

The Polk County Observer

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DALLAS, POLK COUNTY, OREGON, FRIDAY, SEPTEMBER 3, 1915.

(TWICE-A-WEEK)

NO. 53

POLK NAMES FIVE MEN

TOOZE WILL REPRESENT COURT IN O. & C. CONFERENCE.

Question of Manner of Disposing of Railroad Grant Lands Will Be Discussed September 16.

In compliance with a request from Governor Withycombe, the county court on Wednesday appointed four delegates to represent the various interests of Polk county in the conference called to consider the several phases of the Oregon & California land grant case, which will be held at the state house in Salem on September 16. Attorney Walter Tooze will represent the county court, Mr. Macey of Independence the commercial organizations of the county, Waldo Finn of McCoy, Ira Merling of Falls City and E. E. Paddock of Independence other interests. The matter of handling the case in hand is of statewide concern, and the conference will be attended by people from the various counties. The supreme court, in effect, has placed the method of disposition of the remaining lands in question in the hands of congress. Naturally, congress will be interested in knowing the desires of the people of Oregon; and if these desires are expressed after a more or less official deliberation, it is fair to believe that such expression will have weight at Washington.

So believing Governor Withycombe asked the county courts to appoint five members from their respective counties which he called for Thursday, September 16, one to represent the court, another the taxpayers, and still another to represent the commercial organizations, while two were to represent all other interests within that county. Mr. Finn will be the tax-payers representative from Polk. The committee on procedure has been notified of the appointments.

The committee on procedure announces, after having held a conference at the statehouse on Wednesday, that the program will include addresses by the following: Governor Withycombe, "Purpose of the Conference;" Attorney General Brown, "Legal Aspects of the Land Grant Problem;" United States Forester Graves, "Point of View of the Federal Government;" R. A. Booth and A. R. Norton, "Point of View of Counties;" representative of the Southern Pacific company, presenting the railroad side of the question; Oswald West, ex-governor, will speak on the land grant question from his viewpoint; C. W. Fulton, ex-United States senator, "Constitutional Questions Involved." Others who will be requested to speak are Senators Lane and Chamberlain, and representatives in congress, Hawley, Simont and McArthur.

The assessor of Polk county, as well as assessors of other counties wherein grant lands lie, will be asked to furnish the conference with a statement of the character of the land within this county, its assessed value and classification of its value for timber, agriculture, grazing, etc.

INDIGNITIES IN COMPLAINT.

Mrs. Kathleen Hood Seeks Legal Separation From Husband.

Alleging cruel and inhuman treatment, and the heaping upon her head of many personal indignities, Kathleen Hood yesterday filed suit for divorce from James Hood, and requests custody of their minor child, Frederick James Hood, age two years, seven months. Mrs. Hood is living with her parents at Independence and her husband is employed in Portland, where the couple were married April 24, 1912. Mrs. Hood accuses her husband of shamefully beating her before friends, cursing, choking and slapping her. According to the complaint their married life has been from the beginning an ordeal for the woman. The husband was a gambler and drunkard, it is alleged. He told his wife at one time, says the complaint, that he had no further use for her, and he left her to shift for herself, with the result that her own life and that of her baby were endangered. John R. Sibley is attorney for the plaintiff.

HARVEST IS NEARLY OVER.

Pastures Are Drying Up and Supply of Milk Is Shrinking.

Following is a summary of the crop conditions in Oregon for the week as reported to the Portland office of the weather bureau by special correspondents throughout the state:

Hot and dry weather prevailed during the week in Oregon, except the last day, which was much cooler. A few light sprinkles of rain fell in the western counties on Monday. The wheat harvest is nearly finished and the farmers are now busy hauling grain to the warehouses. Hop picking has begun and this crop would be damaged if any great amount of rain should fall during the next two or three weeks. Corn is earing nicely and late potatoes are rapidly maturing.

ing. Pastures are poor and the supply of milk is shrinking. Garden truck is at a standstill for lack of rain.

Some fall disc plowing is being done, but the weather is too dry for this work to become general. Streams are the lowest they have been in over 20 years and rain is badly needed, not only for growing crops, but to extinguish the forest fires which are more numerous and threatening than at any time before this season.

COUNTY APPROPRIATES MONEY

Two Hundred Dollars for Exhibit at Land Products Show.

A group of business men from Independence, Monmouth and Falls City stormed the meeting of the board of county commissioners on Wednesday with the object of getting financial aid to transport the Polk county exhibit at the state fair to the Manufacturers' and Land Products show at Portland this fall. Talks by several of the attendants at the meeting may have influenced the county court to appropriate \$200 for the purpose. This was rather a limit than an appropriation, and any money not used for the exhibit will be returned to the county treasury. But it insures the creditable participation of Polk county in the Portland show, which will be viewed by many thousands of people. Those who appeared before the commissioners, in addition to several Dallas business men, were J. Hirschberg, Mr. Macey and J. G. McIntosh of Independence; Ira Powell and Dave M. Hampton of Monmouth; J. C. Talbott and Walter Nichols of Falls City.

The exhibit at the Land Products show will be under the personal supervision of Mrs. Winnie Braden, the court having made the appointment Wednesday evening.

LANDSCAPE ARTIST IS COMING.

Public Park Improvement Attracting Attention From the Outside.

Mr. J. G. Baehner of the Swiss Floral company of Portland has advised J. C. Rickli that he will visit Dallas in the near future for the purpose of viewing the city park and taking an inventory of its needs in the contemplated improvement. Accompanying him will be the company's landscape foreman, who formerly had charge of very large works in this line in France, Luxembourg and Belgium. Mr. Rickli took the matter of improvement up with Mr. Baehner informally, and this week received a letter from him saying that it would afford his pleasure to visit Dallas without compensation and render any possible assistance in planning the proposed betterment, believing that even among professionals there are points that may be suggested for the good of all concerned.

Mr. Rickli, and probably the committee from the Woman's club, will go over the matter of improving the public playground with the Portland artists when they come to Dallas, the date of which has not been announced as yet. The writer places much confidence in the judgment of our townsman, and in his letter that the project he has in mind is entirely feasible and one of merit.

Prunes Light Near Sheridan.

Prune picking in the orchards about Sheridan will begin the first of next week. The unusually light yield is due to late frosts and the hot weather last week. Dried fruit is quoted there at 5 cents and 5½ cents. "Contracts for two-thirds of the crop is usually with the Germans," said one grower there, "so that accounts for the low price this year. Roy Graves, a grower south of there, who usually harvests 25 tons of dried prunes, does not expect more than 12 tons this year. Two growers who have adjoining orchards totaling 100 acres in the Gopher Valley country, are not predicting more than a fifth crop."

Apple Exhibit for Fair.

Several prominent members of the Polk County Fruit Growers' association met informally at the office of President H. C. Eakin Wednesday forenoon to plan for an apple exhibit at the county and state fairs. Messrs. Guy and Ewing and Fruit Inspector Parker were among those who displayed enthusiasm over the proposed exhibit, and they will assist in promoting the undertaking. Polk produces some splendid apples, and the best of these will be shown this fall.

Who'll Play the Game.

As the football season approaches there is some speculation as to whether or not Dallas will have a town team, or again leave representation on the gridiron to the high school lads. There is an inclination on the part of some of the town boys to organize, but whether or not sufficient interest can be aroused among former players remains to be seen.

Plot For the Movies.

Five masked men entered a tent at the Livelys hopyard at Livelys station about 10 a. m. yesterday, bound and gagged Mrs. John Glover of Stayton, who was alone in the tent, and took \$6 in money, a revolver and some stickpins and rings, according to a report made to Sheriff Each of Marion county.—Statesman.

NEW COURSE IS ISSUED

HIGH SCHOOLS WILL HAVE SOMETHING MORE DEFINITE

State Superintendent Churchill Introduces Course Whose Aim is Aid to Inexperienced Teachers.

When the Dallas high school opens on September 20 for the fall term it will follow the new course of study prepared by Superintendent of Public Instruction Churchill, the introduction of which course is aimed to make somewhat definite the different subjects offered, with a view to helping the inexperienced teacher. Mr. Churchill explains that in the country high schools it is often necessary for teachers to give instruction in subjects for which they have made no special preparation through their college courses, and for such teachers a definite outline of work of much value. Consideration has also been given for the different aptitudes of pupils and for the different preparations which a high school must give in order to fit all of its students for the larger spheres of usefulness. Much freedom in the choice of electives is given in the larger high schools so that a student will not be required to take subjects in which he is not interested or for which he has but little aptitude.

The minimum requirement for graduation is 15 units of high school work with recitation periods of 40 minutes in length; but pupils are urged to complete the course by taking four subjects each year for four years, thereby earning 16 units. The course of study permits pupils to earn from one to three units or graduation in either vocal or instrumental music taken outside of the school, provided the work is given by a competent teacher and the pupil spends at least 80 minutes daily in practice or instruction. There is also a new course that is required to be given in all high schools, upon the completion of which a student will be permitted to enter a teachers' examination. This course is made necessary on account of a law which became operative on September 1, requiring all persons who have not had at least six months of successful teaching experience to complete an elementary teachers' training course before they are permitted to enter an examination for the teachers' certificate. The elementary teachers' training course is in addition to the teachers' training course which has heretofore been given in many of the larger high schools.

New Settler Arrives.

J. D. Anderson, who recently purchased a 100-acre farm on the Dallas-Falls City road near the former place, from H. G. Campbell, arrived here on Wednesday from Cottage Grove with an auto truck load of goods. He returned with the truck, and later drove a team and some stock through to the ranch.

BABY SHOW ANNOUNCED

INDIVIDUAL EFFORT TO MAKE SUCCESS OF VENTURE.

Valuable Prizes Offered by Merchant Davis in Connection With His Market-Day Plan.

A baby show is the newest market-day wrinkle proposed by that indomitable booster and good fellow, F. E. Davis, the principal advocate in Polk county of the "you-furnish-the-bride-I-furnish-the-house" movement. Because of the dates of the county fair Mr. Davis has found it inadvisable to put on an exhibit of land products in connection with the market day, of which he is sponsor, and the baby show will be the attraction. Market day will bring to the city many country people, and with the fair as an added attraction the baby show is sure to merit much support from proud mothers. Mr. Davis will have the county fair board select judges for the show and eugenic contest, and will offer fine prizes to the best babies entered. Each youngster will receive a token of remembrance, and the first seven prizes will be valuable enough to make them well worth competing for. The date of the first market day and the baby show is September 23, and from the way Mr. Davis is putting his force and energy into the venture its success is assured.

Henry Serr of the Gail hotel advanced the suggestion to Mr. Davis that the hotel be permitted to furnish the mother and father of the winning baby at the contest a dinner of honor, so that something is in store for the entire family of the best baby. Probably Mr. Davis would not object to other merchants posting prizes in the contest of babies, and this would be an excellent suggestion for some of them to carry out.

J. S. Fulri of Monmouth was a visitor in Dallas on Tuesday.

HISTORIC HOUSE RAZED

PHIL SHERIDAN'S HOME IN GRAND RONDE NO MORE.

Removal Recalls to Memory Early Experiences During Indian War Days on the Pacific Coast.

A historic building in the Grand Ronde reservation, that once occupied by Phil Sheridan, who first gained practical experience as a soldier, has been razed. It was at the Grand Ronde Indian reservation, a portion of which lies in Polk county, that Phil Sheridan, one of the civil war's most notable heroes, after having graduated from West Point, made his mark as an Indian general, the government establishing a reservation eight by twelve miles in extent to confine the Rogue River, the Cow Creeks, the Umpquas and the Shasta Indians following the Rogue river war on the whites in 1858. Fifteen hundred redmen were gathered at this point for safe keeping. Of the original number brought to the reservation twenty-three still survive, the oldest being Dick Cook, Solomon Riggs and Widow McCauy. Cook is said to be more than 100 years of age. The old Indian is totally blind and constantly reclines upon his bed, muttering in the language of earlier days.

Where old Fort Yamhill stood is now a flourishing farm, the buildings having been torn down or removed to the agency soon after the soldiers had departed, the blockhouse serving as a jail for many years. The only living person who was intimately connected with the early history of the Grand Ronde reservation is John Simpson, now of Sheridan. The settlers' store was conducted by his father, Ben Simpson, who came to Oregon in 1846, and who was a member of the house of representatives from Polk, Benton and Marion counties at different times, and who for a number of years was agent at the Siletz reservation. Young Simpson and Phil Sheridan were fast friends during the latter's five years' stay here.

Nearly all the land within the reservation has been deeded, only ten parcels being still held by the government, and Uncle Sam has but twenty-three wards at this time. The Indian school has been abolished, and three district schools established in its place. The descendants are mostly half and quarter breeds, and as a rule they are industrious and prosperous. They work as a community rather than as individuals, and have their various forms of amusement during summer and winter, supporting a band and playing baseball and basketball in their respective seasons.

Recently a cheese factory has been opened two miles south of what is known as the agency store, and the Indians are engaging quite largely in dairying. The first month's report shows that nearly \$500 worth of cheese had been sold.

GERMS ACCEPT TERMS

SUBMARINE WARFARE CONTROVERSY HAS BEEN ADJUSTED

No More Liners Will Be Sunk Without Regard for Safety of Lives of Noncombatants.

Germany has officially accepted the American terms in the controversy growing out of the imperial government's submarine warfare. Ambassador von Bernstorff, acting for the German foreign office, has informed the state department that henceforth the Kaiser's "submarine attacks will conform with the American interpretation of international law and the treaty with Germany." The reply to the last Lusitania note will give assurance that no more liners will be torpedoed without warning, provided they do not attempt to resist the submarine. Neither will liners be sunk without regard for the safety of the lives of non-combatants, which assurance carries with it the implication of visit and search and allowance of ample time in which non-combatants may be removed before the ship is sent to the bottom. The state department is further informed that Germany adopted this policy before the Arabic was torpedoed and sunk. This statement amounts to a practical disavowal of the destruction of the Arabic, which resulted in the loss of two American lives.

PRUNE PRICE LOW THIS YEAR.

Five and One-Half Cents Top Price at Present Time.

Prune picking and drying will be very generally under way in Polk county by Monday and shipments of dried fruit will be received for packing by the J. K. Armsby company here about the middle of the month, according to A. C. Peterson, local manager. A number of orchards are already being picked, but the drying

will take some time, and Mr. Peterson does not expect to put the plant in operation before the time mentioned. When work is commenced, however, facilities for handling the fruit will be greatly improved, as many repairs have been made about the plant within the past few weeks, and others are under way. A larger boiler is being installed and trays, tables and other equipment is being renewed. The Armsby company has had its buyers in the field for some time past, and as a result most of the season's crop has been bought up. The company maintains buying stations at Vancouver, Wash., Dallas, Salem and Roseburg, and in all but the latter district the majority of the crop has been contracted for. The yield will be uniformly good in this territory, but the prices will range considerably below those of last year. Five and one-half cents will be the top price for the best grade of fruit, and from this figure prices go down to three and four cents. The average price paid the grower by the Armsby company this year will be about four and one-half cents a pound.

COURT TO INVESTIGATE ROAD.

Proposed Highway From Bentley to Bear Camp Would Serve Many.

Members of the county court, accompanied by the roadmaster, will today visit the proposed new road from Bentley four and a half miles distant, the purpose of which is to eliminate the Leno hill, which has an average grade of approximately twenty-five per cent, and to shorten the main road into the Salmon river country by about five miles. This is the project that has been causing considerable agitation among the residents of the Bentley section, where some forty families would be served by the construction of the proposed road, and the one which Surveyor Canfield laid out early in the spring in connection with the contemplated improvement of a trunk route through Yamhill, Polk and Tillamook counties to the coast. It is the purpose of the court to make a complete investigation of the merits of the case, and to this end the commissioners will go to Bentley by automobile, and then take shank's horses to Bear Camp, four and a half miles, from where they will be returned to the point of beginning by John Boyer.

CURVE TOO SHORT FOR SPEED.

William Hoisington Capsizes Ford Near Guthrie Acres.

While driving his Ford automobile at a high rate of speed around a curve in the highway near Guthrie acres Tuesday afternoon, William Hoisington failed to negotiate the turn and went over the embankment, the machine rolling over and over like a ball. Mrs. Hoisington was with her husband at the time, and both crawled from beneath the automobile uninjured when it finally came to a halt. Mr. Kaver, whose temporary home is at The Imperial hotel, was approaching the curve with a Buick, and realizing that trouble would follow if he remained on the highway turned his machine down an incline and through a barbed wire fence into a field. His machine sustained slight damages, but the owner considers himself fortunate in getting off so cheaply.

FEEDS PEARS TO THE HOGS.

Polk Farmer Says He Cannot Afford to Market at Present Price.

John Diehm yesterday brought The Observer some splendid samples of fruit grown on his place this season, among them being Hungarian and Italian prunes, Russett apples, Bartlett and Russett pears, and several varieties of apples. Mr. Diehm says that he has been feeding pears to the hogs during the past two months, the market not warranting him marketing them. Between fifty and sixty bushels were thus disposed of. This is only another argument for a cannery at this place. With such an establishment farmers who have fruits in small quantities would receive remuneration for their efforts, whereas in a quiet number of cases the fruit is a dead loss.

Alleged Thief Taken By Sheriff.

Dana Broadway, wanted by Sheriff Biesacker of Clarke county, Washington, for grand larceny, was taken into custody yesterday by Sheriff Orr of Polk county, who, with the assistance of deputies, found the man at Horst Brothers' hop yard near Independence. The sheriff and District Attorney Sibley went to Independence for the prisoner and lodged him in the county jail here to await arrival of a guard from Vancouver, Wash. The man professed his innocence and denied knowledge of any crime that he could be held for.

Program for Band Concert.

Following is the official program for the band concert in the public square tomorrow evening. George Marsh director: March, Loyalty; overture, Land of Liberty; popular, Dublin Bay; morceau, First Heart Throbs; Berton, On the Shores of Italy; selection, All Star; waltz, A Southern Dream; medley, A Lone Picture; march, Bombasto.

PROPERTY IS IN TANGLE

PORTLAND PARTIES WOULD HAVE DEED RE-ESTABLISHED

T. J. Campbell and Others Made Defendants in Legal Action Brought in the Circuit Court.

Asking to have an alleged warranty deed re-established, and also to have cancelled another deed, as well as a mortgage, Lucile Curtis and her son, Harold Vance, of Portland, have filed a suit in the circuit court of this county against T. J. Campbell, Orpha Dashiell, R. L. Dashiell, J. D. Smith and O. C. Smith, all of Dallas. The filing of the complaint in this suit brings to light one of the most interesting property entanglements ever known in this section. An investigation on the part of The Observer as to the dealings leading up to the filing of the suit in question has resulted in the unearthing of a very interesting story.

It appears that in 1902, T. J. Campbell, then of Monmouth, executed a warranty deed to his step-son, W. E. Vance, and the deed was delivered to Monroe Mulkey, since deceased, for safe-keeping. According to the complaint of Mrs. Curtis and her son, it was understood that the deed was not to be recorded until after Mr. Campbell's death, and that the consideration for the deed was the assumption on the part of Mr. Vance of some claims against Campbell. The complaint further recites that Mr. Mulkey has died, and that the deed cannot be found. It also appears from the complaint that in the fall of 1914, Mr. Campbell, as apparent owner of the property, executed a warranty deed to his sister, Mrs. Orpha Dashiell, this deed covering the same property named in the deed to Vance. The property consists of a house and two lots located in Monmouth. As to the latter deed, it appears that a collateral contract was made between Mr. Campbell and Mrs. Dashiell, whereby as part consideration for the transfer she agreed to care for Mr. Campbell during his natural life-time. Subsequent to the execution and delivery of this deed, so the complaint recites, Mr. Campbell and Mr. and Mrs. Dashiell executed and delivered to J. D. and O. C. Smith, a mortgage covering these premises. The complaint further states that this mortgage was fraudulently given, and that all the parties knew about the prior deed to Vance. The complaint prays a decree setting aside these latter transfers, and asking the re-establishing of the Vance deed.

A further investigation of the records at the court house reveals another side of the question. In a suit commenced in the circuit court of this county in the spring of 1914, wherein T. J. Campbell is the plaintiff and William G. Campbell and Fannie Tatom are the defendants, the title to this same property is involved. From the records in that suit it appears that in 1912, Mr. Campbell, being then of an advanced age and desirous that upon his death this property go to his children, William Campbell and Fannie Tatom, executed without the knowledge of said children, a quit-claim deed to said premises, and had the deed recorded. In this deed, he reserved a life-estate in the premises. The deed was never delivered. In view of this deed being of record, he was unable to deal with the land as he wished and it became necessary for him to have it set aside. Basing his suit upon the proposition that there had been no delivery of the deed, and that he was laboring under a mistake when executing the same, he secured a decree of the court cancelling and setting aside this deed and restoring the property to him.

Walter L. Tooze, Jr., represented Mr. Campbell in his suit to cancel this quit-claim deed, and is looking after the interests of the defense in this later suit filed by Mrs. Curtis. An effort to learn from him what Mr. Campbell's defense in this last suit might be failed to elicit anything further than that the defense is not worrying. Mr. Tooze stated: "Mr. Campbell has lived in Polk county practically all of his 82 years of life, and is well known in all sections. It would not be proper for me to discuss the merits of this case through the papers. Owing to the fact that so many persons will be interested in the outcome of this proceeding, I presume it would be proper for me to state that Mr. Campbell has a just and legal defense to this suit, and that when his answer is filed an entirely different light will be thrown upon the transaction. Further than this, I am not now at liberty to state."

Mr. Campbell is one of the Campbell twins, said to be the second oldest twins in the state, and is related either directly or indirectly to a large percentage of the population of Dallas.

The city council will convene next Monday evening in regular monthly session. There will be a considerable amount of business to come before the meeting.