

The Polk County Observer

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(THE HOME PAPER)

DALLAS, POLK COUNTY, OREGON, TUESDAY, SEPTEMBER 21, 1915.

(TWICE-A-WEEK)

NO. 55

SEEKS SALE OF LANDS

GRANT CONFERENCE PASSES TWO SETS OF RESOLUTIONS

Idea of Members of Polk County Delegation Expressed in Document Presented to Meeting.

After adopting resolutions calling upon congress to enforce the terms of the original grant—that is, to enforce the sale of land to actual settlers at \$2.50 an acre, regardless of its real value—the Oregon land-grant conference closed its sessions at Salem late Friday by adopting another resolution providing for a committee consisting of the governor, secretary of state, state treasurer, the chairman of the conference and three members to be appointed by the chair, to confer with officials of the Southern Pacific in an effort to secure their cooperation in the opening and early settlement of the property.

The two resolutions were supported respectively by conflicting elements in the conference, but both were carried by decisive majorities, as neither one seems to conflict with the other. The resolution calling upon congress for action regarding the enforcement of the original terms also carries with it a forceful expression of opposition to further increases in the forest reserves of the state. This measure was adopted by the conference precisely as it came from the resolutions committee. It was supported by an active majority of the committee and by those delegates who have been frank and free in voicing their disapproval of the railroad.

Resolutions Adopted.

Following are the resolutions adopted:

Whereas, the people of the state of Oregon by their representatives duly assembled at Salem, Oregon, September 16 and 17, 1915, have been brought together by a common inspiration to consider the material welfare of Oregon made imperative by the rendition of the opinion of the supreme court of the United States in the case of the Oregon-California railroad company et al vs. the United States, popularly known as the land grant case, and

Whereas, in said case the supreme court has construed the acts of congress of the United States, approved July 25, 1866, as amended by the act approved July 25, 1868, and April 10, 1869, and the act of May 4, 1870, to be not only laws but enforceable and continuing covenants, and

Whereas, said acts contain conditions for the sale of the lands granted thereunder, requiring the said lands to be sold to actual settlers in quantities not greater than 160 acres and for sums not exceeding \$2.50 per acre, and

Whereas, the said conditions plainly imply an obligation upon the grantees in said grant to sell said lands to actual settlers who comply with the conditions of said grant, and bring themselves within the conditions of said grant as actual settlers, and

Whereas, it is apparent that the grantees in said grant by the acceptance of said grant plainly agreed to convey the said lands according to the terms of said grant to such settlers upon the payment of the amount specified in said grant, and to make such conveyance upon the full performance of the terms of said grant by said actual settlers, and

Whereas, the supreme court in its opinion of June 15, 1915, held that congress should have a reasonable opportunity to provide by legislation for the disposition of said lands in accordance with such policy as it might deem fitting under the circumstances and at the same time to secure the defendants, at all times keeping in view the policy which will insure actual settlement of the lands rather than speculation, and

Whereas, the United States government has heretofore created national forests within the state of Oregon, occupying approximately one-third of the area of the state of Oregon, and thereby militating greatly against the growth and development of the state of Oregon; therefore, be it

Resolved, that it is the sense of this conference that the congress of the United States should enact laws defining and settling who shall be considered an actual settler, and requiring the grantees under said act to perform the terms and conditions of said act, and sell and dispose of said lands according to the true intent and purpose of said acts to such actual settlers, and, be it further

Resolved, that we are unalterably opposed to any further increase of forest reserves in the state of Oregon; and lastly, be it

Resolved, that we urge upon congress the enactment of legislation which shall provide for the immediate sale of said grant lands in areas of not greater than 160 acres to any one person and to actual settlers at a price not in excess of \$2.50 per acre, and to provide against all fraud in the settlement and disposition of said lands.

The following resolution was introduced by members of the Polk county delegation at the Land Grant conference at Salem last week, it being one of the nineteen introduced by the several delegations, to propose a plan for the disposition of the Oregon and California land grant lands remaining unsold.

Be it resolved by the delegates to the Oregon Land Grant conference in session assembled.

Section 1. That it be the expression of sentiment of this body that these lands be left in the hands of the railroad company under the original grant and that neither the government nor the state assume to dispose of them in any manner whatsoever, except as hereinafter specified.

Section 2. That a recommendation be made to congress that a law be passed providing for a board to be composed of representatives of the government of the state and of the railroad company interested to classify the lands remaining unsold in original grant and based upon such classification to fix a rate for the sale of such lands and compelling the railroad company to sell same in amounts not to exceed 160 acres to any one person at the price fixed by

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QUITS PUBLIC SCHOOLS

INSTRUCTOR HART ACCEPTS POSITION AT STATE CAPITAL

Board Now Casting About With View to Selecting His Successor in Manual Training.

Having been tendered a more remunerative position in the public schools of Salem, Prof. Otho Hart, teacher in the manual training and bookkeeping departments of the Dallas high school, seeks release from his engagement here that he may go thither as quickly as possible. The board of education will part with his services reluctantly. Mr. Hart is still filling the position and will continue to do so until such time as his successor may be employed; provided, however, that the limit does not exceed the date when he may be legally released under the school laws.

Mr. Hart came to Dallas last year when manual training was first introduced into the public schools here, and during his first term accomplished much good work, evidenced by the several displays made before the public eye. There were more than forty boys taking the work in this department, and a considerable amount of enthusiasm was displayed by them. The board considered manual training experimental, but soon after its introduction concluded that it had become one of the several departments where things were being accomplished for the education of boy pupils along practical lines of manual training. Who Mr. Hart's successor will be has not been determined by the board, which is casting about to fill the vacancy.

Junior Comes Across.

Capital Journal: "County Clerk Max Gehlhar today received a check from Walter L. Tooze, Jr., of Dallas, in settlement of the claim of the county for filing fees in cases filed and for which payment upon the check originally given had been stopped. The check was accompanied by a letter from Mr. Tooze in which the difficulties were explained and the wish was expressed that the past amicable relations between the parties concerned might be resumed."

CHARGES DELVED INTO

GRAND JURY INVESTIGATES THE RECALL MOVEMENT.

County Judge and Commissioners Exonerated From Maladministration of Polk's Affairs.

Prior to the adjournment of the grand jury late last Friday, that inquisitorial body gave the charges preferred against Judge John B. Teal and Commissioners Wells and Beckett in the recall petition, which is now only a matter of history, consideration, delving deeply enough into the matter to feel satisfied that they were groundless. The jurors submitted no report, the hour being late when it concluded its labors, and hence its findings in the recall fiesta, further than to exonerate the court from the charges preferred against it in the petitions, were not made public. If in its investigations it found cause to indict any one in connection with the movement, that action was not taken, it preferring to leave this part with the incoming grand jury, which convenes early next month. There is a strong probability, however, that the whole matter has been dropped, which status of affairs should be perfectly satisfactory to all concerned under the circumstances.

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LAW REPEALED IN 1865

JUDGE HOLMES HOLDS SUNDAY CLOSING ACT INVALID.

Much Ado During Past Years Because of Belief That Such a Law Was on Statutes.

Judge Webster Holmes, predecessor to Judge Belt on the circuit bench for this judicial district, holds that the Sunday closing law has been repealed since January 20, 1865, and in making this statement quotes his authority: "The Sunday closing law," he says, "was handed down from territorial days, under the provision of the state constitution, article 18, section 7, which provides 'all laws in force in the territory of Oregon when this constitution takes effect and consistent therewith, shall continue in force until altered or repealed.' The Sunday closing law was included in the code of criminal procedure passed October 19, 1864. Two days later the same session repealed it by passing senate bill 71, entitled 'An act to repeal all statutes of a general nature, with certain exceptions.'"

"Section 1 thereof provides as follows: 'That all statutes of a general nature passed or in force before the commencement of the session commencing September the eighth, A. D., 1862, except those enumerated and mentioned in the next section, be and the same are hereby repealed.' Section 2, of said senate bill 71, does not enumerate the Sunday closing law, nor does it refer to it in any manner. The Sunday closing law was therefore and thereby 'hereby repealed.'"

"There has been much ado about nothing for a good many years by the mistaken belief that we had a 'Sunday closing law' in Oregon."

The judge referred to a case in Marion county, where the law was attacked. Judge Bennett signed the writ of review from the justice court on July 25, 1904, and the case was tried before Judge Galloway, who reversed the case on the grounds set out that there was no Sunday closing law.

STRAY BULLET INJURES

MRS. WALTER FORD SHOT WHEN RETURNING FROM OUTING.

Leadens Missile Passes Through Upper Part of Right Arm at Ellendale on Sunday Evening.

Mrs. Walter I. Ford, wife of Superintendent Ford of the city schools, had a narrow escape from instant death last Sunday evening while returning home with her husband from an outing on Ellendale creek. When near the rock crusher, driving slowly in their automobile, an explosion was heard and Mr. Ford thinking that his machine had suffered a blow-out instantly slowed down, at the same time being informed by his life companion that she had been injured in the right arm by a shot from ambush. The bullet, which could not have been from a greater distance than fifty feet, according to Mr. Ford, passed through the arm above the elbow, inflicting a painful, though not dangerous wound.

Fearing that the bullet might have severed an artery, Mr. Ford did not institute an investigation, but hurried the wounded one to Dallas, where surgical aid was summoned and the arm dressed. Although an attempt has been made to apprehend the perpetrator of the deed, which is classified as carelessness, no clue has been obtained up to this time.

School House Dedicated.

The new school building just recently completed at Parker was dedicated on Saturday night with appropriate exercises, including a literary program. Superintendent H. C. Seymour was present, and made an address before the large attendance. A supper followed the program.

OBEY THE TRAFFIC LAW

OTHERWISE DRIVERS OF VEHICLES TO BE PINCHED.

Mayor Kirkpatrick Issues Message to Council on Enforcement of Ordinance, and Orders to Officers.

It is the purpose of Mayor Kirkpatrick to see that the traffic laws are hereafter rigidly enforced, and to that end he last night issued a message to the aldermanic body in which he called attention to the daily violations of the ordinance pertaining thereto, and asking the co-operation of the council in enforcing the provisions of the municipal law. Attached to the message was a copy of a notice which the chief executive had issued to the police officers of the city. This order demands that on and after tomorrow noon the traffic ordinances of Dallas will be strictly enforced without further notice, and without fear or favor. Warnings have been given time and again, says the mayor to his subordinates in his communication to them, without the desired effect, and as a result pedestrians demand that safety be thrown around them and that the lives of children be protected. "Arrest every offender," says the order, "and if there be extenuating circumstances the police judge can hear them." Following is the message to the council, the order to Policemen Chase and Shaw, and also that portion of the ordinance pertaining to the subject, which regulates traffic in the streets of Dallas:

Message to the Council.

Gentlemen of the council—During my tenure of office, it has been my misfortune through illness to be comparatively unable to give such attention to city affairs as I should. You have as councilmen, as has the citizenship at large, shown me every courtesy, and have refrained from giving me any worry or anxiety, for which I am indeed grateful, and I assure you of my appreciation.

I have regained my health, the people know it, and they now come to

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SCHOOL BEGINS AGAIN

LOCAL EDUCATIONAL INSTITUTIONS OPEN AUSPICIOUSLY.

Enrollment Will Probably Be Larger By Ten Per Cent Than Last Year.

Mother carried the old baseball mit and bat into the attic this morning, heaving, meanwhile, a huge sigh of parental relief as the school bell tolled its first grave call after a summer in which boyhood and girlhood did its best to prepare itself for a winter of confinement within study halls, with books and teachers and desks barricaded on every side. Mother had just washed sonny boy and sent him off to school with a nice new set of books and a promise that she would buy him a whole sack of marbles with a big agate and a new top if he would be a good boy. There were so many sonny boys and so many little girls in the grade school that the staff of teachers extended itself to get them all registered, classified and seated ready to get into the book-lore this morning. In the grade school building are 290 boys and girls, and throughout the week the registration will be materially added to by those pupils who are not yet home from vacations, the hop fields and orchards. There are a great number of such who come in each year several days after the work has started. The majority of those who register on the first day are the new students. Altogether in the grades there are 450 pupils, those not in the grade school building, or 160, are at the high school. In the high school classes there are 130 students, an increase over the registration at a corresponding time last year. The total increase in school population in the city will approximate

ten per cent by the time all have reported.

The same enthusiasm that has characterized the beginning of other school years was manifested yesterday morning by the many pupils who awaited admittance at nine o'clock. Little folks, attending school for the first time, stood bravely before the awe-inspiring teacher, but less courageously before the other boys and girls—just as it has been since the first school was established—and hurried home at lunch time to answer the stereotyped question, "What did you learn today?" and to tell mother and father that the teacher was just the finest kind. There was a brief program for the opening day ceremonies in both schools and this did a great deal to make all feel more at ease.

At the high school the morning was passed in renewing old acquaintances and the making of new friends among students and teachers. The short program opened with the Dallas high school song, the "Orange and Black," and Miss Hamilton of last year's graduating class rendered a pleasing selection. Prof. Dunkleberger read the customary scripture, and was followed by Miss Irwin, whose solo was

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BENEFIT SUPPER SOON

DALLAS LADIES UNDERTAKE TO CREATE LIBRARY FUND.

Big Feed Planned for Next Thursday Evening at the Armory—Chicken Pie to Lead.

The public supper for the Dallas library benefit is an assured success as a result of the careful plans executed by the committee of ladies appointed by the library board. The menu will be featured by chicken pie, cooked so that it will be a physical impossibility to keep from smacking your lips as you surround a luscious big bite, and the trimmings will add greatly to the palatableness of the meal. Merchants are contributing freely to the larder that is being assembled at the armory and it is certain that a large supply will be on hand to assure the satisfaction of all who part with the half dollar that it will cost to enjoy the meal. A special rate of 25 cents has been made for grammar school children. The venture advanced by the library board in meritorious and deserves the unstinted praise of the entire community. The library must receive aid from such sources as this, and on this occasion the effect will be as good as the cause. The tables will be set at the armory on Thursday evening at 5:30 o'clock.

"It's very funny that you can find bootleggers and I can't," said the sheriff.

OREGON GREAT ROAD BUILDER.

Mr. Himes Delegate to Congress Where Great Men Attend.

California, Oregon and Washington lead all states of the United States in progressive road building. So declared James H. MacDonald, for four years highway commissioner of Connecticut Saturday, before the Pan-American road congress, holding its annual convention at the Oakland civic auditorium. Edward J. Himes is a delegate from Dallas and Polk county to the Pan-American congress.

Prominent road experts delivered addresses dealing with vital subjects of road construction and maintenance followed by discussions among the delegates representing all sections of the American continent. Saturday night at Hotel Oakland the annual banquet of the congress was held.

AUDITOR'S ACTS LEGAL

FILING OF BOND REMAINS WHOLLY WITH COUNCIL.

Controversy Between Mayor Kirkpatrick and Auditor Gregory Comes to Termination.

The validity of his official acts having been questioned because of his failure to file a bond in the sum of \$1,000 Auditor and Police Judge Chas. Gregory last night presented a legal opinion to the council, in which it was held that while he might be considered in the light of a defacto officer, although elected and qualified, his official acts were legal and binding. The council has the power to require a bond from its officers, states the opinion, and if this were not forthcoming could declare the office vacant and elect another, but even so the acts of the defacto officer would be in full force and effect.

Mr. Gregory stated that the mayor had taken issue with him as regards the validity of his acts as auditor, and hence the opinion. He told the council that he stood ready to file a bond upon its request to do so; that he had not refused to comply with any order of that body. The council, on motion of Alderman Sweeney, moved that the auditor furnish bond, which motion carried.

LIQUOR IS BOOTLEGGED

MAYOR THUS CONTENTS BUT SHERIFF MUST FIND GUILTY.

Alderman Young Denounces Mr. Kirkpatrick's Method of Law Enforcement.

Mayor Kirkpatrick was unmercifully scored by Sheriff Orr and Alderman Young at a session of the council last night because of the part the chief executive is playing in connection with bootlegging within the city, he boldly asserting that there are six bootlegging places, yet refusing to afford the officers of the law information that will lead to the arrest of the violators. Last Sunday the Rev. Bennett of the Methodist church stated from the pulpit, on the authority of the mayor, that these places existed and preached a strong sermon on law enforcement in which it was intimated at least that authority in the premises rested with the aldermanic body and that it was shirking its responsibility. Sheriff Orr had interviewed the mayor during the afternoon in search of information that would lead to the arrest of the alleged bootleggers, but Mr. Kirkpatrick had stubbornly refused to give aid in the matter, contending that it was up to the sheriff to enforce the law in this respect. Mr. Orr took the matter to the council last night, but found no relief, the mayor still holding that the joints existed, but that it was the sworn duty of the sheriff to ferret them out for himself. Mr. Kirkpatrick frankly admitted that he had given the information to the minister, saying that he had a perfect right to see any minister he wanted to when seeking spiritual advice.

"If you associated with the fellows that I do and loafed where I do you might be able to find them," was the chief's reply. "I do not have to speak the names of these offenders, it's common talk."

Alderman Young of the police committee told the mayor that it was a duty incumbent upon his committee to see that the laws were enforced, and that if the officers were not doing their duty it was an obligation the mayor owed it to report such cases. "I would have self-respect enough, and manhood enough, to divulge the names of men if I knew there was bootlegging in Dallas. I hold that if we expect to be honest and honorable officials it is our duty to apprehend violators of the liquor law. I only wish that I had the chance to snap them up. I have explicit confidence in our sheriff," said the alderman, "and also in our policemen, of whom the business men speak in the highest terms. A city official who knows of bootlegging and won't report it is not entitled to hold office."

Alderman Barber supported Mr. Young in his remarks, and stated that he would stay with the officers, complaint against whom had been registered in a special message earlier in the session, to the last. The mayor, following Alderman Barker's remarks inquired: "If you found a man bootlegging what would you do with him?" supplementing his remarks with the statement that there was no way of convicting him.

Mayor Kirkpatrick told the council that Sheriff Orr had tamed down considerably since their conversation that afternoon, when he had approached him concerning information that led to the sermon by Rev. Bennett; that if he had been tamer at that time he might have been given what he sought. He said that when he met the sheriff that afternoon the officer had demanded the names in question, together with the evidence to convict them, whereupon he had blankly refused to comply. Mr. Kirkpatrick told the council that in his inaugural address he had pledged himself to give aid to the authorities in suppressing bootlegging, and that after January 1, when the state law became effective, he would carry out that pledge to the letter.

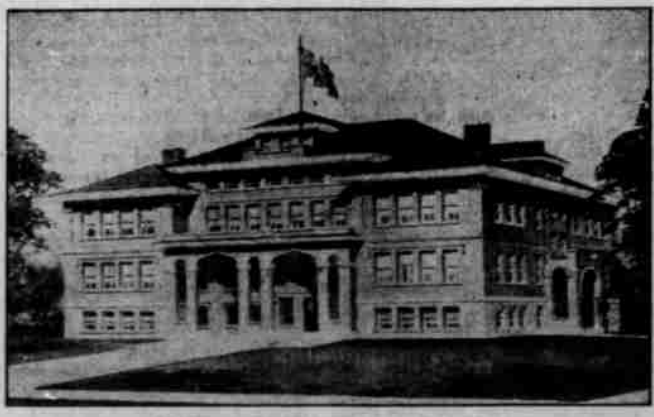
Following the adjournment of the council there was a heated informal session, indulged in not only by city officials, but members of the third house as well. Marshal Chase and the mayor exchanged warm words, but both escaped from the battle field without personal injury, "or even anything that looked like it."

Crop Is Disappointing.

R. L. Chapman, who has one of the best average-yield prune orchards in Polk county, is disappointed over this year's crop, his orchard producing 40,000 pounds against 85,000 pounds last season. Mr. Chapman did not expect more than 3,000 boxes, but even these expectations were not realized, 1800 boxes being the net result. The weight per box is, however, better than one year ago, averaging twenty-four pounds.

Electric Clocks.

Two hundred electric clocks, controlled by a master clock, are used in a Liverpool hotel.



DALLAS HIGH SCHOOL BUILDING

Where an increased attendance of pupils resumed their studies yesterday, after the summer vacation.

Sept 17, 1915
Missing no dupes