

The Polk County Observer

VOL. 27

(THE HOME PAPER)

DALLAS, POLK COUNTY, OREGON, TUESDAY, AUGUST 10, 1915.

(TWICE-A-WEEK)

NO. 48

JURY ACQUITS BURSELL

FOUND NOT GUILTY OF MURDERING CHAS. ZIMMERMAN.

Second Trial of Former Polk County Farmer Gives Practically Same Testimony as Heard Before.

Clarence O. Bursell was found not guilty of the charge of murdering Charles C. Zimmerman at 9:30 Friday night by a jury which had been out about five hours. Bursell was accused of shooting Zimmerman, a neighbor, near Silverton, May 25.

The verdict closes one of the longest and most hotly contested cases in the history of Marion county, having required two trials of approximately five days each. Bursell was released immediately following the verdict. Throughout both trials he had maintained in his testimony that the shooting was in self defense.

Bursell has been confined in the county jail constantly since his arrest by Sheriff Each on May 25 a few hours after the trouble. He was given a preliminary hearing in justice court a few days later and was bound over to the grand jury. His attorney made application for bail, but this was denied.

An indictment charging murder in the second degree was returned by the grand jury, convened June 28.

The first trial of Bursell was called July 19, and went to the jury July 24. After being out about twenty-seven hours the jury failed to agree and was dismissed.

The second trial was called August 2, and the jury was selected by noon. The jury went to the scene of the alleged crime and upon its return to Salem, about 4:30, testimony was commenced. The witnesses for the state being called first. The state completed its testimony at 4 p. m. Wednesday and the witnesses for the defense were called, completing their testimony about 4:30 Thursday.

Bursell, in his testimony, claimed that Zimmerman, who, it is said, was a much larger man, had frequently threatened his life. He said that as he came along the road between his own and the Zimmerman homes, that Zimmerman advanced toward him with a scythe and that he thought Zimmerman was going to carry out his alleged threat. He said he put up the rifle to his shoulder and as he fired Zimmerman took hold of the gun, taking it from the grasp of Bursell. Bursell claims that he started to run down the road and that Zimmerman pursued him, first trying to shoot him, and then trying to use a club. He said he was carrying an automatic pistol and that he fired with this over his shoulder. He said he did not know how many times he was shot. He did not know, he said, where Zimmerman was when he fired the last shot.

PORTLAND MEN IN LIMBO.

Pair of Travelers Appropriate Hop Sacks at West Salem.

Pleading poverty and other extenuating circumstances for the theft of a quantity of hop sacks from James Brophy of West Salem, L. W. Carson, aged 22 and C. O. Anderson, aged 31, were placed in the Polk county jail here on Friday. The prisoners were accompanied by Constable Imah by order of Justice Woods, who bound the men over to await the action of the grand jury, which convenes in regular session in October. To Sheriff Orr on Friday the men talked freely of their act and said they were endeavoring to dispose of the goods at Salem when caught, the new sacks being offered at ten cents each. They made away with the booty by boat, the conveyance being also appropriated. The men were shabbily dressed and stated that it was impossible to obtain work on account of their attire. With better clothes, which they expected to procure through the sale of the stolen property, they had hoped to find employment, so they stated. The prisoners gave their home as Portland.

SALT ENEMY OF CANADA THISTLE

Dallas Man Found Mineral Successful in Pennsylvania.

In speaking of the fight being waged in the valley against the ravages of the Canadian pest Mr. J. G. Van Orsdal recalls a war he waged in Pennsylvania years ago to rid his farm of this dangerous weed. He selected a portion of the place where the weed grew thick and rank, and, knowing that no other vegetation could exist where the thistle had gained a foothold, he resorted to desperate methods for its extermination by spreading a car load of cheap salt over the ground. While this caused many of the tourists and strangers traveling through the neighborhood to "catch cold" and sneeze as they passed the "snow-clad" hill, Mr. Van Orsdal found that the remedy was a successful one. It destroyed the thistle and the land also. Some years after his experiment he returned to his old home and found that the salt had in time proved of value to the soil. The salted section produced the best crops on the entire farm.

Truth Will Go To Pleasant Hill.

The Observer office enjoyed a short call on Friday from Mr. F. M. Nagle of the Pleasant Hill district, near Sheridan. Mr. Nagle lives in the extreme northwestern portion of the county. He had become interested in the matter of the proposed recall of the county court and made the journey in company with his neighbor, Mr. Sam Ottlinger. Mr. Nagle's attention had been attracted to the controversy through The Observer. Af-

ter a few hours of investigation of the affairs of the commissioners, and making a special inquiry into the Savage bridge matter, Mr. Nagle returned to his home well satisfied as to the integrity of the court. He will convey to his neighbors who are being persuaded to sign the petition for recall the results of his findings at the county seat. His district being somewhat isolated, is receiving careful attention by the belligerents.

HAS SANDY DOWN ON UPPER LIP

Is a Smooth Solicitor and Explains "Don't You See?"

Local agents of the United States Fidelity and Guarantee company of this state are being requested to keep an eye open for one calling himself J. H. Anderson, and representing himself to be special agent for this company. The warnings are being sent from the general offices at Portland and the description of the party besides stating that he is not authorized to do business for the company, says that he is about 42 years of age, medium height and weighs 210 pounds, including his mustache and complexion which are of the amber color. He is said to clinch every argument with a "don't you see?" Anderson is seen in his best work with railway employes.

ENJOINS COUNTY COURT

OBJECTION RAISED TO PAYMENT OF ENGINEERING WARRANT.

Complainants Hold That Work of This Character Should Be Done By the County Surveyor.

What appears on the surface to be an outgrowth of the personal fight against the county court, in which recall petition is at present the "big stick," crept to the fore on Friday, when the county clerk, the county clerk, and the county treasurer were enjoined from payment of a warrant issued in favor of the Himes Engineering company for services rendered the county by order of the county court. Henry Voth, a farmer, appears in the plea for the restraining order, bond being furnished by Joe Brown of the Salt Creek country. Oscar Hayter represents the petitioners and District Attorney Sibley will have charge of the case for the defendants. The hearing will come before District Judge H. H. Belt upon his return from the coast.

The petition is brief, merely reciting that the county court exceeded its authority in employing the Himes company to make plats and surveys of county roads.

The contest will perhaps settle a question that has long vexed the county courts of the state and involves the privilege of the county court to employ other than regular employees or officers for special work, or when failure to perform work or inability to do the same are in question.

AL. G. BARNES' RETURN VISIT.

Dallas Will Have a Real Circus Tuesday, August 24.

The circus is coming to town—Dallas. Yes, siree. Tuesday, August 24 is the date, and within the next few days, a gaily decorated car will roll into town, and the army of advertising men that go along with it will scatter and post flaming pictures of lions and tigers, elephants and camels, and horses and ponies, and parades, and all the things that makes one wish the day would hurry up and get here. The Al. G. Barnes' big three ring wild animal circus is going to present the biggest, brightest, and altogether the best line of circus glories and features in the history of its numerous visits here.

So says Murray A. Pennock, general contracting agent who was here yesterday arranging the preliminaries. A busy man, is the circus agent, for upon him falls the task of making contracts for the licenses, the show grounds, space on the billboards for the circus pictures, water, and feed for the animals and food for the show's family of five hundred people. Every sign must be engaged to take the bill posters out into the country and last but not least, he calls on the newspaper boys and says "howdy."

"When the show comes this year, we believe we'll show you more new, novel, sensational, thrilling and amusing feats than you ever saw under a canvas in your life. That's quite a bombastic statement and borders on hyperbole, but referring to the past visits of the show here, hasn't Mr. Barnes always made good on the promises made about his show? The whole program was made over this season—its entirely different. Educated animals give the performance—largest of that character in the world." These are the words of Mr. Pennock.

Mayor Undergoes Operation.

Mayor E. C. Kirkpatrick was operated on at the Good Samaritan hospital, Portland, on Friday morning for the removal of the thyroid gland, or goiter. Dr. A. E. Hockey of Portland was the operating surgeon and, at the request of the patient, Drs. A. B. Starbuck and B. H. McCullon of Dallas were present. The operation was successful, and it is expected that Mayor Kirkpatrick will improve so rapidly that he will be able to return home within ten days.

Now Practice in Park.

The Dallas band boys have answered the call of summer and have forsaken the city hall, where rehearsals have been held, for the city park, where regular practice will be held hereafter.

AWARD ROAD CONTRACT

REJECTS BID FOR ONE PROJECT BECAUSE OF HIGH FIGURE.

John S. Parker Appointed Fruit Inspector on Petition Signed by Thirty-Five—Road Finances.

The awarding of contracts for graveling county roads and the appointment of John S. Parker as county fruit inspector were among the important acts at the meeting of the board of county commissioners last week.

Bids for hauling gravel on the Salt Creek road were rejected by the board because the price was higher than the cost of crushing and laying rock. The contract for graveling the Lee Hill road was awarded to B. L. Styles, J. I. Reasener, F. Guy and W. P. McBea at 80 cents a yard. The Guthrie and Hibbard contracts were let to J. C. Guthrie after Thomas McCarty and W. C. Bevans had withdrawn a lower bid. Mr. Guthrie got the awards on a bid of 55 cents on the Hibbard road and 40 cents on the Lee Hill road. The Richmond road will be gravelled by Thomas McCarty and W. C. Bevans, whose bid of 80 cents a yard was low.

The question of opening the John Holman road to traffic was settled when the court ordered the road supervisor to direct its opening. As a result of a petition presented by Hort C. Eakin and thirty-five others, John S. Parker was appointed to the position of county fruit inspector, and will begin upon his new duties at once.

REPORT OF COUNTY TREASURER

Black Rock Man Nearly Loses Eye. Operations of the Week.

Because he received prompt and skillful attention at the Dallas hospital Sunday, W. J. Morse, an employe of the Willamette Valley Lumber company at Black Rock, may retain the sight of his left eye, which was badly injured by a flying piece of steel. The lid is badly lacerated and the eye-ball was ruptured so that much fluid was lost. Dr. A. B. Starbuck, who is treating the case, believes the sight can be saved in spite of the loss of fluid.

Miss Lena Tarter of Corvallis, has sufficiently recovered from a recent operation for appendicitis that she was removed from the Dallas hospital Sunday. Dr. V. C. Staats, Miss Tarter's family from Corvallis attended her at the operation.

CLAIRE SNYDER DRAWS LUCKILY.

A "straw-lot" contest was held at K. of P. hall last evening to determine the candidate for Marmon lodge number 86 to the Crater Lake convalesce of Knights of Pythias. Claire Snyder was the successful contestant. Morris Dalton and Walter L. Young were the other contestants who drew short straws. Esquire Snyder will receive the Knight's rank in the crater as a result of the contest.

SEVENTY-FIVE PER CENT CROP OF PRUNES IN POLK.

After keeping its plant in idleness since February the J. K. Armsby company resumed the packing of prunes on Monday morning to dispose of the fruit on hand before the arrival of the first of the new crop, which is expected earlier than usual this year. The outlook for a large crop throughout the valley is excellent, according to Mr. A. C. Peterson, who estimates a 75 per cent yield. Most of the large orchards are bearing maximum crops, although the yield is small in others, and if good weather prevails in the meantime the first prunes of the season should reach the packers not later than September 20.

ARMSTRONG PACKING PLANT RESUMES PACKING PREPARATORY TO RECEIVING THE NEW YIELD.

The European trouble has closed the markets abroad to the United States and makes a forecast of sale difficult to make. In spite of these adverse conditions about one-half the total crop of the state has already been contracted for, and the sale in this section is even better than the average. English markets will take some of the supply, but for the bulk of the pack shippers must depend upon American markets. Mr. Peterson expects no difficulty in disposing of the pack from Dallas through the Armsby company offices at New York, Chicago, Boston and San Francisco.

REPAIRING BRIDGES IN POLK.

With a gang of about twelve laborers J. E. Shough is directing repair work on several Southern Pacific railroad bridges in Polk county. At present activities are centered upon the Summit bridge, and it is expected that the work planned will occupy the laborers for another month at least.

U-NE-DA-REST CAMP IS POPULAR.

Five miles toward the throat of the splashing Rickreaf is located for the season Camp U-Ne-Da-Rest, which is composed of three complete camp equipments and inhabited by some

ATTEMPTS TO TAKE LIFE

FORMER DALLAS GIRL TAKES POISON AT NEWPORT.

Appropriates Several Articles From Guests at Hotel and When Discovered Would Die.

Effie Carver, whose relatives are supposed to reside at Corvallis, and who spent several months in Dallas last winter and spring, attempted to take her life at Newport on Saturday by administering to herself a dose of poison. Prompt action on the part of a physician saved the girl's life. While in Dallas Miss Carver was employed at the Imperial hotel as chamber maid, and while so engaged was accused of stealing from roomers at the hostelry. Afterwards she went to Portland, and while there Sheriff Orr recovered for one of the Imperial guests some stolen property.

The young woman's operations next came to sight at Newport, where she is employed in a hotel. Stolen articles were found under the mattress of her bed, following which discovery she decided that life was not worth the living. It is thought that Miss Carver is a kleptomaniac, her disposition being to appropriate to herself anything that appeals to her fancy, no matter to whom it may belong. When Sheriff Orr made a demand upon her for wearing apparel that had mysteriously disappeared from the Imperial, she responded promptly, and tearfully told the officer that such a thing would never occur again.

DALLAS HOSPITAL NOTES.

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An operation was performed on Mrs. E. C. Day at the hospital last week and several gallstones were removed. Mrs. Day is resting quietly and her rapid recovery is hoped for by a host of friends.

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Five miles toward the throat of the splashing Rickreaf is located for the season Camp U-Ne-Da-Rest, which is composed of three complete camp equipments and inhabited by some

twenty or more Dallasties, who are cultivating a summer tan and ravenous appetites, fishing at leisure and enjoying the out-of-door life so popular at this time of year. The party at present is composed of Willis Simonton, Captain Conrad Staffin, Fred Wagner, E. A. Hamilton and V. E. Winner and families. Messrs. Jack Eakin and Joe Halgeron, Misses Abbie Walker and Pearl Smith and Mrs. Manston.

WOULD KNOW THE CAPTAINS.

Independence Thinks It Time for Recall Promoters to Show Hand.

It appears to the Monitor that it is time for other leaders of the recall movement to come out in the open and share the initiative with Canfield. While Canfield as David has stood by with his sling and heaved rocks at Golithia, and won some renown, David's personal grievance at Golithia is thought by many to overshadow his interest in better government. The petition circulators report that they are doing well and recruiting a good sized army. If success is being attained in the enlistment of privates, more generals are needed. The dear people are keenly interested in the generals and until they appear on the battle front, will not enthuse and endorse the movement to any great extent.—Independence Monitor.

STILL AWAITING FUNDS

RUSSIAN AUTHORITIES MAKE PROMISES TO BREAK THEM.

Wealthy Manufacturer and Farmer in Siberia Arrives in Dallas Practically Without Money.

After waiting for three months with vain hopes for Russian authorities to send him the money they had held out of his fortune when he left Siberia for America, Aaron Lepp, his wife and three children, found their way from Manitoba to Dallas, where their traveling companions, A. S. Friesen and wife, have friends. Mr. Lepp was a successful farmer and manufacturer in Omsk, Siberia, when the Nihilist revolution threatened that city and the lives of members of his family. The most pleasant course open to a peace-loving and wealthy citizen under such conditions is to move.

Mr. Lepp moved toward America with \$500 allowed him by the authorities, who promised to advance a like amount each day after his arrival in the new country. That was early in March, and for all the satisfaction Mr. Lepp has received his financial concerns are unaware of his arrival. It is probable that Mr. Lepp will settle in or near Dallas and continue to look forward to the receipt of money from Siberia, meanwhile undertaking to amass another fortune by the effective exercise of his agricultural talents on Polk county's more peaceful and productive soil.

BRIEF FILED IN POWELL CASE.

Fight for Estate in Polk County Goes to State Supreme Court.

The brief will be filed with the clerk of the supreme court this week in the matter of the will of Lucy Ellen Rowell, deceased, and the appeal will be heard in the regular order. Frank Rowell originally brought the case to trial before the county court to have his late wife's will, by which she bequeathed her wealth to the Seventh Day Adventists, set aside, contending that she was insane. The county court returned a decision in favor of the contestant, and the church appealed to the circuit court, which sustained the ruling of the county judge. The Adventists will take the matter to the state supreme court with the contention that Mrs. Rowell was in full possession of her faculties when she made the will just before her death on August 28, 1912. It is estimated that the estate was worth \$10,000 when the will was first contested.

Oscar Hayter, Ed. F. Coad and Hawkins & Clusky of Toledo are attorneys for the contestant, Mr. Rowell, while Senator Gus C. Moser and John C. McCue, representing the Portland firm of Moser & McCue, will represent the Seventh Day Adventists.

LIST OF CONTRIBUTORS GROWS.

Farmers and Orchardists Liberal With Donations to the Exhibit.

Those who have contributed to the county exhibit for the week ending August 7 are: Mrs. Anna Coad, crab apples; F. Haskke, wax and peppermint; Gilbert & Patterson, peaches; A. W. Vernon, barley, wheat and apples; Seth Fawk, barley and wheat; C. L. Hawley, barley and wheat; J. Waldo Finn, wheat; Henry Domes, oats; A. T. Vincent, speltz; Wm. Redekopp, wheat and oats; Al. Brown, wheat; F. A. Koser, oats, wheat, plums, blackberries and catnip; Frank Farmer, wheat and oats; Mrs. R. M. Hosley, plums; H. L. Fenton, plums; D. W. Sears, oats and wheat; Mr. Fishback, plums; Wm. Light, wheat and oats; Fred Elliott, apples, pears, plums and crabapples; W. H. Post, plums; Elmer Gilliam, oats; Mrs. Winnie Braden, beans; W. D. Wright, peaches, plums, prunes and crabapples; H. E. Plummer, prunes.

Building Operations Begun.

The Himes Engineering company of Dallas completed the location of the new \$50,000 training school building at Monmouth on Monday, and excavating for the foundation and basement began this morning. The new building will be directly across the road from the present main building and dormitory, and is to be completed, according to plans, about January 1. The new building, modern in every respect, will accommodate the rapidly growing training classes and will relieve congestion in other buildings.

BOYS ARE DESTRUCTIVE

HALED BEFORE JUVENILE COURT YESTERDAY AFTERNOON.

Severely Reprimanded By Judge Teal and Made to Pay Damage Done to School House and Mill.

Upon complaint of O. N. Harrington, whose sawmill had been entered and property destroyed between the hours of five in the evening Thursday and the morning working hours on Friday, Sheriff Orr took into custody Saturday Alden R. Lloyd, R. and Raymond J. Zachary, sons of the widow Zachary, five miles north of Dallas, and Frank K. Reimer, aged 12, son of Mrs. Reimer, North Dallas resident. The sawmill is close to the Pioneer school house where the windows had been demolished, the school room entered, the glass in the book case smashed, books destroyed and other damage done of a senseless nature.

Upon questioning the mother of the Reimer boy it was found that her son had been from home during the night of the occurrence. He admitted having been in company with the other lads and when they were confronted with a little fiction manufactured by the officer they gave a partial confession, placing the blame upon the Reimer lad. The judge of the juvenile court was inspecting the road work near Falls City when the sheriff brought the quartet to the court house and the sheriff delivered them to their respective homes, exacting a promise to appear before the judge on Monday.

At the sawmill pulleys and portions of the engine were tampered with and destroyed and the damage is estimated about \$10. To replace the loss at the school house will cost about \$25.

The father of the Zachary boys is serving time at Salem for a criminal offense in this county. The mother of the same boys figured in a court case against the county some months ago. When the lads appeared before Judge Teal yesterday, they were reprimanded for their conduct and collectively assessed the amount of the damage, aggregating \$24.50.

COMMUNITY SING A SUCCESS.

Hundreds of Polk County People Assemble on Court House Lawn.

That the first community sing was a decided success seems to be the opinion of the hundreds of Dallas and Polk county people who surrounded the court house on Saturday evening. The band played many spirited selections in its usual entertaining way, and later played the accompaniment for the large chorus. As an accompaniment for the voices hand music was too heavy and this was chiefly responsible for the difficulty the audience had in hearing the singers. However, the evening was made thoroughly enjoyable with the program of patriotic songs, including "America," "Columbia the Gem of the Ocean," "Onward Christian Soldiers," and "The Star Spangled Banner." Much credit is due to Mrs. Ella J. Metzger, whose efforts are largely responsible for the success of the first community sing.

Although definite plans have not been made for a repetition of the sing it is probable that a second one will be a feature of the last band concert of the season. Much enthusiasm was displayed by Dallas people in attending the concert and the curbs were lined closely with Dallas automobiles, and many from surrounding towns.

Gone to the Haunts of The Deer.

M. D. Ellis, Hugh and Roy Black and Finley Whitney left today to prepare for the annual slaughter in the famous deer country near Eugene. Mr. Black will drive to Eugene with Messrs. Grant and Whitney, leaving his car there, and Mr. Ellis goes by way of Albany, where he will be driven by his son Floyd, going to Eugene by train, near Oak Ridge, their destination. Mr. Ellis has some good bags of deer to his credit in the Cascade range country and other members of the party are also well acquainted with conditions there, having had similar good fortune, so that, after a two weeks' outing during the open season, friends will expect to learn of the hunters' fondest dreams—or disappointments.

Elected For Second Term.

E. L. Keesel of Philomath has been elected to serve a second term as principal of the Monmouth high school. Miss Armlida Doughty will be instructor in history, Miss Vida Feland, of the 1915 class of Reed college, will teach English and Miss Augusta Baker will teach music, according to an announcement made by the city school board late last week.

Special Provision Has Been Made for Increased Efficiency in Business Instruction.

Additional typewriters will be added to the equipment and commercial correspondence and business arithmetic will be new courses. The study of latin has been dropped.

Some Signers Are Sorry.

It is developing that the charges in the recall petition against the county court have not been overly well taken and the defense is having the best of it. Men who were expected to circulate petitions would have nothing to do with them and the Herald is informed that some of the signers are sorry that they attached their names to the petition. The recall measure is a good one but may be used unwisely. In the present instance it seems unwise to call it into effect, besides it would cost the county some \$2000. We believe the court would be sustained.—Monmouth Herald.