The Polk County Observer

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RECALL HAS NEW PHASE

GRAND JURY MAY HAVE TO DEAL WITH ITS PROMOTERS.

District Attorney Sibley Now Investigating Charges Made in Petitions Now Circulating.

There is a prospect of some sensational developments in connection with the recall movement. District Attorney J. S. Sibley is making a thorough investigation of the statements made in the petitions now in circulation throughout the county with a view to securing signatures, and if he finds that they are gross misrepresentations he will probably convene the grand jury and present the matter to the attention of its members. This, the prosecutor holds, is in line with his duty and he will not shirk responsibility. The facts as set forth by The Observer last Friday, in which the records were quoted as to the funds in question, caused Mr. Sibley to become interested in ascertaining whether the allegations contained in the petitions are accurate, or whether misrepresentations had been designedly made for the purpose of deceiving the tax-payers to advance the interests of individuals who are responsible for the undertaking to replace the present county judge and the two commissioners.

According to the records, and also according to statements made by both Judge Teal and the commissioners, the charge made by the instigators of the recall as regards county road finances are at variance with the facts, but the prosecutor purposes investigating for himself, and if he finds the petitions faulty to any considerable degree he will present the case to the grand jury for its further consideration. The law holds, in such cases, that untrue allegations are maliciously made, and provides a severe penalty for those responsible in the premises. Mr. Sibley has delved deeply enough into the matter to know that the figures presented are at least misleading, and also the sum of money remaining in the road fund is considerably in excess of the amount given in the petition.

During the past several days the petitions have had rather hard sledding, the figures as presented by The Observer, which were taken from the records, having put a different phase upon the matter. It is not improbable, however, that the petitions will have a sufficient number of signers to make the recall election possible, but this latest move by the district attorney may have the effect of dampening the ardor of many who would have to sign the recall petitions of the three county officials. A considerable number of the petitions sent to different parts of the county have been returned to Judge Teal, and some to the commissioners, with the statement that those to whom they were forwarded did not intend to participate in the movement. Others who had secured a number of signatures have destroyed the petitions after having become satisfied that the movement was started from purely personal motives.

Those who are promoting the undertaking appear to be satisfied with the manner in which the recall is being received in various parts of the county, and aver that it will be only a matter of a short time before the required number of signatures will be secured. Signatures are more easily obtained in some parts of the county than in others, which might have been expected, inasmuch as those are disgruntled over divers and sundry things sought for their respective localities and not forthcoming for reasons best known to the governing body will naturally wish the success of the recall, while those who consider that the court has been fair and judicious will withhold their signatures. The construction of highways is a problem with the court of Polk county, the same as it is with the courts of other counties of the state. Polk county has upwards of 1500 miles of highways, and these must be maintained, while permanent improvements are going forward. The process requires the expenditure of a large sum of money annually. The court contends that the most frequented roads should have first consideration because the greater number of people are served by them, and this naturally leaves those persons resident of sparsely settled parts to bide their time. It is from these sections that the petitions are receiving the greater support from the standpoint of population.

So far as The Observer is able to learn the petitions have not been widely circulated in Dallas as yet. At Independence the signatures of comparatively few persons have been secured. At Monmouth the agitation appears to be met more favorably, while at Falls City, the home of Judge Teal, the number of names thus far secured may be counted upon the fingers of one's hands. Spring Valley is strongly against the recall, and there is not a likelihood of it doing a flourishing business there. There may be reason for this, however. The three districts there are getting all their road tax money this year for the building of a rock road, which is now under construction. It is one of the richest sections of the county, and the people there have been paying taxes for more than fifty years without having their just proportion expended for the benefit of highways through their balliwick. They hold, in common with others who stop to consider the matter, that they are but receiving that which justly belongs to them. From Airlie word comes that "there's nothing to it." A petition has been left there for circulation among the people, but the party who has it has done nothing with it, and is being discouraged by the populace as a whole. Our informant there says the people generally are satisfied with the administration, and have no complaints to register. But, naturally, in every community there are those who are "against the government," and the petitions may come in with a few signatures before time for filing. And practically the same condition obtains at Suver and Perrydale. At the latter place there is some dissatisfaction over the court's appointment of a road supervisor, but on the whole the taxpayers feel that the court is doing the best it can under the circumstances for that section and the county.

WHY SPEND MONEY ABROAD?

Fertilizer for Our Willhmette Lands Should Be Produced at Home.

Tillamook county parties have completed arrangements for the operation of a land fertilizer plant there, U. G. Jackson being the prime mover in the undertaking. The Headlight has this to say about the sale of the product:

"The company has been corresponding with farmers in the Willamette valley, and Mr. Jackson announces the sale of a carload of lime to an orchardist at Woodburn, and other sales are in view. We hope this will be the beginning of another important industry in Tillamook county. The farmers in the valley appreciate the value of lime and are willing to pay the freight from Tillamook, knowing that they will be amply repaid by the increased production of their fields."

Polk county, as has heretofore been stated in these columns, has an almost inexhaustible deposit of limestone within easy reach of a railroad, and it is from this source that fertilizer should be supplied to farmers of the Willamette valley. The transportation charges, always an important item for consideration, would thus be reduced to the minimum.

WHO WILL FOLLOW FINN

DUTIES WOULD DEVOLVE UPON COUNTY SURVEYOR SAYS LAWS

Acceptance of Roadmaster's Resignation Would Probably Further Entangle Governing Body.

When the county court convenes tomorrow it will consider the resignation of Waldo J. Finn as roadmaster, which has been filed with it by Mr. Finn, he desiring, according to his own statement, to fight the recall movement from the standpoint of a private citizen rather than as a county official. Section 7 of the road laws of Oregon provides that "within counties having no roadmaster the county surveyor shall have charge of all construction, building, re-building, improving, or repairing of all public and county roads," and that "all such work shall be done under the supervision of said county surveyor." In case the resignation of Mr. Finn is accepted by the court it must, therefore, forthwith appoint another roadmaster or permit the work to go forward under the supervision of the surveyor. And inasmuch as the court deems the county surveyor incompetent to perform the duties for which he was elected, and for the further reason that it was largely through his instrumentality that the recall movement was launched, it isn't likely that he would now be called in to perform the duties incumbent upon both offices.

It is hardly probable, however, that the court will accept the resignation of Mr. Finn, his reasons for wanting to quit being quite insufficient to warrant that action. It is true that complaints have come from certain sections, notably from the district in which he resides and where he has a well developed farm, but these complaints are not from a standpoint of inefficiency, but rather because of his recommendation of a supervisor for that district, which appears to have been contrary to the wishes of the tax-payers of the balliwick. The concensus of opinion seems to be that the roadmaster has performed the duties of the office according to his light, further than which no man can do. To accept his resignation at this time would further entanglement the court, and also give forth the impression that the roadmaster was retreating under fire. No charges have been preferred against him, and the court should be capable of taking care of itself.

SCHOOL FESTIVITIES MANY.

Multnomah Delegation Largest at Normal Institution.

The fourth annual summer session of the Oregon State Normal school was featured by many student activities. Long hikes, picnics and dinners took place each week throughout the six weeks' course. Multnomah county, with a delegation of 90, was the strongest of the county groups. Among the number were fifty Portland school teachers. The remaining number comprised recent graduates from high school. Most of the summer students were enrolled in "Teaching Methods" and many have obtained positions for the coming year in rural districts of the state. High school graduates in many instances teach to earn money to complete the course at the Normal school.

Planning Stock Sale.

Hon. C. N. McArthur of Portland, whose Ashwood farm is at Rickreall, and who breeds both pure-bred Jersey cattle and Duroc Jersey hogs, expects to have a disposal sale of hogs this fall. Mr. McArthur's duties as congressman will call him to Washington in November, and the session is apt to be a long one. He feels that it might be best to conform the activities of the farm to one line of breeding in his absence.

SEEK TO ADOPT CHILD

ANOTHER CLASH PROBABLE BETWEEN JUVENILE COURTS.

Contention Over Two-Year-Old Left By Woman Whose Death Is Surrounded By Mystery.

Mr. and Mrs. Charles Tremble of Falls City were in the city yesterday consulting with the juvenile court concerning the adoption of the two-year-old child left by Mrs. Alice Palmer, who was found dead in the cabin of George Lemieux above Black Rock, where she was living as the man's wife. The child was left with Mr. and Mrs. Tremble after the woman's sudden death, Lemieux taking his departure for parts unknown following the mysterious passing of his paramour. So attached have they become to the little one that they are desirous of taking it as their own. But there are obstacles in the way, and these must be cleared before such can be possible.

The grandparents, who reside in Texas, from where the woman came to Oregon and secured a divorce from her husband, a man by the name of Palmer, have given the juvenile court of Multnomah county a relinquishment to the child, and an effort will probably be made to take possession of it with a view to placing the boy in some institution, or at least having control over it. The paternal ancestor, however, intervenes between the grandparents, and Mr. Tremble is endeavoring to locate Palmer that his consent may be had to the adoption. Palmer, it was stated before the court, disclaims the child, but nevertheless has a record title to it, and unless this can be cleared up and his consent obtained there is likely to be another "child ownership fight" between the juvenile courts of the two counties.

The child in question is a bright little fellow, and Mr. and Mrs. Tremble are evidently very fond of him.

COMMUNITY WILL JOIN IN SONG.

Program for Saturday's Gathering on Court House Lawn.

On Saturday evening next the entire community, including those resident of the territory surrounding Dallas, will assemble on the court house lawn and join in singing patriotic songs to the accompaniment of the concert band. This is the first undertaking of the kind in Oregon, although the practice has prevailed for some time in eastern cities, most notably Philadelphia, and every citizen should make an effort to make it the unqualified success that its merits warrant. The "sing" will be held immediately following the band concert, which will be shorter than usual, only six numbers as follows being rendered: March, "Bombasto;" overture, "Friendship;" selection, "Burgomaster;" popular, "Apple Jack;" waltz, "Hearts Courageous;" march, "Loyalty."

The program for the community sing, for which numbers the band will give the chord, will be as follows: "America," "Columbia the Gem of the Ocean," "Onward Christian Soldiers," "Star Spangled Banner."

OAKDALE FARMERS ORGANIZE.

Branch of Co-operative Union Perfected There Last Friday.

On Friday last the farmers of the Oakdale neighborhood met at the school house and organized a branch of the Farmers' Co-operative Union of America. Mr. H. T. Cutting was present as organizer, and made a lengthy talk relative to the objects and benefits of the order. The following officers were elected: President, A. L. Bartholomew; vice-president, O. E. Dennis; secretary and treasurer, Fred W. Hughes; chaplain, James Ross; doorkeeper, Lert L. Miller; conductor, C. J. Bruce.

SCHOOL MONEY APPORTIONED.

Polk County Receives $9,133.25 From Irreducible Fund.

The annual apportionment from the irreducible common school fund for the schools of Oregon was made yesterday. The total is $60,066, which is $1.75, as against $1.85 last year. The reduction per pupil is due to the fact that there are 3865 more children of school age this year, the total being 205,752, and the further fact that interest collections have been somewhat backward. Last year $373,490.95 was apportioned. Polk county receives $9,133.25.

Road Contract Awarded.

On a bid of $18,860.66 the contract for the improvement on the Sour Grass Valley road has been awarded to the Tillamook Bay Construction company of Tillamook. This road work is to be completed by November 1, and will cover a stretch five and a half miles between what is known as the Bee ranch and a point about three-quarters of a mile below Dolph. It eliminates the long hill at Dolph, and will do away with the toll gate.

Change of Ownership.

Mr. F. E. Davis is closing negotiations which have been pending for some time past for the interest of his partner, Mr. Horn, in the furniture and house furnishing business at the corner of Main and Washington streets. Mr. Horn went to Eastern Oregon several months ago, and elects to remain there, hence the sale.

Smith Will Go to Corvallis.

Announcement has been made that E. M. Smith, formerly county clerk of Polk county, has been offered and accepted the position of auditor of the state agricultural college at Corvallis. Mr. Smith expects to take up his new duties about September 1.

MAYOR NOT SUPPORTED

KIRKPATRICK'S WATER WORKS RESOLUTION DEFEATED.

Chief Executive Contends That By Admitting Gates Owns Plant Means Loss to City and People.

Holding that the water works plant was in jeopardy under the present proceeding in the circuit court, and also that the city attorney's answer filed in the action brought by Mr. Gates against the Railroad commission to determine the ownership of the system was without authority and detrimental to the interests of the municipality, Mayor Kirkpatrick last night introduced a resolution before the council to define the position of the city in the suit, but the aldermen voted it down 5 to 2. The vote was taken on the resolution after the question had been discussed at considerable length, Mr. Walter Tooze speaking for the mayor. During the arguments, chiefly between the chief executive and City Attorney Ed. Coad, there were some heated words, the latter frankly telling the mayor that he considered the resolution an insult to his intelligence, which invoked the reply from hizzoner that when a man gets hold of a little office he wants to run everything. The mayor held that it was the right of the council to give directions as to the action to be taken in the suit now pending, and that the city attorney had proceeded to file his answer without previously consulting his superiors in the matter. Mr. Coad pleaded ignorance regarding the council's desire to direct his legal steps. Westover and Young voted with the mayor, while Knight, Miller, Sweeney, Barber and Card voted against him. The salient points of the resolution follow:

Whereas, the city council has, after careful and thoughtful consideration, arrived at the conclusion that Ordinance No. 23 entitled: "An Ordinance providing for the supplying of the city and its inhabitants with water for public and private use, and contracting with H. V. Gates, his successors and assigns, to construct a water plant, and providing for the payment of $12,000, and a lease of said plant to H. V. Gates, for a period of twenty years or until termination by agreement of the contracting parties as payment for said water plant," passed by the city council September 17, 1902, is binding, and that its provisions relating to the construction and operation of said water plant are binding equally upon the city and the lessee, and that with reference to the ownership of said water plant, the said H. V. Gates occupies solely the status of a lessee, the ownership thereof being within the said city; and

Whereas, proceedings have heretofore been taken by a prior administration of the affairs of the city, whereby the Railroad commission has been asked to take jurisdiction over the said water plant, and by reason of which the claim has been made that the said H. V. Gates is the owner of said water plant, and that therefore said Railroad commission has the right and is by law bound to fix the rates at which said H. V. Gates shall furnish water to the city and the inhabitants thereof, regardless of the terms and provisions of said Ordinance No. 23 of said city; and

Whereas, the matter having come regularly before said Railroad commission, and the said commission having found the said H. V. Gates to be the owner of said water plant, and having assumed to fix the rates for the sale of water by the said H. V. Gates, and the said H. V. Gates having brought an injunction suit in the circuit court for the county of Polk, to restrain the said commission from enforcing its findings and to restrain the enforcement of the rates fixed by the said Railroad commission; and

Whereas, in order to prevail in said injunction suit, it is necessary that a judicial finding be made on behalf of the defendant city that said H. V. Gates is the owner of said water plant instead of being a mere lessee; and

Whereas, a finding to the effect that said H. V. Gates is the owner of said water plant instead of the said city being the owner thereof, would be injurious to the best interests of said city and the inhabitants thereof, and is not in accordance with facts nor the intent and purpose of said Ordinance No. 23 of said city; and

Whereas, Ed. F. Coad, as city attorney of the city of Dallas, has filed in said suit pending in the said circuit court, an answer for and on behalf of the said city wherein and whereby the claim and contention is made by the said city that the said H. V. Gates is the owner, and not the lessee of said water plant; and

Whereas, said answer was not read to the city council of the city of Dallas and approved by said city council prior to the filing of the same, and the same does not accord with the true status of the matter and is directly opposed to the stand which the said city desires to take in the premises, which stand is that the city of Dallas, and not H. V. Gates, is the owner of said water plant; and

Whereas, it is necessary and expedient that the city of Dallas take a definite stand in said suit, and in the matters out of which said suit has grown, and to that end necessary and proper steps be authorized by the city council of the city with reference to the same; now, therefore—

Be it resolved by the city council of the city of Dallas:

Section 1. That any and all claims now or heretofore made in any proceeding, action, or suit, that the city is not the owner of the water plant as described in and provided for by the terms and provisions of Ordinance No. 23, and that H. V. Gates, the lessee of said water plant, is the owner thereof, be, and the same hereby are denied and opposed. That the said city of Dallas shall, and it hereby does, take the stand that the city of Dallas is the owner of said water plant.

Section 3. That Ed. F. Coad, he, and he hereby is authorized and directed to file in said suit above mentioned for and on behalf of said city, an answer or other pleading, or in lieu thereof, to take such other steps as may be necessary and proper in said case, consistent with the terms and provisions of sections 1 and 2 of this resolution; and to that end that he be authorized and directed for and on behalf of said city to withdraw or amend said answer heretofore filed, so that the said city will not in any manner whatsoever appear in said suit as claiming that the said H. V. Gates is the owner of said water plant, or any part thereof; and in taking any step or steps in said suit, the said city attorney shall confer with the mayor of said city prior to taking same.

Section 4. That in case the said city attorney shall fail or refuse to act in accordance with the terms and provisions of this resolution, the mayor shall be empowered to employ private and special counsel to represent the said city in said matter, and to arrange for the compensation to be paid said private and special counsel, and when such private or special counsel shall be so employed, he shall have the same powers and be charged with the same duties as the city attorney.

Section 5. That the actions heretofore taken with reference to the claims of the city of Dallas, or pretended claims, wherever made, that the city of Dallas is not the owner of said water plant be not ratified nor

(Continued on last page.)

MEN RESPECT SIGNALS

REMARKABLE SHOWING MADE BY SOUTHERN PACIFIC.

Efficiency Tests Made During Three Years Show that Operating Rules Are Observed.

An interesting sidelight on the efficiency of the railroad man of today is afforded by the figures of Vice-President and General Manager W. R. Scott of the Southern Pacific on the efficiency tests made during the last three years. Out of 74,116 checks on the observance of operating rules by trainmen and enginemen on the Pacific system there were but few cases wherein the signal was not respected—a percentage of 99.83, perfect.

Those tests are one of the biggest factors in the railroad's protection of the life and limb of the traveling public. By them, officials are enabled to detect the careless man and, in their opinion, the man who is careless is not the man to be entrusted with any share of the responsibility of safety transporting passengers from one part of the country to the other.

The tests are made by division superintendents and their respective staffs and under conditions that exist in everyday service. The feature of them, however, is that they reveal a remarkable degree of efficiency on the part of the railroad employe, something that is reflected in the great record made by the American roads in their safety campaigns. The frequency of the checks made on the heed of danger signals only serves to emphasize the capability of the men. There are twenty-two tests in all and each official making it is required to keep an accurate record of the checks on individual employes. He fills out a blank showing the date, time, location and train and engine number; the name of the conductor and engineer and the kind of check made. The Southern Pacific was the first railroad to keep an accurate file of the individual records and these have played the important part in the promotion of the deserving.

WEATHER DELAYS HARVEST.

Threshing on Largest Acreage Planted For Many Years.

Hundreds of acres of wheat are standing in Polk county awaiting the thresher, which will start forthwith. The largest acreage in many years is planted and much is expected to run forty bushels to the acre. In some fields the wheat stood fully six feet high. Considerable spring oats will be harvested. Where vetch and oats were planted together the oats outcrowded the vetch this year and the freezing weather had its effect. Harvest is expected to last twenty days, the longest period in years.

Kills Two Bears.

The other day Fire Warden Teats, who is stationed above Black Rock, while following a trail discovered three bears, mother and two cubs. When pursued the mother bear mounted a high stump, while one of the offspring shot up a tree and the other made for the brush. Mr. Teats shot those taking refuge within plain view.

Change of Ownership.

The Black & Robbie garage on North Main street was purchased by George Brown, Wednesday afternoon from the above firm, that transfer taking place immediately. Mr. Robbie will remain in the employ of Mr. Brown. Roy Black, the other member of the firm has not yet decided in what business he will engage.

Fair Board Meeting Called

President L. H. Fenton has called a meeting of the directors of the Polk County Fair association for August 12, when attractions for the September event will be decided upon and arranged for.

POLK AWARDED PRIZES

GOLD MEDAL FOR MOHAIR ASSIGNED TO H. G. CAMPBELL.

The Blue Ribbon County of Oregon Getting Deserved Recognition at the Panama Exposition.

H. Charles Dunsmore, who is Polk county's personal representative at the Panama exposition, in a communication to Mr. D. D. Peters of this city, says the awards on the present summer fruit have not been made, and that while he has been given to believe that Polk county took first prize on cherries there has been no official notification to that effect as yet. Dr. Dunsmore encloses in his letter a copy of the awards made to the state of Oregon, in the list being a gold medal to H. G. Campbell of Dallas for mohair textiles. The Willamette Valley Exhibit association, which includes the eight counties of the valley, has been awarded a medal of honor for its exhibit of farm products of the soil. Harry Guthrie of Monmouth was given a bronze medal for sheaf wheat, and C. D. Nairn of near Ballston was awarded a silver medal for an exhibit of oats in sheaf and threshed.

Dr. Dunsmore says the Willamette Valley association made a specialty of dispensing loganberry juice to all comers last Thursday, and that it met with universal approval, exploiting the berry to thousands of persons who had never before heard of this coast fruit. He also says that the association contemplated having a "peach day" in the near future, when a public demonstration will be made with the Oregon peach. Peaches, prunes and other late fruits still remain to be judged, and the Polk county representative is hopeful that this section will receive the recognition that it deserves.

BURSELL AGAIN ON TRIAL.

Former Polk County Farmer Is Charged With Murder.

Clarence O. Bursell, formerly a farmer near Bridgeport in this county, went on trial for the second time in Marion county yesterday. He is charged with murder in the second degree. The first trial of this case attracted wide interest on account of the wide acquaintance of both Bursell and Charles C. Zimmerman, the deceased. The trial required five days and the jury was unable to agree on a verdict, standing seven for acquittal and five for conviction. A special venire of thirty men was drawn for this second trial and forty-five men were examined in the first trial before the jury was selected. A large number of witnesses were called by both sides in the controversy and it is expected that some new testimony will be introduced in this trial.

TEACHING CERTIFICATES ISSUED

Polk County Applicants Successful in Recent Examination.

County Superintendent of Schools H. C. Seymour has received a list of those Polk county teachers who passed the recent state examination, and to whom certificates have been issued as follows: One-year certificates: Phoeba Denney, Perry B. Arant, Eleanor Stockton, Zaidie Putnam, B. Romtvedt, Lena Gilman, Sarah Perry, Ruby Gard, Nora Anderson, Davis Ball, Marie McComb, Ruth E. Elkins, Marian Flouro, Janette Willgerodt, Mrs. E. Thompson, Crete M. Childers, Merle M. Cellers, Agnes Weatherson, Mildred E. Lewis, Cynthia Scovell, Zena Houser, Myrtle E. Fay, Ruth L. Campbell, Fay P. Hetson, Edna Morrison, A. Lenora Agee, Osabel L. Snider, Eva C. Ritner.

Rearing Pheasants New Industry.

Now that it has been made possible to rear, sell and ship pheasants on the same basis as chickens, people are beginning to awake to the possibilities in pheasant raising. Not only are pheasants beautiful in themselves, but there is a ready market for both birds and eggs. There is no reason why they should not be more generally raised, for they will stand the coldest climate, and require only about one-tenth as much food as do chickens. They may be allowed to range over fields and woods, but it is an equally easy matter to rear them in a small inclosure.

When Right Is Left.

The war editor of a Kansas paper figures it out like this: "The Allies' left is trying to move around the Germans' right, but the Germans' right is also moving around the Allies' left. Now if the left of the Germans' right moves around the right of the Allies' left, then what is left of the Germans' right must be right where the Allies left. But if the German right's left is left where the Allies' left's right before the Allies left, then the left is left where the right left the right's left. Isn't that right?"

New Library Books.

The following new books have been received at the public library: "Lalla Rookh," Moore; "Practical Plumber's Work," Hasluck, ed.; "Comic Tragedies," Alcott; "Palace Beautiful," Meade; "Profitable Poultry Keeping," Beale; "Love and Mr. Lewisham," Wells; "Woodstock," Scott; "Epitaphs," Unger; "Reign of Law," Allen.

Espee a Heavy Tax Payer.

The Southern Pacific company, for its own property and property of the railroads leased and operated by it, pays taxes in Polk county this year aggregating $33,498.16. This does not include land grant unsold lands, which amount to approximately $14,000 for the year. The O. W. R. & N. pays only $3.70 taxes in this county.