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J. E. STEVENSON, D. D. S.

**A REPORT**

**PAVING LAID IN CRESTON, IOWA, DURING THE SEASON OF 1910**

A Discussion of Patents on Bituminous Concrete Pavements, by Theo. S. DeLay, B. Sc., E. M., City Engineer, Creston; Surveyor, Union County; Member Iowa Engineering Society; Member of the American Society of Municipal Improvements.

**Author's Note.**

The paving laid in Creston, Iowa, during the season of 1910 has attracted considerable interest from engineers and others who wish to use bituminous concrete in paving surfaces and I have prepared this report for use in answering the numerous inquiries, trusting that it may be of use to engineers and others engaged in public improvements.

T. S. D.

Creston, Iowa, 1911.

**A Report of the Paving Laid in Creston, Iowa, in 1910, and a Discussion of Patents on Bituminous Concrete Pavements**

The wide-spread tendency of modern business to eliminate competition finds its manifestation in one way or another in nearly every branch of human effort and, notwithstanding the fact that the word and spirit of the law in many states require that the letting of municipal improvements for which the property owners are to pay shall be by competitive bidding, the monopolistic tendency has made itself manifest in many, if not all, branches of municipal improvements.

The line along which many of the would-be monopolists in the business of municipal improvement work is the patenting of an alleged invention covering some general method of construction and then, by means of threats, injunction proceedings, and other perversions of the process of law, to bluff municipalities into permitting a letting to only the bluffers or persons whom they favor.

Now, there is an old saying that "Necessity is the mother of invention," and also that "Necessity knows no law;" and, in considering the question of the legitimacy of some of the "inventions" which these would-be monopolists of municipal construction endeavor to use, one is led to the suspicion that the mother of said inventions was a very lawless necessity indeed. What appears to be a very typical example of these conditions is the situation which has for some recent years existed in the business of constructing bituminous concrete pavement surfaces.

During the autumn of 1909 I was required, by the City Council of Creston, Iowa, to prepare specifications for about 25,000 yards of pavement with bituminous concrete surface (or Bituminous Macadam by the mixing process.)

About the first thing confronted was the fact that several letters patent, taken on a principle as old as the use of concrete, were supposed to cover the whole field of bituminous concrete used in paving surfaces and the owners of these patents were using every machination known to legal technique to compel any person or corporation building bituminous concrete pavements, to pay royalty directly or indirectly to them. An application to the owners of the patent, brought an offer to furnish the bituminous concrete and royalty to any contractor undertaking the job at a price about \$1.40 per square yard of street paved. This price is about 50 per cent above the actual cost of bituminous concrete delivered.

About 1895 I was for a short time in the employ of a contractor who was at that time laying pavement surface of bituminous concrete, and I remember that the "talking point" at that time in connection with the pavement was that the use of various sizes of mineral aggregate in accordance with the ancient concrete principle would and did give the mass inherent stability, independent of the cementing medium.

Knowing, therefore, of my own personal knowledge, that this ancient principle of concretes had been practically applied to bituminous concretes for paving surfaces at a time antedating the above named patents, I decided to undertake the task of defying this "Jabberwock" of the paving industry, and set about acquiring information of what had been recent-

**SUMMONS.**

In the circuit court of the state of Oregon for Union County.

J. D. Casey, plaintiff, vs. L. Hexter, and L. May, partners under the firm name of Hexter and May, — Hexter, wife of L. Hexter, — May, wife of L. May; C. H. Dodd and — Dodd, his wife; also, Chas. F. Dodd, (if living), if not, their unknown heirs; and all other persons or parties claiming any right, title, estate or interest in or lien on the real property described herein, defendants.

To L. Hexter and L. May, partners under the firm name of Hexter & May, Chas. F. Dodd, (if living), if not, their unknown heirs, and all other persons or parties claiming any right, title, estate, interest or lien in the real property described herein, defendants:

**IN THE NAME OF THE STATE OF OREGON.**

You and each of you are required to appear and answer complaint filed against you in the above entitled suit, on or before the last day of the time named in the order of publication of summons, to-wit: On or before the 27th day of May, 1912, and if you fail to so appear and answer the plaintiff will apply to the court for the relief demanded in plaintiff's complaint.

The relief prayed for in the complaint is that the defendants and each of them be required to set forth the nature of their claim, title or interest in and to the south half (S½) of Northeast quarter (NE¼) and southeast quarter (SE¼) of northwest quarter (NW¼) of section 25 in township 2 South of Range 36 E. W. M., in Union county, Oregon; and that whatever right, title, estate, interest or lien the defendants, or each of them, have or claim in said land be declared inferior to the rights, title, and interest of the plaintiff therein, and that the defendants and each of them be forever barred from all right, claim, title or interest to said land.

This summons is published by order of the Hon. J. W. Knowles, circuit judge of the above entitled court for the county of Union, and by said order it was directed that this summons should be published in the La Grande Evening Observer, once a week, for six consecutive weeks. The date of the first publication is April 15, 1912.

JNO. S. HODGINS, Attorney for Plaintiff. Apr 15 22 29 May 6 13 20 27

**NOTICE OF STREET IMPROVEMENT**

TO WHOM IT MAY CONCERN: Notice is hereby given that in pursuance of a resolution adopted by the Common Council of the City of La Grande, Oregon, on the 3rd day of April, 1912, creating improvement district No. 49 and designating First Street as such district and in pursuance of a resolution adopted by said Common Council on the 17th day of April, 1912, whereby said Council determined and declared its intention to improve all that portion of First street in said improvement district as hereinafter described by laying thereon Gravel Bitulithic pavement, 30 feet in width, with full street intersections and constructing cement curbs, and constructing drainage, the Council will, ten days after the service of this notice upon the owners of the property affected and benefitted by such improvement order that said above described improvement be made; that the boundaries of said district to be so improved are as follows:

All that portion of First street from the south line of Adams avenue to the north line of "O" Avenue, and the property affected or benefitted by said improvement is as follows:

Commencing at the south line of Adams avenue due north to the center of Block 4, Grandy's Addition to the City of La Grande, thence due south to the north line of "O" Avenue thence east to a point due south of the center of Block 69, Chaplin's Addition to the City of La Grande, thence north to the south line of Adams avenue, thence west to the place of beginning.

Notice is hereby further given that the Council will levy a special assessment on all the property affected and benefitted by such improvement for the purpose of paying for such improvement. That the estimated cost of such improvement is the sum of \$15,890.00. That the Council will, on the 15th day of May, 1912, meet at the Council chamber at the hour of 8 P. M., to consider said estimated cost, and the levy of said assessment, when a hearing will be granted to any person feeling aggrieved by such assessment.

La Grande, Oregon, April 25th 1912. CITY COUNCIL OF LA GRANDE OREGON.

By C. M. HUMPHREYS, Recorder of the City of La Grande, Oregon.

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(Continued Wednesday.)