

OREGON CITY ENTERPRISE

Special meeting of stockholders and officers of the Clackamas County Fair April 8 at 1 P. M. in Court house Oregon City.

ESTABLISHED 1866

FORTY-EIGHTH YEAR—No. 14.

OREGON CITY, OREGON, FRIDAY, APRIL 3, 1914.

A HISTORY OF CLACKAMAS ROADS

District No.	As Shown by Districts	Regular	Special
District No. 1	33,627.64		
District No. 2	18,115.69		
District No. 3	33,843.37		
District No. 4	9,090.46		
District No. 5	22,124.43		
District No. 6	18,901.02		
District No. 7	28,311.61		
District No. 8	9,150.51		
District No. 9	8,853.26		
District No. 10	25,140.57		
District No. 11	16,392.50		
District No. 12	12,235.41		
District No. 13	19,756.67		
District No. 14	40,827.40		
District No. 15	24,543.32		
District No. 16	12,226.26		
District No. 17	17,094.47		
District No. 18	25,802.28		
District No. 19	12,476.62		
District No. 20	17,792.46		
District No. 21	20,691.12		
District No. 22	22,981.13		
District No. 23	16,005.88		
District No. 24	9,946.11		
District No. 25	10,116.16		
District No. 26	18,005.24		
District No. 27	7,033.49		
District No. 28	61,974.35		
District No. 29	6,835.10		
District No. 30	15,679.97		
District No. 31	10,288.63		
District No. 32	10,912.44		
District No. 33	39,299.27		
District No. 34	63,616.68		
District No. 35	6,584.42		
District No. 36	8,733.06		
District No. 37	12,124.18		
District No. 38	23,340.34		
District No. 39	25,271.14		
District No. 40	7,992.21		
District No. 41	10,846.26		
District No. 42	5,315.40		
District No. 43	7,168.63		
District No. 44	6,105.45		
District No. 45	3,986.37		
District No. 46	9,946.11		
District No. 47	21,198.24		
District No. 48	2,599.50		
District No. 49	18,618.00		
District No. 50	4,089.21		
District No. 51	14,796.33		
District No. 52	4,036.70		
District No. 53	1,983.84		
District No. 54	5,423.50		
District No. 55	9,201.63		

Total since 1907. \$ 931,271.97

DISTRICT NO. 48
District No. 48 was created only four years ago and consequently has but four years of road history, though formerly it was part of one of the large districts out in the Sandy country. The district begins just about one-half mile east of Sandy, runs south for 2 1/2 miles, thence east one mile, south one-half mile, east 1 1/2 miles, thence north 2 miles and thence west about 1 1/2 miles, north one-half mile, and thence in a northerly direction to the beginning point. In all there are perhaps 5 1/2 square miles in which there are 7 1/2 miles of highways. The district is 18 miles east and a little north of Oregon City.

Year	Regular	Special
1910	\$1,233.77	\$
1911	1,023.51	
1912	182.15	392.00
1913	256.25	517.82

Total \$2,695.68 1909.82
\$ 909.82

Roads today in No. 48 are about as follows:
Crushed rock, miles0
Gravel, miles0
Plank, miles3 1/2
Dirt, miles4 3/4

Total, miles7 1/2
During 1913 1 1/2 miles of plank roads were built and the figures show that for the year in the entire district. The assessed valuation was a little over \$38,000, and the district was entitled to but \$194.00 as its proportionate share for that year.

During 1910 John Katsacker supervised the road work in district No. 48; James DeShazer had charge in 1911, 1912 and 1913.

DISTRICT NO. 49
Way out in eastern Clackamas county, with its western boundary line just east of Cazadero lies district No. 49. It is one of the large districts of the county, including all the vast territory lying between Eagle Creek on the north and the Clackamas river on the south, embracing probably over 60 square miles, and including a large section of the forest reserve. Garfield lies near the north boundary line and in the district. Its northwest corner is 16 miles east and 7 miles south of Oregon City.

No. 49 was created four years ago out of one of the enormous districts in eastern Clackamas, and since its creation has expended \$18,618.09 in an effort to build roads. Today there are 3 1/2 miles of highways within its boundaries, many of which, however, were in the old district before No. 49 was organized.

Year	Regular	Special
1910	\$ 4,050.00	\$ 480.15
1911	1,691.35	2,773.14
1912	1,899.91	3,239.27
1913	3,067.53	4,121.65

GOVERNMENT WINS IN PHONE SUIT

COMPETITION ORDERED IN ALL OF THE NORTHWESTERN STATES BY DECREE

PUBLIC BETTERED SAYS JUDGE BEAN

Portland, Ore., Mar. 26.—Competition in the telephone business of the Pacific northwest is arbitrarily ordered restored, and government regulation of such business is insured, by a decree entered yesterday in United States district court by Judge Robert S. Bean. The defendants in the suit, brought last July under the Sherman anti-trust law, by United States District Attorney Reames, are perpetually enjoined from creating a condition that will interfere with competition.

The defendants were the American Telephone and Telegraph company and its subsidiary companies, the Northwestern Telephone company, owning competing long-distance lines from Port Angeles, Wash., to Corvallis, Or.; the Interstate Telephone company, owning competing long-distance lines from Spokane, eastern in northern Idaho; the Home Telephone company of Spokane, and small companies operating competing exchanges at Seattle, Tacoma and Bellingham, Wash.

The decree represents an unconditional surrender on the part of the alleged telephone trust to the demands of the government. It was entered after each of the 42 defendants to the suit, comprising officers, directors and legal representatives of the defendant companies, had voluntarily agreed to its terms.

"It is believed that the public interest will be served by the adjustment of this controversy," said Judge Bean in outlining the consent and stipulation of the defendants to the decree, "and to that end the defendants are willing as to the matters involved to submit to a decree requiring them to comply with the law as interpreted by the attorney general."

It is also mentioned by Judge Bean that the defendants "asserted that the acts complained of in the government's petition were done by them in the belief that they were lawful acts."

The government was able to bring suit against the telephone companies because of the fact that they are engaged in interstate commerce.

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CHILDREN WILL AID ON GOOD ROADS DAY

SALEM, Ore., March 31.—In connection with the movement to observe April 25 as good roads day throughout Oregon, State School Superintendent A. Churchill is sending out letters calling upon all the county superintendents to use their best efforts to get the school children in every district to drag the main road between school houses on that day.

This is but one feature of a program suggested by Superintendent Churchill to increase interest in good roads and turn it to practical use. Mr. Churchill is one of three appointed by the Portland Ad club as a committee to assist in perfecting an organization that would make good roads day productive of the best results. The other two members are Superintendent L. R. Alderman and O. M. Plummer of Portland.

"Feeling assured of your cooperation," says Superintendent Churchill in his letter to county superintendents, "I am suggesting that through the schools we begin now to prepare to do our part in observing the day by interesting the teachers and the children. I have roughly outlined the following, which I hope will be suggestive in bringing about the desired results:

- "Create proper sentiment through newspapers. Send letter to teachers requesting cooperation. Have the children interest their parents in the movement. Arrange for proper literature to be distributed to teachers and pupils. Emphasize importance of good roads day through the language lesson. Use drag and graders on roads April 25."

JAY H. UPTON IS NOT ROBT. UPTON

SIMILARITY IN NAMES OF TWO PORTLAND ATTORNEYS CAUSE CONFUSION

ONE IS A MEMBER OF LEGISLATURE

Lawyer in Chamber of Commerce Building Confounded With Another in Story Printed Last December.

Jay H. Upton, a well known Portland attorney and a member of the Oregon legislature, with offices in the Chamber of Commerce building at Portland, is altogether a different man than Robert J. Upton, also a Portland attorney with offices in the Fenton building last December the Morning Star printed a story emanating from William M. Stone, of the local law firm of Brownell & Stone, to the effect that "J. Upton" had been made the defendant in a suit instituted by Mrs. Bell Brownrigg, in which Mr. Upton was charged with fraud and deceit and involving the possession of 52 acres of land in Clackamas county.

Mr. Stone acted innocently in the matter, as Mrs. Brownrigg, who had previously been a client of his firm had referred to Upton as "J. Upton" it was supposed by Mr. Stone that there was but one Attorney Upton, and he so conveyed the information to the Enterprise reporter, who acted in good faith in printing the story upon the information furnished by Mr. Stone.

It now appears that a grave injustice was done to Attorney Jay H. Upton in getting him confounded with Robert J. Upton. The former Mr. Upton lives near Gladstone where he has a tract of several acres and the publication of the story involving him in a case in which he had no interest has caused a number of people, not familiar with the facts in the matter, to regard him with unjust suspicion.

The above statement is made to correct the impression conveyed unwittingly but erroneously as to the identity of the two attorneys. Mrs. Brownrigg has had no business relations with Jay H. Upton, who has absolutely no interest, one way or the other, in the legal complications between her and Robert J. Upton.

Robert J. Upton is not and has not been a member of the Oregon legislature.

ROBBERS THE SAME, VERDICT OF SHERIFFS

After carefully checking over the details of the postoffice robberies at Marquam and at Corvallis, Sheriff E. T. Mass and Sheriff Gellatly, of Benton county, came to the conclusion Sunday afternoon at a conference of the two officials that both crimes were committed by the same men. It is thought that each gang consisted of three men and a thorough study of their methods show a strange similarity. Several minor features would indicate that the two robberies were done by the same gang.

THE OREGON CITY LOCKS
WASHINGTON, Mar. 31.—The question of title to the Oregon city locks is before the attorney general. Anxiety is reported in Oregon over the delay, and senators Chamberlain and Lane are trying to have the government hasten action so that the locks may be opened for free transportation.

YESTERDAY'S RESULTS
At Sacramento—Portland 1, Sacramento 0.
At San Francisco—San Francisco 7, Venice 4.
At Los Angeles—Los Angeles 2, Oakland 0.

POSTOFFICE AT MARQUAM LOOTED

ALL DAY SEARCH BY SHERIFF MASS FAILS TO LOCATE ROBBERS

\$700 IN CASH IS TAKEN BY MEN

Officials Believe Thieves Took Train at Mt. Angel—Safe Broken Open With Hammer and Take Contents

No clues were discovered of the robbers who broke in the Marquam postoffice by Sheriff Mass who spent all day Friday in search of the two. The official believes that the men who robbed the postoffice safe at Marquam were the same who recently ransacked the Corvallis office and made a successful escape.

The robbers removed the safe of the postoffice at Marquam which is located about 25 miles south of Oregon City, to Mott's blacksmith shop where they broke it open with a hammer and secured about \$700 in cash and a large quantity of stamps. They also pried open the back door of the Wilson Mercantile company store at Marquam and blew open the safe with nitro zyclofine, obtaining two watches and a lot of cheques, totaling about \$1500 in value. Some of the cheques were in cash but they had been listed by S. S. Williams, the manager of the store, and notices were sent to all the banks on which they were drawn early Friday morning.

The robbery occurred some time after midnight. At 6:30 o'clock Friday morning J. C. Marquam, the postmaster, opened his office and found that the safe had been removed.

The sheriff's office was notified as early as possible and Sheriff Mass hurried to the scene of the crime in an automobile. He spent all Friday at Marquam in an effort to find a clue which would lead to the locating of the men who performed the crime. It is thought by residents of the Marquam districts that two roughly dressed men who were seen hanging around the town were the ones who robbed the office. Sheriff Mass believes that the men went to Mt. Angel and caught a train at that point and are now in some other part of the state.

NO HORSE RACES AT FAIR IS PLAN

SECRETARY M. J. LEE BELIEVES THAT AUTO CONTESTS WOULD BE BETTER

DID NOT PAY LAST YEAR, HE SAYS

Official of Association Will Make Recommendations at Meeting of Stockholders Week From Wednesday

Stockholders of the Clackamas County Fair association at a special meeting to be held in Oregon City Wednesday, April 8, will probably pass upon a recommendation that Secretary M. J. Lee indicated today he would make to abolish the horse racing program as an annual feature of the fair and substitute automobile and motorcycle races and other features that he believes will be equally as attractive.

"For several years we have hung up several hundred dollars in purses for horse races," said Mr. Lee, "and we have seen some very tame contests. It has been persistently reported that the races have been cut and dried affairs and that the money has been split. Very few of the county fairs in the northwest have horse races—that amount to anything as entertainment features and I think we shall cut them out, and I propose to put the whole matter up to the stockholders and directors of the association. Last year we hung up purses that totaled about \$900 and we did not get our money's worth."

"The Clackamas County Fair is maintained by the people of this county, aside from the appropriation we receive from the state, and the people are entitled to a good show that will be clean beyond the shadow of a doubt."

September 16 has been named as the date for the opening of the 1914 county fair, which will be in session four days. Mr. Lee will also recommend to the directors of the association that all Clackamas county school children be admitted to the fair free during the entire session. It has been the custom to admit them free for one day only, but Mr. Lee says the number of paid admissions from children during the fair is a small item.

FISHERMAN ARRESTED FOR USING NETS FOR SALMON
Charged with fishing for salmon with a net between March 1 and May 1, Charles Gates was arrested upon a complaint sworn out by Warden Bert Jewel and taken before the justice court Wednesday. He entered a plea of not guilty and his case was set for Monday morning at 10 o'clock.

WASHING TON, Mar. 31.—The question of title to the Oregon city locks is before the attorney general. Anxiety is reported in Oregon over the delay, and senators Chamberlain and Lane are trying to have the government hasten action so that the locks may be opened for free transportation.

TAXPAYERS TAKE NO CHANCE ON PENALTY

OVER \$27,000 COMES IN TO COUNTY MONDAY EXCLUDING MAIL PAYMENTS

That the taxpayers of Clackamas county are not going to take a chance on the ruling of the higher court on the tax penalty law is evidenced by the number who have settled their bill with the county. Monday over \$27,000 was received by Treasurer Tufts from the taxes paid at the court house. All mail which has come to that department has not been opened due to the lack of time and it is probably that several days will be required to complete the work.

"The people of the county seem to feel that it is better to pay their taxes now and not take a chance that the penalty ruling will be declared invalid," said Mr. Tufts Tuesday. "Money is coming into our office at a record rate, as if the ruling had never been made."

SALEM, Ore., March 31.—No appeal from Judge Cleeton's decision holding the 1 per cent per month interest on deferred second half tax payments invalid, can be taken by the state, according to an opinion rendered to the state tax commission by the attorney general. He advised that as the state was not a party to the suit in the lower court it could take no action for an appeal. He said the suit was an affair between a private taxpayer and the county officials of Multnomah, and that neither the state nor any state official was concerned in any way in the proceedings.

LOCAL OFFICIALS TO OBEY TAX LAW

COUNTY TREASURER TUFTS OUTLINES POLICY REGARDING RECENT DECISION

NO OFFICIAL NOTICE RECEIVED HERE

That Property Owners Are Forced to Take Chance, Opinion of Officials—Clackamas Is Financially Safe

"All tax collecting in Clackamas county will be made as if the recent ruling by Judge Cleeton had not been announced. I have received no official notice to obey the decision and will continue to collect taxes with the penalty as the law provides until proceedings are commenced against me and the court upholds the plaintiff or until I am officially notified."

This is the policy which County Treasurer J. A. Tufts will follow as outlined Monday. The monthly interest penalty, prescribed by the last legislature, begins April 1, which is Wednesday of this week. The law provides that a penalty of one per cent a month shall be levied against taxes not paid April 1. The Portland judge decided against the law March 24 in a test case brought by the Portland Taxpayers league against Multnomah county.

Treasurer Tufts further said that all he had learned of the ruling was through the newspapers and that he would be forced to comply with the law until officially notified to do otherwise.

It is the general opinion among attorney and county and state officials that the property owner is forced to take a charge in the matter regardless of how the final decision is made. If a taxpayer should pay his taxes with the penalty added and the higher court should declare the penalty invalid, it would probably mean a loss of the interest to the taxpayer. On the other hand, if the property owner should wait until the higher court had reached a decision before paying his taxes and the final decision in the matter should be that the law was legal, the taxpayer would be forced to pay his taxes with the added penalty.

The effect of the law on the taxpayers is uncertain. It is considered probable by many that taxing will stop to all practical purposes until the state supreme court renders a decision. In case this is right, and money ceases to come into the county treasurer, Clackamas county will probably not be financially embarrassed as it has been predicted by the officials of other counties in the state, according to one of the higher officials. Clackamas county, he said, has enough money at the present time to meet its obligations to the state and continue the enterprises under way without stopping providing the final decision is not too slow in coming.

CANBY MERCHANT WILL BUILD BRANCH HERE

Plans have been completed by W. H. Lucke, a Canby commission merchant, to build a warehouse in Oregon City on the intersection of the tracks of the Southern Pacific with Eleventh street. The building will probably be one story high but have considerable floor space. The land on which it is planned to erect the structure has been leased from F. C. Burke.

At council meeting Wednesday evening a petition was introduced by Mr. Lucke asking for a permit to construct a siding from the tracks of the Southern Pacific to the site of the warehouse and was referred to a committee.

Admit Cases Were Tests.
The defense attempted to show by cross examination of the witness that the three cases were prepared by the doctors. Dr. Strickland admitted that he sent Smith and Klobieck to Van Brakle merely to see what the county health officer knew." Dr. Guy Mount said at one time, "We merely wanted to see if Van Brakle was all right."

EVIDENCE LAID BEFORE BOARD

ACCUSING PHYSICIANS ADMIT CASES WERE TO "TEST" DR. VAN BRAKLE

Presiding Doctor Kills Objections

State Board Would Not Answer Letters or Give Him Aid, Says County Health Officer On Stand

Testimony was taken in the Van Brakle case Tuesday evening before three members of the state board of health, Dr. E. A. Pierce presiding. The case will be argued before the entire board in Portland Tuesday, March 7. With but one or two exceptions, every physician in Oregon City was present at the hearing and six took the witness stand. The court room was well filled.

It was predicted by the defendant doctor that startling evidence would be introduced to show that the charges were "frame-ups" but only once or twice did the evidence introduced become the slightest bit sensational, and then when Dr. Van Brakle was testifying in his own defense. The greater part of the evening was taken up by Attorney C. D. Latourette who presented the case against the health officer. This side introduced six doctors, including Dr. Van Brakle with the consent of his attorneys and examined two men who were mentioned in the complaint.

All Objections Overruled.
The first move made by the attorneys in the defense of Dr. Van Brakle was a protest to the hearing on the grounds that no action could be taken without all of the members of the board being present at the session. This was overruled by Dr. Pierce who claimed that a quorum of the members were there and that their object was merely to take the testimony and not to render a verdict. The next claim made by the accused doctor's attorneys was that the board could not swear in witnesses and that merely taking an oath with a notary public would not be sufficient. The chairman ruled that a notary would swear in witnesses. The third and last objection made by the defense was that the complaint does not state upon what charge the board can remove the health officer. This, too, was overruled.

It is probable that the attorneys for the defense will base their argument on this claim in the future. If they can win the point, the case would be taken from the board until a new complaint could be prepared and served.

O. M. Smith First Witness.
The first witness called was O. M. Smith who went to the office of Dr. Van Brakle to be examined October 9, 1913. He said that the doctor examined him and said that he was threatened with bronchitis but told him to come again the next day so that a definite decision could be reached. From Dr. Van Brakle's office, Smith went to M. C. Strickland and that after an examination Strickland declared that he had typhoid. Doctors Guy Mount, H. S. Mount, C. A. Melander, W. E. Hempstead and W. C. Schultze each examined him and each decided that he was suffering from typhoid. His testimony was later corroborated by each of the doctors excepting Dr. Schultze.

The second witness was Frank Koblueck who he said visited the office of Dr. Van Brakle to receive treatment and examination from him. The doctor, he said, examined him, "massage" him, and told him that he had a sore throat with a possibility of tonsillitis. From Dr. Van Brakle he went to Dr. Strickland and was examined by him with the result that Dr. Strickland announced that he had an attack of diphtheria. A number of other physicians were called and each examined him, he said, and found that Dr. Strickland was correct. This point was later verified by other physicians on the witness stand.

Case of Child Brought In.
The third case, that of the 16 month old son of Mr. and Mrs. J. R. Alexander, of Concord, is the one in which the defense will probably put in its strongest claim of "frame-up." From the testimony of Dr. Guy Mount he was called to attend the case of the child October 15 and found the baby in a serious condition. Dr. Mount stated that he ascertained himself that the infant had an attack of typhoid and that when he went to Oregon City, he secured an anti-toxin and administered it the same evening. The next day he notified Dr. Van Brakle that the child was ill and gave the address, but did not tell either of his treatment or the nature of the disease. The health officer visited the child, and sent disease culture to the state board of health in Portland. The board, after an examination returned the cultures and said that they were free from any trace of typhoid, according to the testimony of Dr. Van Brakle later in the trial. The father of the infant asked to have the quarantine removed. Van Brakle granted the request. He claims that the report of the state board of health he was compelled to do so.

Admit Cases Were Tests.
The defense attempted to show by cross examination of the witness that the three cases were prepared by the doctors. Dr. Strickland admitted that he sent Smith and Klobieck to Van Brakle merely to see what the county health officer knew." Dr. Guy Mount said at one time, "We merely wanted to see if Van Brakle was all right."

Probably the most sensational piece of testimony which was introduced at the hearing was that of Dr. Van Brakle himself when he told of an alleged conversation between Dr. Guy Mount and himself. He said: "On December 12, Mr. Mount and I were coming home on the car from a trip to Gladstone when Dr. Mount said, 'I am sorry I was mixed up in this Alexander case. You couldn't get a correct diagnosis under those conditions. I am going

(Continued on Page 4.)