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TONGUE AND LEVINGS DENOUNCE EACH OTHER

PROSECUTOR DENIES CHARGE OF HINDERING HILL MURDER PROBE—NO ACTION TAKEN

District Attorney E. B. Tongue was under fire for more than two hours Saturday afternoon before the Clackamas County Court, which had requested his presence at a conference, having for its primary purpose the solution of the mystery surrounding the killing of Mr. and Mrs. Will Hill and their two children at Ardenwald last summer. Mr. Tongue engaged in a number of verbal tilts with Sheriff Mass and Detective L. Levings of Portland, and the he was passed a score of times.

The conference, however, was fruitless. At the outset County Judge Beatie explained its purpose as being calculated to assist the District Attorney in ferreting out the murderer and even offered to appoint a special prosecutor at the expense of the county, but Mr. Tongue evidently did not receive this suggestion with favor for he never referred to it during the entire afternoon. There were present at the hearing Judge Beatie, Commissioners Blair and Mattoon, District Attorney Tongue, Deputy District Attorney Stipp, Sheriff Mass and Detective Levings.

Mr. Tongue immediately plunged into a caustic criticism of the methods employed by Sheriff Mass and Detective Levings in attempting, as he expressed it, to influence the grand jury to bring in an indictment against Nathan B. Harvey, the wealthy Milwaukie nurseryman, who was arrested on a charge of having murdered the Hill family and who was released upon preliminary examination of Justice of the Peace Sargent.

"Levings took liberties," said the District Attorney. "In telling his story to the grand jury he read letters said to have been written to the District Attorney that the District Attorney never got. He has said I was trying to throw cold water on this investigation. Now I know my duty and I do not care if Levings is not satisfied, I do not care who it suits and I do not care who it does not suit. I do not care to please or displease anybody and I only seek to bring out the facts. Levings told me a long while ago that the grand jury was anxious to indict Harvey. He told me that he and Sheriff Mass had been working for months on the case and had not got very far and he wanted me to have Harvey indicted, for if Harvey's indictment came as a thunderbolt out of a clear sky, Levings was satisfied he would be able to obtain a confession."

"That I said," continued Mr. Tongue. "I told Levings it is just as much the duty of the grand jury to protect the innocent as to indict the guilty, and I suggested Harvey's arrest on information. My idea is that a grand jurymen should not be approached by anyone. One juror told me that Levings had been to him twice and urged an indictment of Harvey on the sole evidence of Mass and Levings. It has been charged that I told the grand jury not to indict Harvey, but this is a damn lie. Mass told me that the indictment of Harvey would mean my re-election as District Attorney, but I don't play the political game that way."

"What I did do was to explain to the grand jury what was evidence and what was not evidence. I said to the grand jury, 'When you consider this case you must dismiss any prejudice for or against Harvey; you must throw aside all bias and public opinion and forget the fact that he has ever talked to you. It is not a question for you to play politics for me or for Mass, and whatever you do the District Attorney's office will be satisfied.'"

"There was some evidence presented before the grand jury that was more positive and more direct against another man than that was against Harvey and it did not come from Mass or Levings, it was direct testimony. There is no one who wants to get at the bottom of this case any more than I do, but whenever I go before a jury and ask them to take a man's life, I want to know I am right. I did not advise the grand jury one way or another, and the grand jury simply went to the end of the evidence that was before them. On the evidence that was presented the case would never get to the trial jury."

Detective Levings denied many of the assertions of the District Attorney. He charged Mr. Tongue with having known of Harvey employing Portland attorneys to defend him in case he was arrested, and said the District Attorney had concealed this knowledge from the sheriff's office.

"The District Attorney," declared Levings, "has done nothing to bring the Hill murderer to justice. You know and I know," said the detective, addressing himself to Tongue, "that many witnesses went before the grand jury at a personal sacrifice and from a sense of duty and they testified on oath what they believed to be true. You argued every point with them and belittled every material bit of testimony. You could not have taken up the cudgel better for Harvey had you held a brief from him. Witnesses came from the grand jury room and complained that you had cast aspersions on their testimony. You have said that not a scientist. You have presented to the grand jury to connect Harvey with the crime. I want to ask you who has spent their time, money and mental effort to find the real murderer and I want you to draw a comparison for the benefit of this court as to who has really tried to get to the bottom of this case. I believe the grand jury would have returned an indictment had it been properly instructed."

"You have been working hard on this case and you fell down and now

The Enterprise is the only Clackamas County Newspaper that prints all the news of this growing County.

MASS AND LEVINGS SCORED BY TONGUE

PROSECUTOR SAYS SHERIFF AND DETECTIVE TRIED TO INFLUENCE JURY

BROWBEATING IS ALSO ALLEGED

District Attorney Declares He Has Aided in Every Way Possible To Find Quadruple Slayer

HILLSBORO, Or., Feb. 26.—(Special)—Regarding the grand jury investigation of the Hill tragedy at Ardenwald station, District Attorney Tongue in a statement given out tonight, scores Sheriff Mass and Detective Levings. The statement, in part, follows:

"It must be apparent to the reading public that Private Detective Levings and Sheriff Mass, through the articles either written or inspired by them, in the daily papers of the last few days, have been endeavoring to lash the grand jury into returning an indictment against Nathan B. Harvey, irrelevantly of the honest judgment of the body, whether or not there was sufficient evidence, in the body's judgment, to warrant such action. The grand jury, which for several days, listened attentively to all evidence presented, comprised foremost citizen of Clackamas county and their honor and integrity are above reproach. They are not required to answer to Private Detective Levings or Sheriff Mass for any action or non-action with reference to any subject coming before them for investigation and it does not lie in the mouth of any police reward seeker, sheriff or private detective, to impugn the motives or conduct or honor or intelligence of the body, which acted along a desire to satisfy the law's demands and their duties as jurors and not the whim or desires of those who have suspicions but no tangible evidence."

"Their refusal as yet, to indict Mr. Harvey upon the evidence presented to them needs no defense, either from themselves or from me. The law requires that only competent evidence shall be submitted to the grand jury and I conclude from the fact that no indictment was returned, that the investigative body was not of the opinion that sufficient competent evidence had been presented to them to warrant a true bill charging Harvey with so heinous a crime, and in this view I heartily concur and I wish to take this opportunity to brand the fact that false insinuation, either by Levings or by Mass that I advised the grand jury against indicting Harvey or that I concealed any evidence from either Levings or Mass or from the grand jury or that any witness was browbeaten or mistreated before the grand jury."

"The grand jury and I are just as anxious to bring to the bar of justice the guilty parties as is either Levings or Sheriff Mass and will go just as far along legitimate lines to accomplish that result as either or both will go, but we insist that the indictment be returned regularly upon the evidence presented and not through any communication or influence had with the grand jury by Levings or Mass or any other person, prior to their deliberative session, or other representations that the evidence before the grand jury did not substantiate."

HILL CRIME PROBE SEVERELY SCORED

PORTLAND PAPER SAYS THERE IS "SOMETHING WRONG" IN THIS COUNTY

JUDGMENT IS HELD IN ABEYANCE

"Common Sense View" and Not "Technical Construction of Evidence" Paper Says, Should Prevail

The Evening Telegram of Portland, has the following to say editorially, on the investigation of the Hill murder at Ardenwald station:

"With reference to the investigation of the Hill murder case in Clackamas county, there is something wrong; something so decidedly wrong that if there is any tribunal in the county which has the authority to ought, by its own initiative, to go to the bottom of the entire matter."

"It is not expedient that judgment should be passed on the attitude of either party to the contention. No one on the outside can say or care to say that the sheriff and the detective are proffering evidence that ought to procure an indictment, which is rejected because of the friendliness of the district attorney toward the accused; nor, on the other hand, can one say that the district attorney, realizing the evidence gathered to be irrelevant and incompetent, is warranted in dismissing the case as depending too much on the enthusiasm and prejudice of the investigators. This seems to be about the surface summary of the two sides of the affair; but it does not touch the point of vital interest to the public."

"The Ardenwald murder was, possibly, the most horrible ever committed in this entire region. It was a tragedy of such horror that every shred of evidence which tends to lead the authorities to the malignant fiend who committed the deed should be followed as far as it leads. Concerning the present controversy the layman who has common sense would conceive it to be sufficient to lay before the grand jury the facts, and the full facts, as they have been disclosed by the investigation."

"It is not so much the technical construction of that evidence as it is the common sense view of it which should determine its value in the hands of the grand jury. The jurors certainly ought not to be partisans of the one side or the other. They ought to be able to say what certain facts indicate without the advice of the district attorney, and if the presentation of the case by the sheriff and detective is persecution, or attempted persecution, they ought, as men versed in everyday experience, to discover that it is, to say the least, a queer condition in Clackamas county that prevents the most searching investigation into every circumstance connected even remotely with this terrible tragedy."

Myers Named Guardian.

W. W. Myers has been appointed by Judge Beatie guardian of George B. Thomas and Rhoda Thomas, of Estacada. The appointment was made upon the application of the five children of the aged couple.

SUPPLIES NEEDED WANT.

Oregon City, Or., R. F. D. No. 6.—Feb. 26, 1912.—Editor Morning Enterprise, Oregon City, Or.—Dear Sir: As I have been a reader of your most valuable paper ever since its first appearance and believe that I have read every number that has been issued, I feel disposed to congratulate you upon your complete success. The Enterprise has supplied the long needed want in the way of a daily publication in Oregon City and especially among the residents of the rural districts be appreciative. I have watched the growth and progress of the "Morning Enterprise" with interest and now at the beginning of another large subscription campaign, equally considering the value of the prices offered to those ever launched by any paper in the state, I wish you continued success. Sincerely yours, MARY A. LAZELLE.

GOVERNORS GO 2 BETTER FOR TAFT

ONE WHO URGED COLONEL TO ANNOUNCE SAID TO BE WAVERING

ROOSEVELT'S MEN ARE ANSWERED

Announcement of Taft Bureau Taken As Answer To Appeal For Election President—Square Deal Asked

WASHINGTON, Feb. 27.—Telegraphic pledges of support from nine Republican Governors were given out tonight from the campaign headquarters of President Taft. The executives go on record in favor of the President's re-nomination are: Eberhard, Minnesota; Carroll, Ia.; Hay, Washington; Goldsborough, Maryland; Tener, Pennsylvania; Hooper, Tennessee; Spry, Utah; Pennewell, Delaware; Pothier, Rhode Island.

In addition to the signed statements made public, the Taft managers claimed the support of Deaneen, of Illinois, Odde of Nevada and Mead of Vermont.

The announcement from the Taft bureau is taken as an answer to the "Governors' letters" urging Colonel Roosevelt to become a candidate but it is now asserted that he has reserved judgement. Neither has Governor Vessey, of South Dakota, announced his choice. The California executive did not sign the letter, but has declared for the Ex-President, Governor McFadden, of Wisconsin, is committed to Senator La Follette.

The nine Governors who have come out for President Taft take the position that his record entitles him to re-nomination and re-election. Following are extracts from the Governors' messages:

Eberhard, Minnesota.—Taft's Administration measured by all standards of accomplishments and fidelity to duty, entitles him to the indorsement of a second term, which I believe the inherent sense of fairness and justice of the American people will ungrudgingly give him.

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SITE FOR SCHOOL MAY BE CONDEMNED

Controversy over the school house site at Cherryville, on the Mount Hood automobile road, may have to be settled by the directors starting condemnation proceedings, T. W. Friel, owner of the tract in which the building stands, agreed to donate an acre to the school district, and with this understanding the directors erected a new schoolhouse on the site, on a tract that they held by the heirs of Mr. Friel, to whom he deeded the property.

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SUITS FOR WOMEN TAXED NINE TIMES

KANSAS CITY, Mo., Feb. 22.—"Every woman who buys a spring suit must pay at least nine separate taxes on it," said Mrs. W. L. Plattenburg, a prominent Kansas City clubwoman, addressing the Athenaeum here today.

"First there is the tax the farmer pays on his stock, including the sheep. The commission dealer buys the wool and pays another tax upon it. The manufacturer makes up three taxes in the price he fixes—one for stock in trade, one for machinery, and one for dye used in coloring the goods. The wholesaler, the merchant tailor and the retailer follow. Finally, to the list must be added the tariff on imported wool. There is only one way to remedy such conditions—that is, through state and Federal constitutional amendments in favor of the land value tax."

HOME RULE PLAN GAINS, SAYS U'REN

LAWYER THINKS CALIFORNIA CITIES AND TOWNS WANT TO REGULATE TAXES

UNIONS UNANIMOUS FOR CHANGE

Minimum Wage Law Advocated To Protect Workers From Cheap Labor Canal Is Expected To Bring

"Comparatively few of the men I talked with said they were in favor of the single tax but I did not meet half a dozen who opposed home rule in taxation," said W. S. U'ren, who returned Monday from a four weeks' trip through California. Among the cities visited by Mr. U'ren were San Diego, San Francisco, Los Angeles and Sacramento.

"The business men of California are anxious for home rule in the counties, cities and towns in the matter of regulating tax exemptions," continued Mr. U'ren. "The Home Rule League in California, is doing a great work and is backed by the League of Municipalities, which is composed of the officers of the various cities and towns. I found that the people of California are out of patience with the vacant land owners, even to a greater extent than the people of Oregon. Organized labor is almost unanimously in favor of home rule in regulating taxation."

"Another important problem is being given consideration by the people of California—a minimum wage law. It is believed that the Pacific Coast cities will be flooded with cheap labor from Europe after the completion of the Panama canal. The coast states will have to protect themselves against this class of labor, and the people of California think the adoption of a minimum wage scale will do much to protect the workers."

Mr. U'ren delivered speeches upon the Single Tax before several civic clubs, women's civic centers and labor unions.

TAYLOR DIVORCE CASE TO BE TRIED HERE

SALEM, Or., Feb. 27.—Mrs. Minnie Taylor has won an important victory in her fight to set aside the divorce granted in Oregon City to her husband, Charles D. Taylor, a multi-millionaire of Santa Ana, Cal. The action of the supreme court was to sustain a motion made by Mrs. Reynolds, through Floyd & Reynolds, her counsel, to dismiss an appeal by which Taylor sought to block further consideration of the case by the lower court.

Mrs. Taylor's original suit to set aside the divorce granted Taylor will now go to trial on its merits in Oregon City.

Records of the state circuit court for Clackamas county show that on September 19, 1910, Taylor obtained a decree of divorce from his wife, whose maiden name, Minnie N. Terwilliger, was restored to her. In his complaint Taylor charges Mrs. Taylor with immoral conduct, drunkenness and flirting with strange men in public cafes. Throughout the litigation which has followed Mrs. Taylor has contended that she was not properly served with summons at the time the suit was instituted and for that reason was prevented from making an appearance.

According to Mrs. Taylor, the first intimation she received that she was not the legal wife of Taylor was on March 21, 1911, at Santa Ana, Cal., when a petition was filed asking that her suit against Taylor for a monthly maintenance of \$2500 be transferred from the superior court to the United States district court at Los Angeles. At the same time another suit by Mrs. Taylor against T. Russell Joy was pending in the Santa Ana courts, in which Mrs. Taylor asks the annulment of deeds given by Taylor to Joy and conveying title to Santa Ana property of the estimated value of \$25,000.

"Upon the allowance of the application to defend and the filing of the answer, the default is set aside, and incident thereto the judgment should be vacated, as it is no longer supported by the record," says the opinion in conclusion.

In Bourne's criticism of the President he is quoted as saying: "This rumored flagrant misuse of patronage must necessarily receive much credence, especially in the minds of those remembering the famous Norton letter. Purchase of votes for Federal patronage debauches not only the individual parties to the transaction, but the Nation itself, which every thoughtful man must abhor."

SENATOR BOURNE CHALLENGED TO DUEL

WASHINGTON, Feb. 23.—J. J. Mott, of North Carolina, now in Washington, has taken exception to Senator Bourne's criticism of President Taft for withdrawing ten North Carolina postoffice nominations, and has publicly challenged Bourne to meet him and settle the matter in "the good old-time way."

In sending his challenge Mott referred to Bourne as a man who has disgraced his country and the office he holds.

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PORTLAND LAWYER IS OUT FOR LEGISLATURE

David E. Lofgren, a Portland lawyer, and one of the promoters of a colonizing tract of 12,000 acres in Clackamas county, Saturday announced his candidacy for the Republican nomination for joint representative from Clackamas and Multnomah counties. W. H. Chatten, also of Portland, who served in the House at the last session of the Legislature also is a candidate for the nomination. Mr. Lofgren favors Statement No. 1 and the building of roads. He also advocates the establishment of a state system of weights and measures and the inspections of all scales and measures at frequent intervals.

"I shall, if elected," said Mr. Lofgren, "advocate an act providing for state inspection of corporate assets. No corporation should be allowed to sell stocks or securities unless it is licensed by the state and they should be actual assets. I favor limiting appeals to the Superior Court to cases involving amounts of more than \$50. This would enable the court which is now eighteen months behind to soon catch up without the election of more judges."

"The business men of California are anxious for home rule in the counties, cities and towns in the matter of regulating tax exemptions," continued Mr. U'ren. "The Home Rule League in California, is doing a great work and is backed by the League of Municipalities, which is composed of the officers of the various cities and towns. I found that the people of California are out of patience with the vacant land owners, even to a greater extent than the people of Oregon. Organized labor is almost unanimously in favor of home rule in regulating taxation."

PLAN TO DREDGE RIVER APPROVED

RIVERS AND HARBORS COMMITTEE FAVORS APPROPRIATION FOR WORK.

SIX-FOOT DEPTH IS NOW ASSURED

Congressman Hawley Wires Action of Committee to Commercial Club—Quick Work Expected.

B. T. McBain, president of the Commercial Club, W. A. Huntley, George C. Brownell, Mayor Dimick, Col. C. H. Dye, H. E. Cross and other residents of this county received telegrams Saturday night from Congressman Hawley announcing that the Rivers and Harbors Committee had adopted the proposition to dredge the river between this city and Portland so as to give a six-foot depth at the lowest stage of the water. It is believed that the report of the committee will be approved by Congress and the Senate, and that the work of dredging the river will be started the coming summer. The telegram received by Mr. McBain follows:

"Rivers and Harbors Committee adopts project for improvement of Willamette River between Oregon City and Portland and makes appropriation recommended by engineers."

Mr. McBain said that the plan called for a channel 250 feet wide, and that the appropriation recommended for the work was \$30,000. Mr. Hawley introduced the bill providing for the improvement.

"Because of the proposed dredging of the river," said Mr. McBain, "it will be necessary when the locks are remodeled to install another one at the north end. The dredging of the river will make the water three feet lower at Oregon City and another lock will be required to overcome this."

Mr. McBain has no doubt that the appropriation will be approved by the present Congress and the work will be started this summer.

RAILWAY ACCEPTS OFFER FOR LOCKS

PROPERTY TO BE TURNED OVER TO UNITED STATES FOR \$375,000.

SURVEY IS NEXT THING IN ORDER

Vice-President Fuller of P. R. L. & P. Co. Acts in Absence Of President Josselyn—Question At Last Settled.

In the absence from Portland of B. S. Josselyn, president of the Portland Railway, Light & Power Company, F. J. Fuller, vice-president of the corporation, has accepted the proposal of the War Department, made through Major Melndee, Corps of Engineers, U. S. A., to dispose of the Willamette River Locks at Oregon City for \$375,000. Major Melndee made the proposal in writing and a satisfactory reply having been drawn, it will be forwarded at once.

There are details that probably will rest until the return of Mr. Josselyn, but next week that portion of the company's holdings at the Willamette Falls that are to be included with the right-of-way of the locks and basin in the transaction will be surveyed.

Assistant Engineer Thomsen will be on the ground to represent the Government in designating the boundaries. The abstract will be prepared and sent to Washington without loss of time and after its inspection by the Department of Justice the next step will order acceptance of the locks. When the locks will be thrown open to the public depends on the dispatch given the preliminary features.

STATE NOT TO GIVE UP CANAL RIGHTS

GOVERNOR INTENDS TO COLLECT \$200,000 OF SALE PRICE OF LOCKS.

ATTORNEY GENERAL TAKES ACTION

Legislature Has Appropriated \$300,000 Toward Purchase of Property—Money Part of the School Fund.

SALEM, Or., Feb. 27.—Attorney-General Crawford has directed a letter to the Board of Canal Commissioners, calling attention to the fact that the Federal Government is about to purchase the locks at Oregon City owned by the Portland Railway, Light & Power Company, and to the fact that the state has a \$200,000 interest in them, and inquiring whether this is to be collected for the benefit of the school fund or contributed for the benefit of transportation on the Willamette River. Governor West, on behalf of the board, has replied that the board has no intention of donating the \$200,000 to any one, and that just as soon as it is advised that the purchase has been made, the Attorney-General will be instructed to take such action as is necessary to protect the state school fund.

The Attorney-General's letter in part follows:

"I notice by published statements that the Federal Government has come to an agreement with the Portland General Electric Company, now the Portland Railway, Light & Power Company, for the purchase of the canal and locks at Oregon City, and I wish to call your attention to the fact that when said canal and locks were built, in 1870 to 1873, the State of Oregon contributed \$300,000 toward the construction, and that the act authorizing the contributing of money by the state for that purpose and authorizing the canal and locks to be built, provided, among other things, as follows:

"And it is further provided that the bonds shall be made upon the express condition that said corporation shall pay to the State of Oregon 10 per centum of the net proceeds arising from the tolls collected for passing freights and passengers through said canal and locks, which said sum of 10 per centum of the net proceeds shall be paid into the common school fund of this state."

"This law came under the inspection of the Supreme Court of this state in the case of Board of Commissioners vs. Willamette Transportation Company, 6 Or. 229, in which the court says, relative to the rights of the state:

"In fact it may be said (referring to the transportation company) to have been placed in the possession of a valuable property, standing in the very gateway of commerce, which not only affects a great public interest, but in which the public have a proprietary interest, as part owner."

"The transportation company paid its 10 per centum of the net profits in 1874, since which date it and its successors failed to pay, until the Supreme Court again directed the payment of the 10 per centum, in the case of the State of Oregon vs. Portland General Electric Company, reported in 52 Or., page 502, in which case the court compelled the company to account for several years back, but held that up until about 1897 the statute of limitations barred the state from collecting. However, a decree was given for over \$7000.

"The state has an interest in the canal and locks to the extent of \$200,000, which sum of money was, in case the canal and locks were taken over by the state, to have been raised and put into the school funds of the state of Oregon."

"The Legislature of this state has provided by law for the collection of \$300,000 to be donated to the Federal Government towards the purchase of said canal and locks."

"I respectfully call your attention to the foregoing facts, that you may consider the question as to whether you should, as the Board of Canal Commissioners of the State of Oregon, insist on the payment of the \$200,000 into the school funds of the state of Oregon, or whether that sum should be considered lost to the school funds of the state and donated to the purpose of securing free transportation on the Willamette River."

UNION HIGH SCHOOL URGED IN MILWAUKIE

A meeting of directors of Milwaukie, Concord, Jennings Lodge, Wichita, Oak Grove and Willburg districts, will be held at Oak Grove, the date to be fixed later, to consider the matter of establishing a union high school at Milwaukie. A preliminary meeting of these directors was held in the Milwaukie school last Friday night when the sentiment favored the union high school. John Gibson, director of the Wichita district, opposed the movement, saying that students for the high school can be sent to Portland, but George Atwood, of this same district favored a union high school at Milwaukie. R. Lee Paget, director from Oak Grove, spoke in favor of the union high school. At the Oak Grove meeting the movement will be considered further and figures indicating the number of students that may attend a high school will be presented from the several districts. Milwaukie will establish a high school whether these outside districts join or not and is preparing to erect a suitable addition to the present school-house.