

## ATTORNEY NOT BAR TO STATE SERVICE

Attorney-General Holds That  
Commission May Employ  
Right-of-Way Agent.

### LEGAL DUTIES OUTLINED

State Official Rules That Jay Bow-  
erman Has Right to Serve, but  
Not in Capacity of Legal Ad-  
viser to Commission.

SALEM, Or., March 22.—(Special.)—  
The state highway commission has  
the right to hire a right-of-way agent  
and the fact that such right-of-way agent  
is a lawyer does not disqualify him  
from being so employed.

This is the holding of Attorney-Gen-  
eral Brown in an opinion given today  
in answer to a question from the com-  
mission—whether or not it can legally  
pay Jay Bowerman, attorney of Port-  
land, \$150 a month as right-of-way  
agent.

The Attorney-General holds, however,  
that when proceedings are instituted in  
court to condemn property for highway  
purpose, such proceedings must be in-  
stituted by the law officers of the  
state and that he gathers from the let-  
ter of the commission that it is not the  
intention of that body to employ legal  
counsel under the style and name of  
right-of-way agent.

The Attorney-General says the law  
officers of the state are its only lawful  
lawyers. Consequently the duties  
of the right-of-way agent must be con-  
fined to such and not extend to those  
duties which properly fall under the  
province of such law officers.

### Right-of-Way Agent Defined.

Parts of the opinion of the Attorney-  
General follow:  
Your letter does not attempt to define  
the extent of the authority that the com-  
mission wishes its right-of-way agent to  
exercise. Therefore, my answer will be  
based upon the assumption that you are  
using the term "right-of-way agent" as  
the same is generally understood, and within  
the limitations of chapter 237, General Laws  
of Oregon, 1917, creating the State High-  
way Commission and defining the authority  
thereof.

The power to appoint a right-of-way  
agent is contained in section 3 of said chap-  
ter, which provides:

"The commission shall employ such clerks,  
engineers and assistants to said engineer, at  
such salaries and for such terms as ap-  
pear necessary."  
The only restriction placed by statute upon  
the authority of the commission to employ  
engineers, officers and assistants to the high-  
way engineer is the provision of the high-  
way law that to the effect that the total cost  
in any one year of maintaining the com-  
mission for salaries or other overhead ex-  
penses shall not exceed ten per cent of the  
total funds available to the commission  
that year for its work.

Section 3 provides that the rights of way  
for state highways, and roads constructed  
and improved under the highway act, shall  
be acquired by the commission in which  
the highways are situated before any contract  
shall be let.

It will be noted that under the provisions  
of the highway law, when the commission  
is authorized to construct a system of high-  
ways within the state or is improving or  
constructing any highways under the pro-  
visions of said chapter 237, and any contract  
in which such highway is situated neglects  
or refuses to acquire the necessary rights  
of way, then in such case the commission  
itself can do all necessary work in secur-  
ing the rights of way, other than institut-  
ing condemnation proceedings in court and  
carrying the case to a conclusion.

### Attorney May Serve State.

Or the commission has power to direct  
and authorize the highway engineer to ac-  
quire the necessary rights of way, and if it  
appears necessary to the commission that  
an officer or assistant in the highway  
department should be appointed to aid the en-  
gineer in procuring the right of way, the  
commission may have vested with ample  
authority to appoint such assistant and fix  
his salary.

The term "right-of-way agent" is not  
used in the statute, but the commission  
has a right to call its appointee "right-of-  
way agent" if it sees fit.  
In the fifth paragraph of your letter you  
make the observation that Mr. Bowerman  
is a lawyer. That fact is no legal bar to  
his appointment. I gather from the gen-  
eral contents of your letter that you do not  
intend the highway commission to  
employ legal counsel under the style and  
name of "right-of-way agent."

### BOY OF 14 STILL MISSING

Police Unable to Find Trace of Lad  
Who Ran Away From Home.

The mystery of the sudden disap-  
pearance of Leroy Ford, 14-year-old  
son of Mrs. E. P. Ford, of 505 Jefferson  
street, who ran away from his home  
February 28, is still unsolved by the  
police.

Leroy was formerly a student at  
Ladd School, and, according to his  
mother, had no cause for leaving home  
other than the fact that he was con-  
stantly having trouble with his studies.  
He is 14 years of age, weighs about  
110 pounds, is 5 feet 5 inches tall, has  
gray eyes, a fair complexion and a  
pleasant and quiet disposition. It is  
thought that he may now be working  
in Hogue's, his former home, or in  
some mill or lumber camp in this  
vicinity.

### HOME TOTALLY DESTROYED

Klamath Family Routed Out at 3  
o'Clock in Morning.

KLAMATH FALLS, Or., March 22.—  
(Special.)—Fire at 3 o'clock this morn-  
ing destroyed the home of Fred Mc-  
Manus, at 754 Michigan avenue, and  
attendants of the firemen alone  
saved the house adjoining it. The  
cause of the fire was unknown, and  
the house was ablaze before the alarm  
was turned in.

The McManus family barely escaped  
with their lives and none of the house-  
hold property was saved. Mr. McManus  
is an employee of the Jewel Cafe in this  
city.

### JEWELERS MEET IN JUNE

Large Attendance Is Expected at Sa-  
lem Convention.

ALBANY, Or., March 22.—(Special.)—  
That the annual meeting of the Ore-  
gon Retail Jewelers' Association to be  
held at Salem in June will be the  
largest convention this association has  
ever held is the statement of F. M.  
French, of this city, secretary-treasurer  
of the association.

Some of the officers of the Ameri-  
can Retail Jewelers' Association, the  
National organization with which the  
state association is affiliated, will at-  
tend the convention. Mr. French says  
the association now has a larger mem-  
bership than ever before.



### Irvington Sacrifice!

This well-appointed, two-story, eight-room house  
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be on hand early, as I am cutting the price to the bone to make  
quick sale. All of the street assessments are paid in full.  
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be at house Sunday from 1 to 5 P. M. Phone Tabor 29. C. E.  
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### FRIENDS WILL CONVE

PACIFIC COLLEGE TO BE HOST TO  
ANNUAL YEARLY MEETING.

Short Course for Ministers and Reli-  
gious Workers Will Be Fea-  
ture of Gathering.

NEWBERG, Or., March 22.—(Special.)—  
Pacific College has arranged a short  
course for ministers and other religious  
workers, March 25 to 28. The course is  
to be in connection with the annual  
conference of the Ministerial Associa-  
tion of Oregon, yearly meeting of the  
Friends' Church, the conference ses-  
sions to occur in the evenings.  
There are to be courses in "Quaker  
Doctrine," by Rev. Homer L. Cox, of  
Portland, yearly meeting superintendent;  
"Practical Pastoral Problems," by  
Mrs. Josephine Hockett, of Salem, one  
of the most experienced pastors in the  
yearly meeting, and in "Quaker His-  
tory," "Church History" and "Homi-

lities," by President Pennington, of the  
college. In each of these courses there  
will be a lecture each day.

The evening meetings will be devoted to  
lectures planned by the Ministerial  
Association. Monday evening's lecture  
will be on "Dona and Dona's for Young  
Preachers," by President Pennington.  
The lecture Tuesday evening will be  
by Rev. H. L. Cox, on "The Preacher  
and His Parish," and on Thursday even-  
ing Rev. Fred E. Carter, of Newberg,  
will speak on "The Preacher and Com-  
munity Interests."

These lectures are free to all, and  
it is expected that there will be a large  
attendance from outside the Friends  
Church, as well as from the ministers  
and workers among Friends.

### Lane Gives for Book Campaign.

EUGENE, Or., March 22.—(Special.)—  
More than 2000 books have been con-  
tributed in the war library campaign  
which is being conducted in Eugene  
and which will close Monday, accord-  
ing to M. H. Douglas, librarian at  
the University of Oregon, who has  
been acting as chairman of the cam-  
paign committee. He estimates that  
2500 volumes will be received.

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