

# DECISION ON ROAD LOCATION MAY BE GIVEN THIS WEEK

### Controversy Over Location of Pacific Highway Said Near End, After Extended Fight.

By R. C. Johnson

There is a prospect that the controversy over the location of the Pacific highway, through Polk county, will be placed this week on the road to a final decision, when Circuit Judge McCourt renders his judgment in the suit, brought by citizens of Dallas and Independence and other parts of the county, to compel the state highway commission to build through Dallas and Independence.

It already has been indicated by Judge McCourt that he will decide that his interpretation of the law makes it incumbent on the highway commission to build through these cities, not to them as is proposed. It has also been indicated that he will dissolve the temporary writ of injunction against continuing the work under existing contracts on the Independence-Rickreall and Amity-Holmes Gap roads.

The next and final step will be to lay the matter before the state supreme court for its interpretation of the law and what may have been the intent of the legislature.

The controversy reaches way back to the legislature of 1917, which created the state highway commission and adopted the system of state highways as set forth in the 1917 bonding act. It may be said to go even farther back in the past in the rivalry that has existed for years between Dallas and Independence, which has manifested itself in county politics and in other ways. So involved has the controversy over the location of the highway become that it is a difficult matter for an unbiased chronicler to escape the charge of prejudice in attempting to set forth merely the high points.

Stripped of its unessential elements the controversy hinges upon the meaning of the legislative act of 1917.

**LAW IS QUOTED**

The law reads as follows: "The Pacific highway through Washington county and Yamhill county by way of Hillsboro, Forest Grove, McMinnville to Dallas, Monmouth and Independence in Polk county; through Mount and Monroe in Benton county, and through Eugene to the north line of Douglas county."

In framing the original bill there was some fear on the part of the Dallas interest that it might be left off, owing to its geographical situation. This interest was protected by making the bill read, "and Dallas, Monmouth and Independence."

The framers of the bill took into consideration the sentimental fact that Dallas was the only county seat town which had not been provided for by the state system as planned, and for the further reason that the votes of the Polk county legislators were necessary to pass the measure. When the bill reached the senate, Senator Hawley, whose home is near McCoy, was anxious that the road should go by way of Amity and McCoy. He secured an amendment of the bill by which the word "to" was substituted for the word "and" before Dallas.

At the time of the passage of the law the only route in contemplation was by way of Amity, Holmes Gap, Dallas, Monmouth and Independence. In the public mind at least as this followed the main line of travel which has existed from pioneer days.

After the highway commission began to function and the question of making a location of the highway came up, a route by way of McMinnville, Bellevue, Ballston and Dallas was suggested. The argument for this route was that it would run concurrent with the Tillamook-McMinnville road to Bellevue a distance of about eight miles, and thereby save the state the cost of eight miles of pavement. Besides, it was contended that it would

be of greater local service to Polk county.

As a compromise between this and the Holmes Gap road, it was further suggested that the highway could be routed by way of Amity and McCoy through Perrydale to Dallas.

**DISTANCES GIVEN**

The distance from McMinnville to Corvallis by these routes is as follows: Via Ballston, 57.23 miles; via Perrydale, 55.76; via Rickreall, with spurs to Dallas and Independence, 52.96. By eliminating the spurs, the distance is 48.68 miles.

After an investigation of these three routes by Highway Commissioner Adams, it was decided on his recommendation to locate the highway by way of Ballston to Dallas, thence to Monmouth and Independence, and thence south to Corvallis.

With the construction period arrived, the highway commission was confronted with the fact that the route by way of Dallas and Independence was one in which economical and state considerations did not coincide with those of political and county interest.

Finally the former location was reconsidered and the route by way of Amity and Rickreall was chosen. It was concluded that the terms of the law would be satisfied if a spur was made from Rickreall to Dallas, and one from Monmouth to Independence. This conclusion was based on a general opinion of the attorney general, in which it was held that the word "to" in the act might be interpreted as meaning contact with, and not an actual passing through, a town. Located, the highway was to go south to Corvallis from Independence. The same considerations that placed Dallas on a spur were in a spirit of fairness applied to Independence, and the location was changed so that the highway should proceed directly south from Monmouth.

The dispute over the location continued. It was thought to have been settled at a meeting at Rickreall in the spring of 1918, when the highway commission and citizens of Dallas and Rickreall agreed to a compromise. This compromise was that objection to the location of the Pacific highway as proposed by the highway commission would be removed in consideration of the commission authorizing the paving of the road from Dallas to Salem.

**BOND ISSUE PASSED**

On the basis of this understanding, Polk county passed a bond issue of \$265,000, of which \$40,000 was to be applied to the grade of the Pacific highway. The people of Dallas felt that they had a greater interest in a good road to Salem than they did in a north and south road through the county.

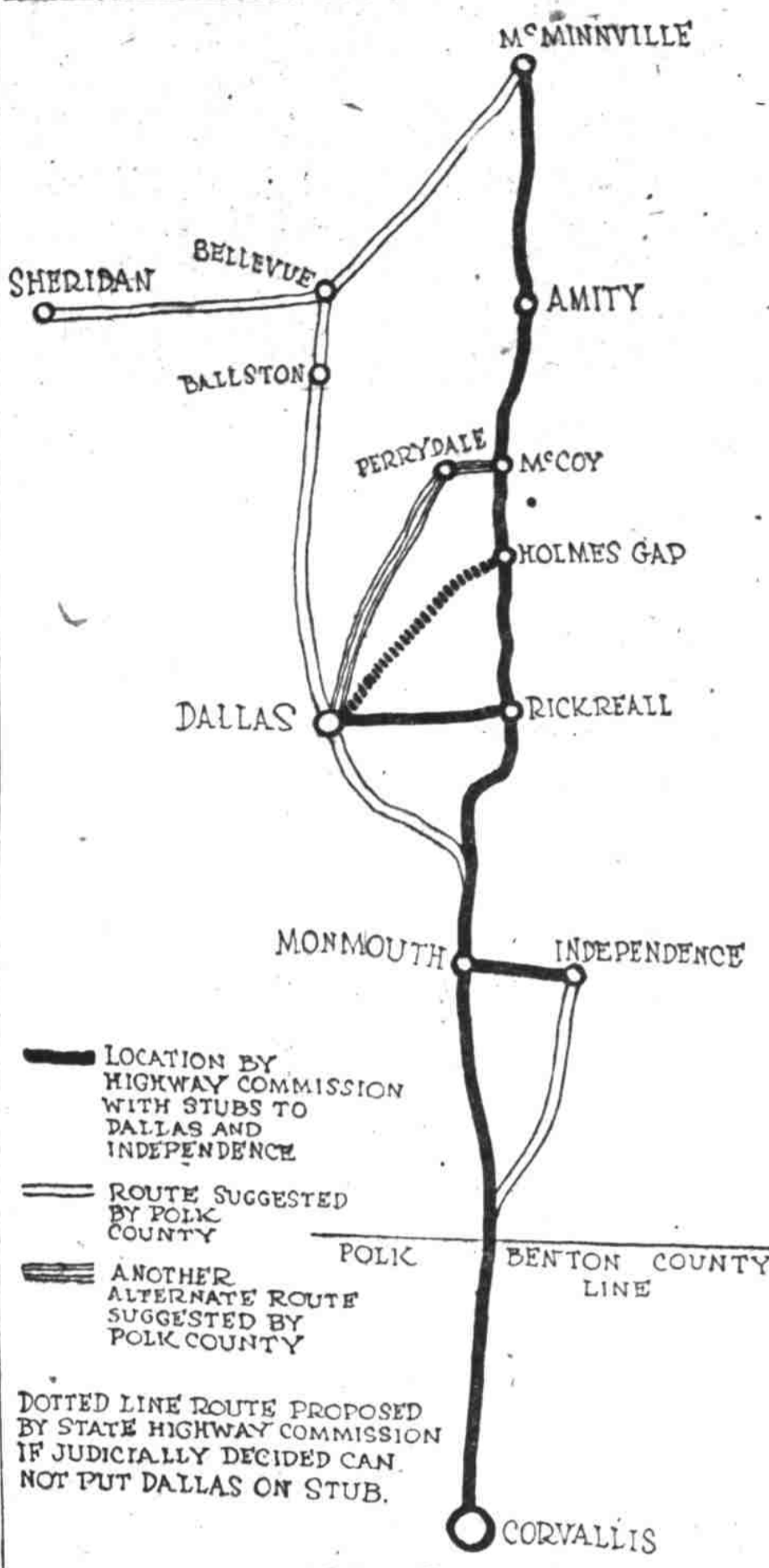
Following out the agreement, the highway commission on its part let contracts for paving the Salem-Dallas road and the road between Rickreall and Monmouth, with a spur to Independence.

It appeared later that in carrying out the agreement the county judge of Polk county had been overlooked, as had one or two influential residents of Independence, who were not satisfied with the location of the highway from Monmouth to Corvallis, but wanted it to go south to Independence. During the early negotiations the Independence influence had been not to have the road go through Dallas, but to run from Holmes Gap directly to Independence. Notwithstanding, it was the general belief in the county during the county bond campaign, and was so stated in the literature of the campaign, that \$40,000 was to be applied to the Pacific highway running directly south from Monmouth. County Judge Robinson, after the event, took the position that, inasmuch as the county court was not a party to the Rickreall agreement, he would not be bound by it and would not contribute to building the road south of Monmouth on the proposed location. He was unwilling to do anything unless the route of his choice, via Independence, was selected.

**ELECTION PROMISES ALLEGED**

It was understood, however, that dur-

## POLK COUNTY ROAD FIGHT



ing his campaign for election he had said that he would build the road on the route selected by the highway commission. At that time there was a controversy as to which way the road should lead from Independence, whether on the west side of the railroad or on the existing road.

Matters progressed until last spring, when the state highway commission began to realize that County Judge Robinson was not disposed to do anything towards preparing the grade between Monmouth and the Benton county line. It was then concluded by the state highway commission that matters would be brought to a crisis if it were intimated that the work on the Salem-Dallas road would be suspended. At this point it is apparent in the light of retroact that the highway commission made an error of judgment in not laying the matter before the citizens of Dallas with a view of bringing pressure on the county judge, instead of assuming that the county judge spoke for them.

This was not done, however, and when it was given out that work would be suspended on the Salem-Dallas road on the section between Rickreall and Dallas the citizens of Dallas rightly assumed that the state highway commission was breaking faith and was not living up to the Rickreall agreement. It was at once decided to bring a suit to compel the highway commission to build through Dallas in accordance with the law as they interpreted it. In this suit, which was heard before Circuit Judge McCourt of Multnomah county, the people of Dallas were joined by citizens of Independence and residents along the Independence-Corvallis road. The county court of Polk county was not involved in the suit.

**SUIT WAS STARTED**

The suit was begun by the people of Dallas under the impression that the state highway commission did not propose to carry out its agreement with them. The Independence interest joined in the hope that by reopening the controversy the plan to build from Monmouth south could be overturned and the road routed from Independence. Up to this time the people of Dallas had been satisfied with the Rickreall agreement and were living up to it. The state highway commission made the mistake of confusing the interest of County Judge Robinson with that of the people of Dallas, as was shown in the testimony adduced at the injunction hearing.

In the event the case goes to the supreme court for an interpretation of the law and it should be decided that it is mandatory on the state highway commission to build a road through Dallas the state highway commission has decided on a route which diverges from its present location near Holmes Gap and angles toward Dallas, skirting the foothills. Coming out of Dallas it is proposed to follow the present county road to Rickreall on the north side of La Creole river and thence turn south to Monmouth, traversing two sides of a triangle.

**Goats to Be Made Particular Feature Of Fair at Gresham**

Since goats have come into prominence as milk producers and farmers are becoming more and more interested in them as a part of every well equipped farm, their culture is to be a feature of the Multnomah County fair at Gresham the week of October 4. Elaborate exhibits of goats, goat culture and goat products will be shown, according to C. D. Minton, manager.

Plans for the fair are rapidly assuming definite form as the date for opening approaches. Minton says the biggest problem this year is that of finding room for all the exhibits. The fair is branching out in such a shape that it will be virtually a state fair, entries having been promised from nearly every part of the state and from outside states as well.

# HEALTH CENTER TO BE ORGANIZED IN COOS COUNTY

### Agencies Cooperate in Efforts to Lower the Death Rate by Strong Preventive Measures.

"The establishment of a health center to provide education in disease prevention and health promotion and to unite such health activities as child welfare, tuberculosis prevention and other agencies devoted to lowering the death and disease rate by intelligent preventive measures—this in a general way is the program outlined for the coming year by the Coos County Public Health association last week," said Mrs. Sallie Orr-Dunbar, executive secretary of the Oregon Tuberculosis association, who has just returned from attendance at the meeting.

"The plan would place the health center in connection with the county nurse, and it may be in charge of volunteers during part or all of the time, their work to be the distribution of educational literature, the answering of questions and display of exhibits."

Miss Cecil Sawyer, retiring county nurse, gave her report, which showed a total of 1623 calls made during the year. They were as follows: Nursing care 58, tuberculosis cases 125, general cases 282, child welfare 111, prenatal cases, 27; homes of school children, discharged as cured, improved, moved away or died, 87. Forty-nine talks were made before clubs and school children. A total of 1948 school children were treated for 3777 defects; defective teeth heads the list with 1037 cases. The influenza epidemic called for extra service and for two weeks five nurses were employed in 14 communities, making 877 visits on 409 patients.

The association elected the following new officers: President, Dr. E. Minton; Marshal, vice president, Mrs. C. R. Wade; Bandone, secretary, Mrs. A. C. Vestal, Marshfield; treasurer, Mrs. C. G. Beck, North Bend.

## JUNIOR ACHIEVEMENT LEADER WINNING NOTE



Alice V. Joyce

Miss Alice V. Joyce, formerly principal of Fulton park school and later connected with the Oregon Agricultural college, doing work in the organization of boys' and girls' clubs throughout the state, is now winning note in the East as "Junior achievement leader" in New Haven, Conn. In writing of her work to a Portland friend, she says:

"Since the close of my term's work at Columbia university, New York, early in June, I came to assist O. H. Benson, director of junior achievement work for these 10 northern Atlantic states. He formerly was in charge of the boys' and girls' club work for United States."

"Following are the objects of the bureau and its work:

"To furnish expert leaders, organizers and directing agencies for boys and girls in their work outside of school hours.

"To furnish achievement standards and self-help programs of work to boys and girls in connection with their homes and local industries.

"To assist local communities, counties, states and the nation to Americanize the citizenship of the future, through self-help programs for boys and girls of today.

"To assist every boy and girl of industrial centers, city, town and rural communities to become self-supporting through a process of self-help and self-earned property.

"To offer cooperation and constructive

# FOREST FIRE LOSS GIVEN AS \$84,000

### National Damage Caused by Burning of Young Growth Tract on Lewis River.

The Lewis river fire on the Columbia national forest near Mount Adams, was an actual financial loss to the public of \$84,000 without considering the money expended in controlling it, which, if unchecked, would have amounted to at least \$182,000, says Supervisor F. H. Brundage, who has just returned to the district forester's office.

Of this damage, that to actual green timber amounted to only \$2900. The remaining loss was due to young growth which was valued at \$4 an acre, but which cannot be replaced for less than \$12 an acre. If allowed to stand idle, it will require at least 20 years to even get a start of young growth. The fire burned over 7000 acres and if unchecked would have covered 15,000 acres work.

The fire was a difficult one to fight, said Brundage, because of the severe hot weather and the dry east winds. The fighting crew was one of the best. About half of the 50 men were regular employees of the forest service.

## FLEMING TO MANAGE NIGHT HORSE SHOW



A. P. Fleming

Preparations on an elaborate scale are being made for the night horse show feature of the Pacific International Livestock exposition, which will be held in the big tagbark arena of the new stock show building at North Portland in November. The brilliant record made by the week of night horse shows during last year's stock show set a high mark for all future events of the kind. A. P. Fleming, who has been appointed manager of the night horse show division of this year's exposition, is busily engaged in working up a program of high-class events which he is confident will surpass even the exceptionally brilliant record of last year.

Fleming, who will have charge of the night horse show division, is widely known for his association for many years with state fairs and night horse shows throughout the East and South and Canada, and more particularly in connection with these events in the Kentucky and Tennessee saddle and harness horse districts. He served as ringmaster at last year's Pacific International night horse show.

"Violently" Is Good

Gridley, Cal., Sept. 4.—(L. N. S.)—A dislocated shoulder and three broken ribs were sustained by Margaret Noyes, 17, recently, when she sneezed violently.

# YELLOW PINE IN OREGON HELD OF SUPERIOR GRADE

### Forest Examiner Weidman Finds Washington Timber Stands Shorter and More Decadent.

Yellow pine stands in Oregon not only run many more thousand feet to the acre, but the timber is of much better quality than that of Washington, is the statement made by Forest Examiner Robert W. Weidman, specialist in yellow pine timber, who has just returned from an inspection of the Rainier and Wenatchee national forests of Washington.

"The yellow pine stands are more open, the timber is shorter and more decadent," said Weidman. "I visited several small timber sales, but in no instance did the timber compare with the yellow pine of the Blue mountain region in Oregon."

Weidman, accompanied by M. L. Merritt, forest examiner, went over the Sunset highway to Yakima and cut out on the national forest in the Tieton and Naches watersheds in the Rainier. He then returned to Yakima and went through Ellensburg and Leavenworth, over the scenic Blue Pass road to Swak basin in the Wenatchee. In both the Yakima and the Wenatchee valleys the apple crop is good, although not such a bumper crop as last year, said Weidman. Weidman brought back specimens of the wood of bitter cherry, choke cherry dwarf maple, Oregon crab and willow to add to the collection of forest wood on display at the forest service, which now comprises nearly 35 varieties.

**18,000 Schools Had No Teachers in Year**

Washington, Sept. 4.—Eighteen thousand schools in the United States were teacherless last year, according to the department of the interior. This was due in large part to lack of homes for teachers in rural districts. Nobody wanted to board them. Consolidation of schools and amalgamation of school districts is suggested as a temporary remedy.

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