcome.  
Come and worship with us.  
Rev. I. B. Cox, Pastor.

### M. E. Church South

Sunday School, 9:45, Denton Pierce, Sup't.  
Preaching 11 a. m. by pastor.  
Epworth League 7 p. m.,  
Preaching 8 p. m. by J. L. Bryant, Pastor

### First M. E. Church.

Sabbath school 9:45 a. m., Wm. Jenkins, supt.  
Public worship at 11 o'clock  
Preaching in the evening at 7:30.  
Prayer meeting every Wednesday evening at 7:30.  
To all of the services the public will receive a cordial welcome.  
Stephen B. Williams, Pastor.

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