

The Observer

SEMI-WEEKLY

DALLAS, OREGON, TUESDAY, DECEMBER 3, 1912

NO. 79

Polk Grand Jury Returns Two True Bills But Finds Other Charges Groundless

M. HIBBARD, FORGERY CHARGE, AND T. BAKER, ACCUSED OF LARCENY, ARE HELD TO ANSWER.

H. S. Bristow, Clifford Young and Thornton Homer Ordered Discharged From Custody; Damage Suit Holds Attention of Court and Interest of Spectators; May End Today.

POLK GRAND JURY.

The grand jury for the present term of court, as drawn Monday, is as follows:
Foreman, J. R. Moyer, carpenter, Falls City; J. W. Rogers, farmer, Independence; S. L. Stewart, farmer, McCoy; Walter Norton, farmer, Airline; J. U. Yeaton, farmer, McCoy; Ira C. Yocom, farmer, Willamina; A. Womer, farmer, Airline.

Immediately after being drawn and charged by the court, the grand jury withdrew and took up their investigations. They made a partial report at noon today in which three of the five prisoners held in the county jail for examination, were discharged, and two held. The substance of their report was as follows:

True Bills Returned.

True bills were returned in the case of M. Hibbard, charged with forgery, and T. Baker, charged with larceny. In the former case the prisoner is accused of cashing a worthless check at an Independence bank late in October. He was arrested in Salem and brought back to Independence for trial and bound over to the grand jury by Justice Wilson. Baker is charged with stealing a shotgun and a gold watch from the dwelling of Lee Bros., east of the city. It is reported that he will plead guilty when arraigned in court.

Three Are Discharged.

Not true bills were returned against H. S. Bristow and Clifford Young, charged with assault with a dangerous weapon, and Thornton Homer, charged with assault. Bristow and Young were arrested following a fight which occurred on the west bank of the Willamette river, in West Salem, late in July, in which the two men and two or three others took part, and were subsequently remanded to jail following an examination before Justice Holman in this city. Bristow soon secured his liberty on bail, but Young has put in the past few months in the county jail. George Skiff acted as counsel for the two men.

Homer is the fellow accused of beating up Foreman McDonald at the "Wig-Rich" ranch south of Independence a few days ago following his alleged discharge from the employ of the ranch company.

The grand jury was discharged at 2:30 this afternoon.

The trial of the damage suit of Mrs. Lydia M. Howard against Ben J. Werner is now on and will probably require the balance of the afternoon. It is thought that the damage claim instituted by William "Horseshoe" Wright against Sheriff Grant and Justice Holman will be taken up tomorrow.

Decided Monday.

In the action brought by the National Credit association against C. E. Ireland argued to the court on Monday morning, the demurrer to the complaint was overruled, and it was stipulated that attorney's fee be fixed at \$50, judgment as prayed for, except as to fees, for which judgment is amended in the sum of \$50, in accordance with stipulation.

Damage suit of Mrs. Lydia W. Howard, of Independence, against Ben J. Werner, of Dallas, for injuries received as the result of an alleged automobile accident at the Southern Pacific station grounds in Dallas on the night of April 6, 1912, occupied the attention of the jury and the court Monday afternoon and the greater portion of today. In this action plaintiff seeks to recover damages in the sum of \$6,000, and alleges that she has been permanently injured by reason of the fact that she was struck by defendant's machine on the station grounds. She claims that she was standing on the grounds on the night in question when the defendant drove his machine against her, without giving warning, and that the machine was not supposed to be at the place indicated, but was in fact trespassing upon company property, that the station grounds are not for the use of public vehicles, and that she had no reason to suppose that she was in danger from such source.

Ran to Catch Train.

Testimony for plaintiff showed that she ran from the court house square to I. & M. motor and that she reached the station in plenty of time to make the connection. The prosecuting witness declared that after she reached the station she found there was still plenty of time to take the train, and that she stood on the "granite walk" or sanded portion of the station grounds, watching the unloading of baggage and express from the Southern Pacific train, which had just arrived from Portland, when the defendant's automobile ran into her, throwing her forcibly to the ground and causing the injuries complained of. Several witnesses were examined on behalf of the plaintiff, but the majority of them declared that the plaintiff

COMMERCIAL CLUB TO MEET

Regular Meeting Takes Place at County Court Room Wednesday Night, at 8.

Regular semi-monthly meeting of the Dallas Commercial club will be held at the county court room on tomorrow (Wednesday) night at 8 o'clock. A full attendance is desired as matters of importance are expected to come before the meeting. Britt Aspinwall, of Brooks, Marion county, known as "the Loganberry King," of the Willamette valley is expected to be present and will address the club on matters connected with the development of the large tract recently purchased east of the city by the Oregon Loganberry company, in which he is heavily interested.

2 MORE SCHOOLS 14 STARS

BUENA VISTA AND SMITHFIELD ATTAIN COVETED GOAL.

Reports on File in County Superintendent's Office Show That Several More are Nearing Mark.

Two more Polk county schools have reached the standard goal, according to information on file in County Superintendent H. C. Seymour's office. They are Buena Vista and Smithfield, both of which have earned the coveted stars.

The Buena Vista school is taught by W. J. Reynolds and Miss Mattie Lee, and the board consists of N. M. Prather, J. A. Reynolds and John Loy, with J. K. Neal as clerk. The Smithfield school is taught by L. H. Mallicoat and the board consists of Frank Freisen, John Byerly and M. Fosnot with W. J. Garner as clerk.

It is reported that several other schools in the county, at the present time only lack a point or two of reaching the standard class and their elevation to this condition is expected shortly.

was still running when she collided with the automobile.

Ran Into Machine.

The plaintiff rested after the morning recess, and a motion to non-suit made by defendant's counsel, Oscar Hyster, was overruled; following defense began the introduction of testimony. It is probable that the case will go to the jury some time this afternoon.

It is the contention of the defense that no regulations against the use of motor vehicles exist, that it is a public street, in fact, and that the plaintiff ran into the machine, rather than the machine into her, and several other allegations widely at variance with the plaintiff's version of the accident. The defense used medical testimony this afternoon to show that the alleged injury shown by X-ray photographs might have been caused by other means, or might have been the result of natural causes.

Cases Disposed Of.

Motion heard and proceedings of court Friday, Nov. 29:
Independence National Bank vs. L. E. Bedwell; confirmation; sale confirmed. O. Hyster for plaintiff.

State of Oregon vs. John Courtney; assault; dismissed upon motion of district attorney for the reason that the prosecuting witness is beyond the jurisdiction of the court.

Ferdinand Freiman vs. H. Freiman and Evelyn Freiman; default, judgment and order to sell attached property. L. D. Brown for plaintiff.

L. Pfandhofer vs. E. E. and Ora Williams; action for money; continued. J. H. Flower for plaintiff.

Matthews & Bell vs. Zoe Overmeyer and C. R. Overmeyer; action for money; continued. J. H. Flower for plaintiff.

Conrad Krebs vs. W. H. Matney and H. L. Hart; action for money; dismissed in accordance with stipulation. Carson & Brown for plaintiff; O. Hyster and Moser & McCue for defendants.

F. J. Coak vs. Bert Brooks, et al.; action for money; nonsuit on motion of plaintiff. O. Hyster for plaintiff.

L. W. Damon vs. C. E. Marty and Helen Marty; action for money; default and judgment. W. O. Sims for plaintiff.

Ralph Adams vs. J. W. Meyer; action for money; settled and dismissed. O. Hyster for plaintiff.

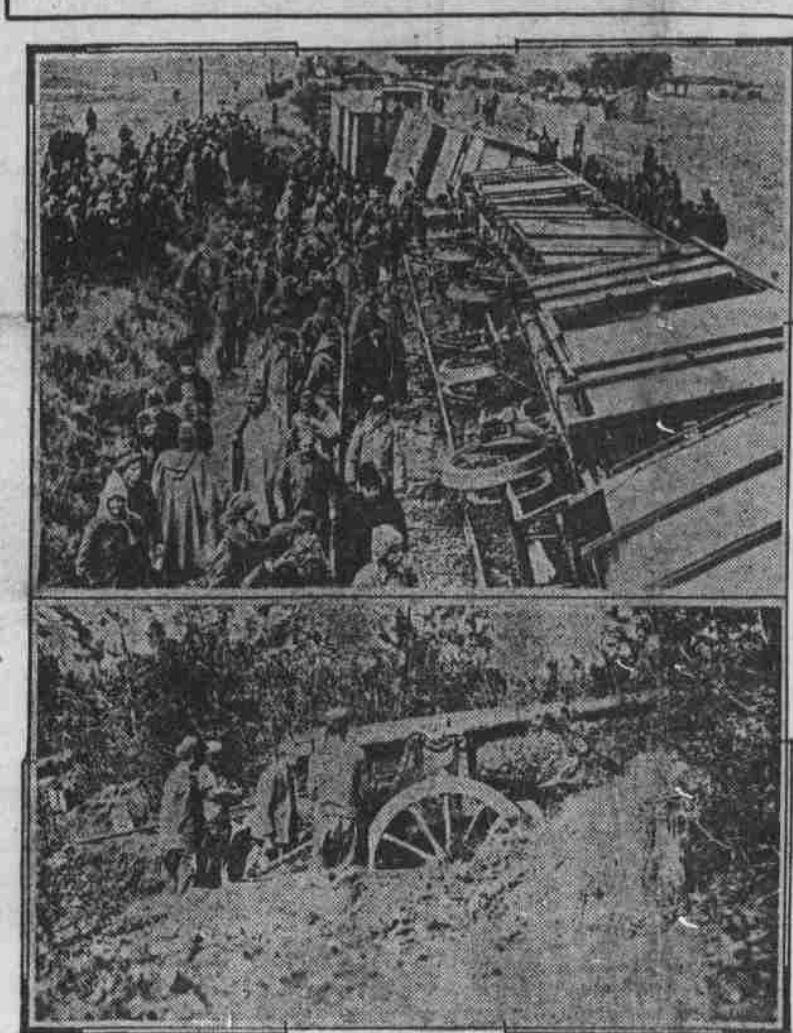
G. W. Vaughn vs. Wm. Tatom; action for money; settled and dismissed. O. Hyster for plaintiff.

Sanford Snyder vs. S. F. C. & W. Ry. Co.; damages; continued by consent. Scope & Carson for plaintiff; W. D. Fenton, Ralph E. Moody and Oscar Hart for defendant.

H. E. Keyt vs. W. H. Davis and Eliza Davis; action for money; settled and dismissed. L. D. Brown for plaintiff.

W. D. Wright vs. J. M. Grant; transferred.

Interesting Pictures From The Front In Balkan War



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THE Balkan war in action and at a standstill might fittingly describe these actual pictures from the front. At the top the war is halted, as it were, by the wreck of a train conveying Turkish soldiers and newspaper correspondents to Chornia. Notice the type of the derailed car—small box affairs, with light wheels and poor equipment. At the bottom the war is on. A Montenegrin battery is in action.

SCHOOL OFFICERS DALLAS HIGH TO DECEMBER 14 PLAY SALEM

MUCH INTEREST ATTACHES TO COMING MEETING.

"Legislative Year" Furnishes Abundant Opportunity for Consideration of Topics for Schools' Welfare.

With several important matters to be discussed and many questions of interest to the schools of the county to be considered, the annual school officers meeting which assemblies in this city on Saturday, December 14, promises more than usual interest. State Superintendent L. A. Alderman will be present.

The meeting will convene in the circuit court room at 10 o'clock in the morning and will hold during the afternoon. The chairman of each school board in the county is made by law a delegate to the convention from his district and is entitled to compensation of \$2 per day for attendance but the attendance of every member of the different boards and everyone else interested in the schools is urged. No set program will be adhered to but every delegate is welcome to take part in the meeting.

As this is a legislative year unusual interest attaches to the coming meeting as outlines of needed legislation will be discussed and recommendations made.

K. OF P. LODGE SHOWS GROWTH

Local Organization Enjoys Additions to Membership and Interest.

Recent addition to the membership of Marmion lodge Knights of Pythias has caused renewed interest in the order in Dallas and it is declared that, unless signs fail, the organization, is on the eve of a generous increase in members. Two candidates were inducted through the mysteries of the rank of Page at the regular meeting on Friday night and will take their next step by exploring the ceremonies in the Esquire rank on Friday night. Arrangements are under way for a big meeting in the near future when a class of four will be inducted through the Knight rank and received into full fellowship. At that time it is proposed to invite members from neighboring lodges and to make the occasion one long to be remembered.

CELEBRATE 25th ANNIVERSARY

Dr. and Mrs. Mark Hyster Are Host and Hostess at Enjoyable Occasion.

Dr. and Mrs. Mark Hyster entertained a large number of friends Saturday evening, November 30, at their home on Main street, in celebration of their twenty-fifth wedding anniversary. Guests made nine tables at Five Hundred, Mrs. W. F. M. Manston and H. L. Crider receiving the card honors. Refreshments were served at the close of the series of games.

Dr. and Mrs. Hyster were the recipients of a large number of pieces of silver; one of the attractive gifts came from the officers of the Grand Lodge of the Eastern Star, of Oregon, of which Mrs. Hyster is Grand Matron. The host and hostess were warmly congratulated by their many friends upon the completion of 25 years of married life, and one and all bespoke for them many more years of happiness.

RING DOMINATION TO MAKE TEST OF SMALL POX CLOSES GETS SET-BACK NEW PEDDLER FALLS CITY AT ELECTION MEASURE SCHOOLS

150 INDEPENDENCE WOMEN VOTE IN MONDAY'S ELECTION AND SCORE GREAT VICTORY.

HAD TO WRITE IN NAMES

Cut and Dried Ticket Goes Down to Defeat Before Onslaught of New Voters; All Contested Candidates Are Overwhelmingly Worst. Results Elsewhere.

INDEPENDENCE, Dec. 3.—(Special.)—One hundred and fifty women in Independence exercised their right of suffrage yesterday for the first time at the city election here, and they defeated what was known as the "ring candidates" by a majority of more than 50 votes. The women took to their new duties enthusiastically, and even though they were obliged to write the names of their candidates on the ballot, they were not daunted, and the names thus written in, turned out to be the successful ones in the election.

Eldridge Re-Elected.

Mayor K. C. Eldridge candidate for re-election, had no opposition and the same was true of B. F. Swope, who was re-elected to his present position of recorder. C. W. Irvine, for councilman, also went in without opposition. But W. L. Bice and P. Lallabert didn't come out of the scrap so easily. They were opposed by P. H. Drexler and W. H. Walter, and were defeated by a majority of 50 votes.

For some reason an attempt had been made to use the Australian ballot in the city election, and only one set of names were printed thereon. But the recently created voters were not daunted by this stumbling block, and they rallied to the support of the anti-ring candidates with the result that they were successful. Every candidate who bore the brunt of the feminine opposition went down to defeat, even our adversarial conditions which was so decisive as to leave no room for doubt, nor have rumors of probable "contests" been heard.

Big Vote Is Cast.

Four hundred and ten votes were cast, which is the largest in the history of the city. The men, who were interested in the election, appeared to start with a rush. For a few days before the election it was not believed that any considerable number of them would avail themselves of the opportunity of casting a ballot. But, in the day, it became apparent that they would vote in considerable numbers and the fact that they opposed the hand-made ticket and would have to write in the names of their candidates only served to sharpen their appetites for the ballot and they went in to win, and win they did. Last night, as the votes were being counted, and it became apparent that the "new citizens" were going to cut a mighty big figure in the result, many of the time tried and tested "politicians" began to wonder where they would land, and today dozens of them have been trying to figure out what hit them.

Independence enjoys the distinction of being the first town in Polk county to record the votes of the enfranchised women, and the result has not been exactly gratifying to some, although those who have been compelled to worry along with the "outs" are not doing much "kicking."

Results Elsewhere.

Today's dispatches convey interesting news to those interested in the outcome of the city elections throughout the state when in the ladies of Oregon have the privilege of casting their first ballot. Mrs. Kate Newton, first woman candidate for mayor, was defeated at Oregon City by an overwhelming majority by a man. At Albany the women cast 28 per cent of the total votes. In all, 1,019 women voted at the Grants Pass city election. Newport "drys" won a victory with ease, the ladies turning out in fair numbers in spite of a heavy rain. At Tillamook the "wets" won by eight votes, the women casting half of the vote.

WOODS & VIERS BUY GROCERY.

Butler's Cash Grocery Changes Hands the First of the Week.

By the closing of a deal early in the week, the ownership of the Butler Grocery on Main street was transferred from G. O. Butler to H. A. Woods and Harry B. Viers and will be known hereafter as "H. A. Woods & Co." The new firm is experienced in the business and promise to run a modern grocery. Attention is called to their announcement in another column that they are well known in Dallas and vicinity where they have resided for some time. Mr. Woods is president of the Polk County Poultry association.

County Court to Meet.

Regular monthly meeting of the Polk county court will be held tomorrow, but it is expected that little of interest, beyond the passing upon the regular batch of claims, will be considered. This will be the last meeting, but one, of the present county commissioners' court, the new court assuming the reins on the first Monday in January. The old court will hold one meeting in January to close up their affairs.

COFFEE PEDDLER ARRESTED FOR VIOLATION OF CITY OR- DINANCE, IS FINED; AP- PEALS CASE.

MEANING OF WORD PEDDLER

Court to Be Asked to Decide Just When a Man's "Peddler;" New Ordinance Regulating Hawkers of Fresh Meats is Introduced; Other Council Business.

Acting on advice of the city attorney, the city council last night decided to make a test case of the peddler ordinance recently passed, carrying the matter from Judge Gregory's court to the circuit court for the purpose of having the upper court define the word "peddler." The legality of the ordinance has been in doubt by both attorneys and the council since its passage, and the arrest of a coffee peddler on Friday for violation of the ordinance, gave the council an opportunity to get a final decision. The arrested party was regularly fined in the city court, gave notice of appeal and agreed with the authorities to take the case up upon a submission of the case in the simplest possible manner, thus keeping the expense of appeal at the minimum. City Attorney Toose will appear for the city and with the attorneys for the party appealing prepare the briefs necessary for a formal appeal.

The new curb ordinance was read for the second time and it was agreed that the rock material matter be No. 2 washed rock from the crusher.

Read First Time.

An ordinance to amend Section 2 of Ordinance No. 146, entitled "An ordinance to license, tax and regulate the business of peddlers and hawkers of fresh meats, other than fish, in the city," passed to the first reading.

The street committee reported the work of laying cross walks and the straightening of certain streets as yet unfinished. Some cement crossings and several board crossings had been finished since the last meeting, but the straightening of the streets had been delayed somewhat by property owners. The new cement cross walks were built at a less expense than formerly and the mayor estimated that the cost would average about \$46.

The building committee reported that but two estimates had been made for the erection of the bell tower and the matter would go over, awaiting other bids.

Property Corners Found.

The determination of corners and survey of the Ashbaugh property, which was submitted to a McMinnville surveyor for adjustment, several weeks ago, was finally settled by a full report and chart being offered. The exact boundary lines were in doubt and it was necessary for a re-survey to be made to confirm the records of a survey made many years ago.

The dedication of certain streets which has been under consideration for some time, was referred to Councilman Ayres.

MAY USE CITY PARK

Search of Records Fails to Reveal Alleged Clause Prohibiting Sale of Articles on Grounds.

At the time when the first discussion relative to the use of the city park for a fair grounds was brought forth, it was suggested that a clause in the deed provided that nothing should be sold on the grounds and it was at once apparent that, if this provision existed and could not be eliminated, it would be impracticable to use the park as a fair grounds. On Saturday U. S. Grant took the trouble to look up the records and discovered that no such clause existed. The only provision in the deed was to the effect that no intoxicating liquor should be sold on the grounds and that a church society should have the use of the tract whenever desired for camp-meeting purposes.

The final establishment of this fact removes every obstacle to the use of the park by the Polk County Fair association and it is hoped that the latter organization will at once take up the work of completing their organization and that the people of Dallas will do their part by providing a site for future fairs.

Chorus Meeting.

Mrs. MacGregor wishes the chorus to meet at the high school building Friday at 7 o'clock promptly. A full attendance is requested.

PUBLIC MEETINGS OF ALL KINDS FORBIDDEN THERE UNTIL OUTBREAK IS UNDER CONTROL.

DISEASE IS IN MILD FORM

No Cause for Alarm, Declares County Health Officer McCallon; Montgomery School Closes, Teacher Down With Disease; One Case at Oak Dale.

Several cases of smallpox have been reported from Falls City, and County Health Officer Dr. B. H. McCallon reports that every case has been quarantined and that the schools have been closed and all public meetings discontinued for the time being. Another case is reported from Oak Dale, where Mrs. Thomas Wright is said to be ill with the disease. The Montgomery school, west of Airline, has been closed, owing to the fact that the teacher, Miss Eva Chapin, whose home is in Falls City, visited there recently and contracted the disease. She returned to her school and continued to teach until compelled to relinquish her duties. It is thought that several of the pupils have been exposed and it was deemed wise to close the school for the time being.

All Cases Mild.

Dr. McCallon states that all of the cases are in very mild form and he anticipates no cause for alarm on the part of anyone. Strenuous measures have been taken to stamp out all danger of further spread of the disease, but it is declared that the unwillingness of the people to co-operate with the authorities is causing the work to be much more difficult than would otherwise be the case.

"Everybody wants the other fellow quarantined," said Dr. McCallon today, "but they are not so enthusiastic when this action affects them personally. We find that the greatest trouble in fighting contagious diseases is the tendency of the people to conceal the trouble, fearing the effects of quarantine." In several instances it is declared that the cases were not reported to physicians until some time had elapsed, and in every instance of this kind the danger of spread of the disease was increased a hundred fold.

As fast, however, as the nature of the trouble became known, prompt measures have been employed and it is believed that the outbreak is now under control. The public generally is cautioned to cool counsel in the present conditions and to promptly report all suspicious cases in order that they may be investigated and the general health of the communities safeguarded.

There is considerable mystery regarding the origin of the disease, but it is thought to have been brought to Falls City, where it first appeared, by a logger from one of the camps further up in the mountains.

POPULAR AIRLINE COUPLE WED

Home of Mr. and Mrs. A. Aebi, Near Airline, Is Scene of Happy Event.

William Toedtmeier and Miss Imo Aebi were united in marriage at the home of the bride's parents, Mr. and Mrs. A. Aebi, near Airline, on Tuesday, Nov. 26, at 10 o'clock a. m. Rev. Orinor, of Salt Creek, officiating. The rooms were tastefully decorated with evergreens and chrysanthemums. As Miss Imo Lehman played the wedding march, the bridal party, composed of the bride and groom, attended by Miss Dora Toedtmeier as bridesmaid and Fred Aebi, as best man, entered the living room and took their places beneath a bower of evergreens and chrysanthemums, where the few words that made them one for life were exchanged. The bride was charming in a dress of white silk and carried a bouquet of white chrysanthemums; the bridesmaid was becomingly gowned in white Danish cloth, trimmed in white taffeta ribbon, and wore carmine in her hair. The groom wore a dark blue suit, and the best man was dressed in a brown suit. Immediately after the ceremony a delicious wedding dinner was served, after which Mr. and Mrs. Toedtmeier, accompanied by the best man and bridesmaid, left for Monmouth, where they took the train for a short wedding trip. Their many friends wish them a long and happy life.

The guest list included: Mr. and Mrs. A. Aebi and family, Mr. and Mrs. J. Toedtmeier and family, Mr. and Mrs. H. Aebi, Mr. and Mrs. Aebi from Salt Creek, Miss Emelia Toedtmeier, of Oregon City, an aunt of the groom, Miss Maggie Toedtmeier, of Sherwood, a sister of the groom, Miss Bertha Aebi, a sister of the bride, Hennie Aebi, Will and Ella Fleischman, Misses Imo, Annie and Emma Lehman, Charles and Edward Lehman, cousins of the bride. This newly-wedded couple were presented with many beautiful presents. They will make their home at Airline, where Mr. Toedtmeier owns one of Polk county's finest farms.

The Order of Railway Trainmen are said to be holding a business meeting today at the Hotel Gall, one of the head officers being in attendance. The object of the meeting could not be learned this afternoon, but it is supposed to have been due to some grievance of employees.