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# Corvallis Times.

Official Paper of Benton County.

CORVALLIS, OREGON, OCT 5, 1904.

## THEY DISAGREE.

Judge and Attorney General—A Benton County Decision.

Apportioned school money does not have to follow a pupil out of its own district into another, if the directors of the district order to the contrary. That is to say, when for any reason, a pupil leaves its own district and attends school in an adjoining district, its pro rata of school money may be transferred with it to the other district, or it may, if the directors so order, be withheld altogether for use in the original district. In short, the directors of the district involved have complete authority in the matter, and can withhold the money or allow it to follow the pupil into an adjoining district, as they see fit. Such at least is the decision of Judge Hamilton in the case of J. R. Fehler and others versus the Newton school district. The decision was handed down a few days ago, and is to be seen at the county clerk's office.

The case was tried at the April term of the circuit court on defendant's demurrer that involved the question at issue. The children of J. E. Fehler and others in the Newton district attended school at Philomath, and sought to have their pro rata of school money from the Newton district follow them to the Philomath school. Encouragement for the plan was found in a decision of the attorney general of Oregon, who held that the word "may" in the law had to be construed as "shall", making it mandatory on the directors of the Newton district to transfer the pro rated money of the pupils to the Philomath directors. The Newton district directors refused to make the transfer, and Mr. Fehler and others brought mandamus proceedings to compel them to do so. The case was argued and submitted at the April term, and the decision, taking an opposite view from that expounded by Attorney General Crawford is the outcome.

The section of the law over which difference of opinion arose is as follows: "The board of directors of any district may transfer to another district any child, together with all the school money due by apportionment to such child, whenever the parents shall present a written request, accompanied by a written permit from the board of the adjoining district". In this decision, Judge Hamilton says, "The word 'may' as used, would give the directors power to make the transfer, but it would not necessarily follow that the transfer is to be made in every case in which application therefor is made."

The question of whether or not the word "may" is mandatory, leaving no discretion with the directors, has been one of extreme interest throughout Benton county. In several districts there were cases like that in the Newton neighborhood, and in all, the question of what the law meant was widely and vehemently discussed. After the decision of Attorney General Crawford, which was published in full in the Times, it was generally accepted as law that if the parents of the child requested it, the transfer of school money had to be made, but the decision just rendered upsets that theory. Whether or not the case will be carried to the supreme court, is not known.

## A Place of Interest.

It is interesting these days to note the activity that is on among the business houses of Corvallis. Every one is on the jump, and clerks are busy from dawn to dark. Among the places where there is no time for rest among the employes is the O. J. Blackledge furniture store on south Main street. Thursday, a large shipment of fine bamboo goods arrived and has been placed on display. Along with this comes a new line of Morris chairs, fine rockers, good matings, a complete line of pastel and other first grade pictures, such as has never been seen in Corvallis before, and many other new goods. To anyone who has not paid a late visit to this house, and priced the handsome stock that is ever there, it would be wise to say, go and see Blackledge. The visit will pay you and you will find what you want.

## Order Now

Fresh Yaquina bay oysters to arrive today at Zierolf's.

Show your colors, call on S. L. Kline for campaign buttons. Free for the asking.

## ANOTHER PIONEER.

Passed Away Thursday Night—Mrs. Jacob Henkle of Philomath.

Mrs. Jacob Henkle, an Oregon pioneer of 1853, died at the family home a mile from Philomath, Thursday night, at the age of 75 years, 11 months and four days. The interment is to take place in Pleasant Valley cemetery Sunday at one o'clock. It will be preceded by a short funeral service at the late home. The funeral sermon will be preached at a later date by Bishop Castle of Philomath.

The deceased was the daughter of Mr. and Mrs. Jesse Woods. She was born in Ohio November 23 1828. In 1830, the family removed to Illinois and in 1828, to Iowa. January 8, 1846, Miss Woods was united in marriage to Jacob Henkle, in the state of Iowa. Mr. and Mrs. Henkle crossed the plains to Oregon in 1853. In 1856, they moved to Whitman county Washington, but returned in 1896 to Silverton, Oregon, where they resided until 1900. In the latter year they returned to Philomath, where they have since resided.

The death of Mrs. Henkle came after an indisposition that extended throughout the past summer. Surviving children are: Mrs. John Wyatt, Mrs. John Kitson, Mrs. Will McCoy and Mrs. James Carter.

## BELATED TAXPAYERS.

Must Pay Penalty now—A Goodly Number is on the Delinquent Roll.

In spite of the many notices published as to when taxes would become delinquent and subject to penalty people still call at the Sheriff's office to pay taxes. Monday was the last day of grace, and at five o'clock that evening, the books closed, and everything unpaid became delinquent, under the law. The books went at once into the hands of the clerk, for making up the delinquent roll. Until the latter work is completed, no taxes can be received. All taxes paid now, have to be accompanied by a ten per cent penalty and twelve per cent interest on the amount unpaid after the first Monday in April. A man who dropped in Thursday afternoon to square up with the sheriff, explained that he had forgotten the whole matter. It was of course, a case of expensive forgetfulness. A lady called a few minutes later, but no explanation was made of why she failed to be on time. Neither, of course, was able to get a receipt.



Is the most versatile fabric of modern loomings

A BETTER silk for greater uses—at a lesser price.

It's soft and lustrous enough for an evening waist or strong enough for a petticoat material—all in one. The fabric itself best substantiates these claims. Radium Silk is about half the price you'd expect to pay for so wearful a silk.



## Lost.

In Corvallis, three weeks ago, a note book with green binding and the business address of W. H. Morton on first page. Finder will please leave at Times office and receive reward.

## Stock Sale.

Having given up a lease of 280 acres of land, I have decided to materially reduce my herd of stock, consisting of 20 milch cows, 5 yearling heifers and 6 last winter and spring heifer calves. All but a few grades are high class Jerseys, and high testers of butter fat. These I will offer for sale at public auction at my father's farm at Irvinville, one-half mile east of Tallman on the Lebanon branch of the S P R R, Wednesday, October 12, 1904, at 10 a. m. Also horses—1 registered standard bred mare and horse colt eligible to register; 1 yearling filly, full sister to above colt, took first premium at State Fair, 1903; 2 yearling fillies bred in standard bred lines; 2 mares weighing about 1200 and 1400 pounds respectively, one breeding unknown and the other by a Cleveland bay; 1 three-year old gelding large and a great prospect for a trotter, sired by Altrego, now owned by Homer Davenport, the famous cartoonist, and a two-year old filly, another trotting prospect, a full sister to the above named gelding. Terms of sale, spot cash or bankable paper on six mos. Free sandwiches and coffee will be served at noon. J. H. Irvine.

## Semi-Annual Report County Officers, September 30, 1904.

### COUNTY TREASURER.

Amount on hand and received from April 1st, 1904, to September 30th, 1904, inclusive.		County Fund.	School Fund.
Amount on hand last report		17193 44	13260 38
Recd from sheriff taxes 1900 to 1903		3099 17	728 99
school dist No 13			22 25
25			11 39
14			18 02
17			66 83
1			14 91
23			23 39
9			400 59
18			138 25
City of Corvallis		372 56	
Philomath		38 09	
3 10			
562 20			
Recd from sheriff fees			
Recorder fees			
Recd from school supt institute fund		10 00	37 50
rebate on diplomas			68 83
on account disorganized dist			20 95
Bal on hand last report school dist No 27			55 00
25			16 12
1			575 15
3			36 90
18			139 60
institute fund		20 30	
bicycle fund		254 25	
20 30			
Recd from clerk fees		254 25	
redemption tax 1899 to 1902		363 02	
school dist			
No 17			74 17
Recd from clerk redemption tax 1899 to 1902 school dist No 9			1 75
Recd from clerk redemption tax 1899 to 1902 city of Corvallis			23
42			
Recd from Willamette Bank		148 05	22 95
Recd from W. H. Boles interest on bonds school dist No 17		5 75	
Recd from state treasurer school fund			62 60
Recd abstracting title indemnity fund		1 75	4206 93
3 48			
Recd from clerk for road dist No 7			
Bal on hand last report road fund		4318 96	
road dist No 1		244 41	
2		152 25	
3		109 60	
4		150 00	
5		195 28	
6		180 00	
7		173 12	
8		61 74	
9		112 12	
10		167 19	
11		377 03	
12		214 97	
13		165 88	
14		288 47	
15		186 47	
16		143 94	
17		170 80	
18		66 94	
19		130 00	
20		236 06	
21		216 57	
Certificate of auditing and allowing claims Nos 26-44-74		25 33	
		\$ 30162 71	\$ 20003 68

Amount paid out and on hand from April 1st, 1904, to September 30th, 1904, inclusive.			
Paid on state tax for 1903		7505 00	
Paid on county warrants		13473 25	
Paid interest on county warrants		189 76	
Bal on hand county fund		470 97	
Paid on school orders			9814 49
Bal on hand school fund			8547 76
Paid city of Corvallis		372 56	
Bal on hand city of Corvallis		42	
Paid city of Philomath		31 13	
Bal on hand city of Philomath		6 96	
Paid school dist No 9			400 82
18			178 15
23			23 39
17			31 03
14			131 18
25			18 02
Bal on hand school dist No 25			61 49
Paid school dist No 3			4 90
Bal on hand			586 19
Paid school dist No 27			11 21
Paid school supt institute use			20 95
Bal on hand bicycle fund		20 30	177 10
Bal on hand indemnity fund		1 75	
Paid on road warrants		4301 20	
Bal on hand road fund		17 76	
Paid road dist No 1		244 41	
2		152 25	
3		109 60	
4		150 00	
5		195 28	
6		180 00	
7		173 12	
8		61 74	
9		112 12	
10		167 19	
11		377 03	
12		214 97	
13		165 88	
14		288 47	
15		186 47	
16		143 94	
17		170 80	
18		66 94	
19		130 00	
20		236 06	
21		216 57	
Certificate of auditing and allowing claims Nos 26, 44, and 74		25 33	
		\$ 30162 71	\$ 20003 68

State of Oregon }  
County of Benton } S.S.

I, W. A. Buchanan, County Treasurer of Benton County, Oregon, do hereby certify that the foregoing is a true statement of the amounts received, amounts paid out, and the balance on hand in the County Treasury for the six months ending September 30th, 1904.

W. A. BUCHANAN, County Treasurer.

## SHERIFF.

Semi-annual statement of amount received, amount paid to the County Treasurer, and the balance on hand, for the six months ending September 30th, 1904.

## DEBTOR.

April 1st, 1904 to cash on hand	\$ 664 17
To amount taxes collected	7665 82
To fines collected	6 00
To fees collected	3 10
	\$ 8339 09

## CREDIT.

By cash paid to the County Treasurer	\$ 4880 30
By cash on hand	3458 79
	\$ 8339 09

State of Oregon }  
County of Benton } S.S.

I, M. P. Burnett, Sheriff of Benton County, Oregon, do hereby certify that the foregoing statement is a true and correct statement of the amount received, the amount paid to the County Treasurer, and the balance on hand, for the six months ending September 30th, 1904.

M. P. BURNETT, Sheriff of Benton County, Oregon.

## COUNTY CLERK.

Report of the County Clerk of Benton County, Oregon, showing the amount Continued on page four.

# U Ought 2

USE

## Elk Brand Maple

Syrup with

## Olympic Pancake

Flour.

WE ARE HEADQUARTERS FOR BOTH.

# HODES' GROCERY.

## HOME-SEEKERS!

IF YOU ARE LOOKING FOR SOME REAL good bargains in stock, grain, fruit and poultry Ranches, write for our special list, or come and see us. We shall take pleasure in giving you all the reliable information you wish, also showing you over the country.

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Real Estate, Loan, and Insurance.  
Corvallis and Philomath, Or.

**Fitzsimmons.**  
The full-blooded Clydesdale stallion reg. No. 11013 can be found at Vidito Bros. stables Corvallis Oregon, on each day of the week. Terms \$12 to insure live colt.

Fresh and fat Yaquina Bay oysters for the first time at Zierolf's next Saturday. Order now.

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Physician & Surgeon,  
Office up stairs back of Graham & Wells' drug store. Residence on the corner of Madison and Seventh. Telephone at residence, 104.  
All calls attended promptly.

**B. A. CATHEY**  
PHYSICIAN & SURGEON  
Office, room 14, Bank Bldg. Hours 10 to 12 and 2 to 4.  
Phone, office 85. Residence 251.  
Corvallis, Oregon.