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Polk County Itemizer

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VOL. XXXIX.

DALLAS, OREGON, FEBRUARY 19, 1914

NO. 12

"NOT GUILTY"

Faulty Indictment Clears Lester Stone on Second Trial---Road Law Knocked Out

City Bank Increases Capital --- Lady Stranger Dies Here--- To Raise Goats in Texas

STONE ACQUITTED.

Faulty Indictment Responsible for Directed Verdict on Second Trial.

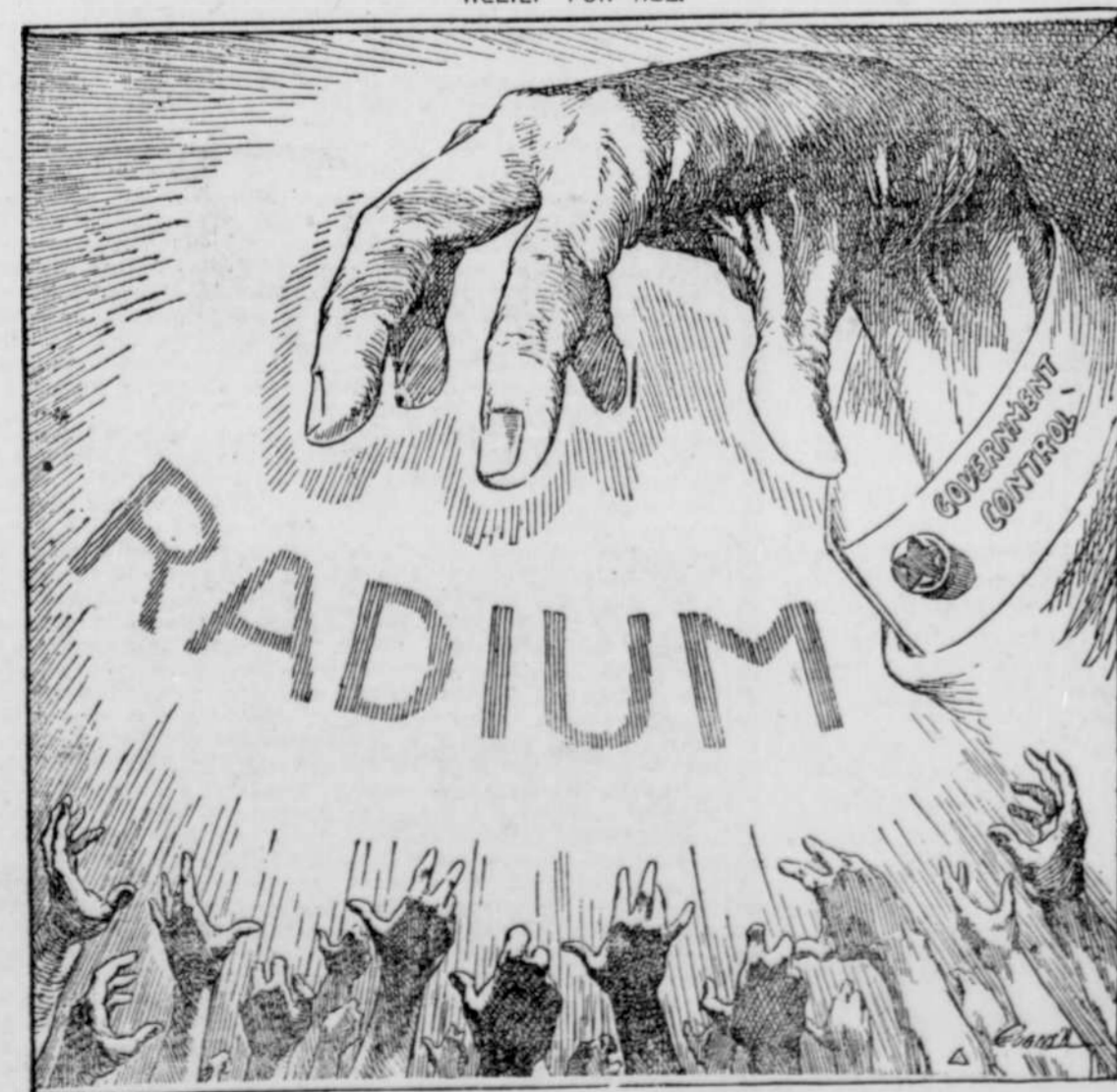
Shortly after the jury had been empanelled Wednesday morning for the second trial of Lester Stone, charged with subornation of perjury, Judge Webster Holmes, in the district court, sustained a motion of Attorney Belt to quash the indictment, on the grounds that it did not allege sufficient facts to constitute a crime. A second motion to direct a verdict of not guilty was also granted.

LAWS UNCONSTITUTIONAL.

Judge Holmes Holds That Heavy Loads Cannot be Barred From Public Road.

The case of the State vs. W. H. Able, in which the latter had been held for contempt of the county court in having violated an order of that court, was dismissed by Judge Holmes in circuit court Tuesday, the judge holding that the law upon which the county court's order was based was unconstitutional.

RELIEF FOR ALL.



Members of the department of the interior are planning to establish a government controlled plant by which Radium may be placed within reach of all. —Evans in Baltimore American.

loads which are prohibited in the order, it would be valid, but if it does not so apply, it would be invalid. But the law falls short in this particular: in that after the order is made, it only applies to the individual, firm, or corporation, upon whom a certified copy of the order is first served, and another person committing the same violation of the terms of the order, who is not served, is allowed to go free, and without any liability or being guilty of infraction of the law; and for that reason the act in question is unconstitutional.

Special Vinire Called.

Because of the failure of the first jury to agree in the case of the State vs. Lester Stone, necessitating a new trial, Sheriff Grant and his deputies were exceedingly busy Tuesday, summoning a new list of jurors to report Wednesday morning. The men drawn were: H. A. Webster, Dallas; F. J. Coad, Dallas; William Craven, Independence; John Middleton, Dallas; L. W. Porterfield, Independence; Geo. M. Tice, Falls City; Homer LaLiberty, Independence; Mark Blodgett, Dallas; Frank Friesen, Dallas; George T. Richmond, Dallas No. 1; John G. Brown, Dallas; A. W. Fink, Dallas; Ed. F. Plaster, Dallas; J. D. Holman, Monmouth; John W. Orr, Rickreall; F. A. Stiles, Dallas; I. A. Allen, Rickreall; J. L. Hanna, Independence.

Train Wrecked Near Falls City.

Four cars and the caboose of the Salem-Black Rock local freight train overturned near bridge No. 10, across the Lucki-mute Monday evening, badly damaging them and their contents. Four men, including the train crew, were in the caboose, but none was hurt beyond a severe shaking up. Traffic on the line was tied up for several hours until the S. P. wrecker arrived from Brooklyn.

The accident is believed to have been caused by spreading rails.

HAVE INCREASED CAPITAL.

Dallas City Bank Adds \$20,000 to Its Stock and \$8,000 to Surplus Fund.

Finding that the steady and continuous growth of the city and community called for a bank of larger capital than that under which it had been operating, and in accordance with the well known traditions of the institution to meet all new conditions as fast as they arise, the officers and directors of the Dallas City Bank have decided recently to increase their capital stock from \$30,000 to \$50,000, at the same time adding over \$8,000 to its surplus account. In taking this step they feel that the local requirements can be well taken care of by the two splendidly managed financial institutions which have grown up in our midst.

W. G. Vassall, vice president of the bank, further informs the Itemizer that the officers of the bank feel much gratified at having as additional stockholders for a portion of this issue some of our best known and substantial citizens, in the persons of Dr. M. Hayter, H. L. Crider, R. L. Chapman and L. F. Yoakum, who have secured a competency of this world's possessions by their energy and industrial activity. By adding these well known gentlemen to the directorate the staff feels much gratified that they will have the assistance of the financial sagacity of these gentlemen in carrying on the business of the institution.

The bank will move into new quarters in its own handsome new building sometime during the next few weeks—just as soon as the interior of the room is finished and the fixtures installed.

City Council Notes.

At the regular council meeting Monday night, the fire chief submitted a report on the matter of an electric fire and police alarm, and the same was referred to a

special committee with power to act.

The council decided to visit the proposed site of the city's septic tank and place a valuation on the land, preparatory to making Abe Uglov, the owner of the land an offer for it.

A resolution to assess the cost of the proposed sewer on Court and Ellis streets was passed.

Ordinances regulating skating rinks and providing for the sale of certain bonds for 1913 street improvements were passed. A committee consisting of Fenton, Barber and Bissler, was appointed by the mayor to cooperate with the Commercial Club in regard to securing a permanent location for the Polk county fair.

IT IS WHISPERED.

That it is easier for most of us to find fault than it is to find favor.

That a young couple doesn't consider three a crowd—after the honeymoon.

That if our city council desire to save their paved streets it would be advisable to get out the street sprinkler once in a while.

That the editor of the Observer intends to have an early garden. He was seen burning newspapers in his garden to induce the "sass" to come up. That one of our citizens is mighty uneasy lest he be called on to explain part of his testimony in a case that was tried in circuit court this week.

A NEW SERIAL.

Itemizer Will Publish an Interesting Story by Well Known Fiction Writer.

The Itemizer this week prints the first installment of a serial story, which will be a feature of this paper hereafter. "The Valiants of Virginia" is the latest production of the popular fiction writer, Hallie Ermine Rives, and is one of her very best, at that. The Itemizer has secured the exclusive rights, direct from the publishers, the Bobbs-Merrill Company, to print this novel in the Willamette valley. A substantial installment of the story will appear each week in this paper until it is completed.

Held for Contempt.

City Councilman Henry Gohrke was found guilty of contempt of court by Judge Holmes in district court Wednesday afternoon. Sentence will be imposed Saturday morning. Gohrke was charged by A. A. Flesher, a meat dealer with having violated a temporary restraining order of the county court in that he had continued to sell meats at retail after the order had been served upon him. The case is a sequel to an injunction suit filed by Flesher against Gohrke, in which a default judgment was rendered during the present term of court.

Tax Collecting On.

County Treasurer Tracy Staats commenced tax collections March 10th, under the new law which provides for taxes to be hereafter collected by the county treasurer. W. A. Avers secure receipt No. 1 and several successively following. The first day's receipts were \$3,186.14, and the total to the close of business Wednesday night was \$15,863.94. Mr. Staats and his deputy have not been crowded with work yet, but hope to see a larger number visit the office before the first of March.

Passed Away Sunday.

Mrs. Sarah Christine Davidson, a resident of Halsey, Oregon, died at the home of her daughter, Mrs. (Dr.) L. A. Bollman, in this city Sunday morning, February 15th, after an illness of some time with valvular heart disease. She was brought to this city a few weeks ago for medical treatment. Funeral services were held at Halsey Tuesday. Mrs. Davidson was aged nearly 75 years. She leaves three sons and one daughter.

STATE OFFICER HERE.

C. D. Babcock, Member State Industrial Commission, in Town This Week.

C. D. Babcock, a member of the State Industrial Accident Commission, was in the city Monday to confer with employers and workmen interested in the workmen's compensation act. For two years Mr. Babcock was in charge of the state corporation department, during which time he drafted and was instrumental in having passed several important laws bearing on the regulation and supervision of corporations, including the Oregon Blue Sky law and an act requiring foreign corporations to pay a license fee of \$100 per year, which now puts into the state treasury about \$60,000 a year.

Discussing the compensation



C. D. BABCOCK

act with a representative of the Itemizer, Mr. Babcock said:

"The compensation act was passed almost unanimously by the last legislature, held up by the referendum, and approved by the people on November 4th last by a vote of more than 2 to 1. The law became effective immediately after election insofar as the organization of the commission was concerned, but the supreme court has held that no benefits can be paid until July 1, 1914.

"The law provides for the creation of the industrial accident fund, to be made up by contributions from employers, workmen and the state.

"Two classes of occupations are defined in the act and are designated as classes A and B. In class A the rate of payment by the employer is 3 per cent and by the employee one-half of one per cent. In class B the employer pays 1 1/2 per cent and the employee one-fourth of one percent. In class A both the employer and workmen are entitled to exemption when the individual employer has his credit 3 per cent of his annual pay roll and no accidents have occurred in his plant; while under class B the amount required to be maintained by the employer in the accident fund is 1 1/2 per cent of the pay roll.

"The law is elective, both in its application to the employer and employee, either of whom may elect to come in or stay out, employers in any of the hazardous occupations who elect not to take advantage of the act, are deprived of the common law defenses of contributory negligence, fellow-servant liability and assumption of risk in any action for damages by their employees. Workmen who reject the act lose the benefits provided.

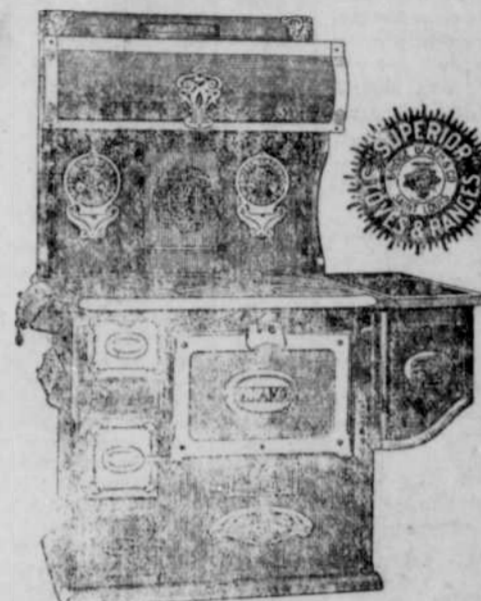
"The Oregon law provides a liberal schedule of compensation for injured workmen and for the beneficiaries of workmen who lose their lives in industrial accidents. The act also provides for first aid to injured workmen in any amount not to exceed \$250 in any one case."

Barham Goes South

Lane Barham, son of Mr. and Mrs. A. J. Barham, the Dallas boy who has made such a phenomenal rise in base ball circles the past year, left Tuesday for Alexandria, Louisiana, to join the Cincinnati Club of the National league and go into training. Barham will pitch for that club this season, having been drafted from the Victoria team of the Northwest league, with which he played last year.

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