

The Polk County Observer

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COURT TO HANDLE FUND

USE FALLS CITY'S MONEY DIRECTED BY COUNTY BODY.

City Attorney Toose Submits Opinion to Councilmen of That Place By Request.

At the last regular meeting of the city council of Falls City the question arose as to whether or not Falls City constituted a separate and entire road district in itself, and would therefore be entitled to receive 70 per cent of the funds raised within the city on the levy made by the county court for road purposes, for expenditure within the city. This question came up in connection with the preparation of the tax budget for 1916, and City Attorney Toose was called upon to give an opinion in the premises. Formerly, the city constituted a separate and entire road district in itself. This by virtue of an exercise of the initiative powers within the city. However, this amendment to the charter was repealed a year ago, and the city thrown back under control of the county court in so far as road district matters are concerned.

Chapter 127, section 1, page 133, general laws of Oregon for 1915, amended Section 6313 Lord's Oregon laws, providing that in October the county court should divide the county into road districts, and also providing that each city and town should be a separate road district in itself. Section 2 of said Chapter 127, amended section 6320 Lord's Oregon laws, and instead of 50 per cent of the amount raised for road purposes in a district going back to that district, the other 50 per cent going to the general road fund of the county, it was provided that 70 per cent of the amount raised in a district should go back to the district for expenditure within the district, the other 30 per cent going to the general road fund of the county.

Later, and at the same session of the legislature, chapter 194, page 255, general laws of Oregon for 1915, was passed. By this latter act, section 6313 Lord's Oregon laws was also amended in its entirety, and in this latter amendment, the provision was made that the division of the county into road districts should be made by the county court in September, rather than in October, and it failed to say anything about cities and towns becoming separate road districts in themselves.

The Supreme court of the state of Oregon, on October 19, 1915, rendered a decision in the case of state ex rel. Brady v. Lightner, et al, board of commissioners of Multnomah county, in which it held that the latter law, to-wit, chapter 194 general laws of Oregon for 1915, repealed chapter 127 above mentioned, and for that reason the county court was under no obligation to create a separate district out of cities and towns, and the effort made in that case to compel the county court of Multnomah county by mandamus to create a separate and entire road district out of the city of Portland failed.

Consequently, in view of this decision, Falls City is not a separate district in itself, except as it has been made such by the county court. The county court at its regular term in September (and also in October) entered an order dividing the county into road districts, and creating the cities of Independence and Falls City into separate road districts in themselves. This division stands for the ensuing year, but there is nothing to prevent the county changing the boundaries of the districts again next year, and again placing Falls City in a district comprising territory outside its city limits. The cities of Dallas and Monmouth are separate districts by reason of amendments to the charter similar to that in force in Falls City prior to its repeal one year ago.

Therefore, in view of the laws above quoted, and the said decision of the Supreme court, and the action taken by the county court, the Falls City road district, which comprises only that territory embraced within the corporate limits of the city, will be entitled to 70 per cent of the road funds raised in that district, but this 70 per cent will not be turned over to the city for expenditure as it seems best, but on the contrary will be disbursed through the county court, and the road work accomplished will be such as is directed by the county court, and will be done through officials designated by the county court. The city council of Falls City will have nothing to say about the application of these funds. In Dallas and Monmouth, their share of these road funds will be turned into the city treasury and disbursed in the manner as other funds of said city are disbursed.

Ferry Out of Commission.

The ferry across the Willamette river at Independence is out of commission, and will be for several days to come. During high water a pole on the east side of the stream gave way, permitting the guy wires to fall to the ground.

AT THE GAY THANKSGIVING BOARD



"THERE'S MY SHARE OF THE TURKEY!"

CASE DIES UNDER KNIFE

SLAYER OF BROTHER PASSES AFTER SURGICAL OPERATION.

Natives of Polk County Principals in Tragic Affair Enacted in Clackamas County.

Samuel Case, a native of Polk county, and under indictment for the killing of his brother, Ernest Case, at Oregon City on October 3, after bad blood had existed between them for several years, died on Friday last following a surgical operation. Deceased was a son of Rev. and Mrs. Lebon Case, pioneers of Polk county, and it was here that Samuel Case was born forty-two years ago. The father was a leading church worker in the earlier days of this section, and when he departed this life he left a large estate, which was divided among several heirs. The slaying of his brother, E. R., by Samuel Case is still fresh in the memory of those who remember the principals. The brothers married sisters, and even death has not healed the ill-feeling that has existed between the families for years, and they are not on speaking terms.

Cassius, another brother, recently told the story of the differences between Ernest and Sam, which were published in The Observer at the time of the killing. He says he and Sam stayed on the farm and worked, that Ernest might go to college, and that with the knowledge gained in school Ernest managed to cheat the rightful heirs out of the father's estate. Other issues came between them until Ernest is alleged to have threatened to take Sam's life. On the night of Sunday, October 3, Sam was on his way home when Ernest is said to have rushed from his barn and at Sam. Sam fired and Ernest fell dead. A coroner's jury exonerated Sam, but the grand jury indicted him and he was to have been tried December 8. More than twenty persons had been served as witnesses.

Sam Case is survived by his widow, two children and the following brothers and sisters: George Case, in the east, Tom Case of Lebanon, Cassius Case of Park Place, Mrs. Bell Booth of Salem and Mrs. Jennie Birt of Lebanon.

HELD TO THE GRAND JURY.

Monmouth Man Pleads Guilty to Killing Domestic Animal.

Fred Smith of Monmouth was yesterday afternoon bound over to the grand jury, after having pleaded guilty to shooting a domestic animal, the penalty for which offense ranges from a heavy fine to a term in the penitentiary. A couple of weeks ago the offender in company with three others, while going to the Siletz, passed the old "Billy" Brown place, between here and Falls City, on which Edward Ryan now resides, and Smith espayed a cat in an open field drew a bead on the animal and fired, with the result that the Ryan family was immediately thereafter restless. The cat was valuable because of the fact that it caught gophers in the field and rats about the premises, and Mr. Ryan would not have exchanged it for the best dog within the confines of Polk county. Prosecuting Attorney Sibley caused the quartet to be brought to Dallas yesterday, Smith being held for the inquisitorial body to deal with as it deems best.

FIRE DESTROYS FARM HOME.

Loss in Sunday Blaze Near Oakdale Covered by Insurance.

A Sunday afternoon blaze entirely destroyed the George Stewart house near the Oakdale school and much of the furniture and personal effects of the occupant, John W. Macomber, were consumed. Its origin is unknown. The fire spread rapidly over the house, allowing only time enough for the family to save a few pieces of furniture and some personal belongings. The house was valued, approximately, at \$900 and was insured for \$500. The furniture was insured. The blaze attracted the attention of many neighbors, some of whom joined in an unsuccessful attempt to combat the flames.

Not Yet, But Soon.

When the tall stack at the sawmill of the Falls City Lumber company emitted great gobs of black smoke the other day the denizens of that place wondered if the expected had really happened, but later learned that the boilers had been fired simply to oil the big belts. But there is every prospect that the mill will not be long idle. As one Falls City man remarked, "It's a good omen, anyway."

Union Thanksgiving Service.

All the protestant churches of Independence have united, and will hold Thanksgiving services at the Methodist church tomorrow evening.

Mrs. O. B. Stauff of Rickreall was removed to her home from the Dallas hospital yesterday. Mrs. Stauff was operated on more than a week ago for appendicitis.

FIRE DESTROYS HOME

EARL MANGUS SAVES SUIT IN MONDAY NIGHT BLAZE.

Family Sound Asleep When Neighbor Discovers Blaze and Calls Fire Fighters.

A suit of clothing was all that was saved in a fire that destroyed the home of J. W. Mangus late last night, and woke the family from sleep to send them scurrying to the street in deshabille. The blaze was first seen by Phil Begin, a neighbor, who turned in the alarm. When the sudden burst of light flared in the windows of Mr. Begin's home the hall of the house was in flames, and before its discoverer could dress himself and hurry to the assistance of those asleep in the house the fire had spread so that when the fire department arrived it was practically beyond control. Immediately after the alarm was sent in the family in the Mangus home awakened, and in his surprise a young man jumped from an upper window of the house. Mr. and Mrs. Mangus escaped through a side door. The only salvage from the fire was a suit of clothes carried by Earl, the young man who jumped to safety. Miss Mangus, a daughter, was not at home when the fire started and other children are out of the city, it is said. Mr. Mangus and the son, Earl, were employed at the mill here. Those best acquainted with the family say that there was no insurance to cover the loss of about \$2000.

The origin of the fire was in the heating stove in the hallway, where an accumulation of papers and such made an intense heat about 10:15 last evening. Within five or ten minutes after the alarm was sounded the side-walks about the blazing home were massed with people. The fire department made a quick trip to the scene and did very good work with two hoses in getting the fire under control as soon as they did. It was not possible, however, to quench the roaring flames before they had ruined the home beyond repair.

Early Morning Fire at Buena Vista.

An early morning fire today destroyed the large feed mill and the grain and seed of W. S. McClain at Buena Vista. The origin of the blaze has not been determined and the loss is estimated at about \$4000, including the building and its contents, which were totally destroyed. The building was valued at about \$2500 and the feed and grain stored in it were worth approximately \$1500. Mr. McClain carried \$1000 insurance on the entire property. Efforts at saving the building from total destruction were futile because of the distance from a water supply, and was allowed to burn to the ground.

Must Go as Side Line.

Speaking of the political game which is to be played in Polk county next fall, The Independence Monitor has this to say of the treasurership: "The treasurership will be donated to some Dallas janitor or hostler who has a side line to make a living."

30,000 BALES IN POOL

HOP GROWERS' ASSOCIATION IS FORWARD WITH CASH.

Management Firmly Believes That Fifteen-Cent Mark Will Be Reached in Near Future.

Announcement was made at the headquarters of the Oregon Hop Growers' association Saturday morning that arrangements have been completed whereby the hops signed up with the association will be taken in and the work of receiving has begun. This announcement is made in refutation of the report which has been circulated by enemies of the association to the effect that the association would not be able to finance its holdings and, in consequence, the organization was on the verge of collapse.

The association is also in possession of irrefutable evidence that tremendous pressure has been brought to bear upon the banks of the Willamette valley to prevent them from extending the association further financial assistance, in the effort to force the organization upon the rocks, but, notwithstanding this powerful influence, the association has been successful in making all necessary arrangements to provide sufficient funds to carry its stock over an indefinite period without embarrassment.

In the efforts to break up the association pool and force its holdings of 30,000 bales upon the market when it was in the midst of depression, the association officers state that banks of the valley, which are handling the association finances, were being urged to let go at 9 cents, without success, and, by reason of its being able to hold out against any and all emergencies, the association feels that it has already made 3 cents, or \$180,000 for the growers, as 12 cents and better is being freely offered the association by dealers. The association has been holding out for 15 cents and will continue to do so indefinitely, and the officers believe that prevailing conditions warrant this price and that it will be reached in the very near future.

Union Thanksgiving Service.

The churches of Dallas will unite in a union Thanksgiving service to be held in the United Evangelical church Thursday evening, November 25th, at 7:30 p. m. Rev. Geo. A. Bennett of the Methodist Episcopal church will preach the Thanksgiving sermon, and the music will be rendered by a choir composed of the members of all the churches of the several churches.

The citizens of Dallas and vicinity are invited to be present and participate in this expression of thanksgiving to God for the manifold blessings of the year which has just passed.

Grand Patriarch Andrews of the Oregon encampment, is scheduled to visit Falls City lodge Thursday afternoon and Friendship lodge of Dallas, Thursday evening.

Woman's club bazaar, December 3.

ELKS AND KNIGHTS JOIN

COMBINE TO SCATTER SUNSHINE DURING YULETIDE SEASON

Committees Appointed to Alleviate Wants of Worthy Poor and Make Cheerless Homes Happy.

Upon invitation of the committee recently appointed by the Knights of Pythias the Elks of Dallas, numbering twenty-four, will join issues with that lodge in the distribution of sunshine into dark places along the pathway of unfortunates during the Yuletide season. Each had planned to act independently, but when the Elks assembled at the council chamber Friday evening to discuss a mode of procedure the invitation to create a combine was extended and eagerly accepted, it being appreciated that the undertaking could be made more effectively accomplished through union. President Kirkpatrick appointed Messrs. L. D. Brown, A. L. Martin and Lew A. Cates a committee to represent the Elks, and this committee will act in conjunction with W. J. Himes, Fred West and Walter Young, the Knights of Pythias committee, thus making it possible for the latter organization to further extend its charitable work.

Toys and confections will be distributed among the worthy poor children of the community, and food to the families, the plan being to follow the custom of the Knights, who in years gone by have brightened many cheerless homes at this happy season.

LAST SAD RITES ARE PAID.

Former Mayor Biddle Laid at Rest By Many Friends.

A stirring tribute of respect was paid to the memory of Edward Biddle by the great number of friends and admirers who attended his funeral on Friday afternoon. As a special honor to the former mayor practically every business house in Dallas locked its doors between the hours of 1:30 and 2:30 in the afternoon, and his friends gathered in large numbers at the Chapman chapel. Services were conducted at the chapel and at the Odd Fellows' cemetery under the auspices of Jennings' lodge, number 9, A. F. & A. M. In addition to many Dallas masons, a number from Salem attended the funeral of the former grand high priest of the state. Among these were Henry B. Thielson, Thomas F. Ryan and R. B. Fleming.

Decision Next Spring.

Testimony given before Examiner Butler of the interstate commerce commission in Portland Friday relative to through freight rates from the east to valley points will be forwarded to Washington in January, and a decision is expected in about three months.

Here Is Real Information.

Falls City News: "The Dallas papers can't soliloquize over the taxes at Falls City being higher than any other city in the state this year. They have been reduced here and prided up a notch or two at Dallas."

VETERANS ARE ACTIVE

TWO POLK COUNTY POSTS INSPECTED ON SATURDAY.

Col. Hamilton's Discourses Attended By Comrades and Ladies, and Prove Interesting.

The week-end, and especially Saturday, was busy one for the members of the local post of Grand Army veterans. On Saturday morning nine members of U. S. Grant post number 17, made an automobile trip to Independence to inspect General Gibson post there. Adjutant Lovelace of the local post conducted the inspection and has forwarded his report to headquarters. The U. S. Grant members enjoyed the trip greatly and had a pleasant visit with the comrades at Independence. Those who made the trip were Peter Greenwood, Adjutant Lovelace, David Smutz, Isaac Phillips, Numa Arnold, C. G. Fuqua, David Darling, H. P. Shriver and John Steinfelt.

On Saturday afternoon the members of U. S. Grant post assembled for their regular meeting and inspection. Assistant Inspector Braden of Sumner post number 12, Portland, conducted the inspection and before refreshments were served Col. J. S. Hamilton of Portland was introduced. The ladies of the circle served delightful and substantial refreshments. After this feature of the meeting Col. Hamilton made a stirring five-minute talk.

Saturday evening the members of the G. A. R. and the ladies of W. T. Sherman circle, D. A. R., attended the lecture by Col. Hamilton at the Presbyterian church in a body upon special invitation from the speaker. Those who heard his fine address pronounced Col. Hamilton's talk one of the best of its kind ever delivered here. Although he spoke for two hours the audience was loath to have him stop his interesting discourse. On Sunday evening the G. A. R. and D. A. R. again heard Col. Hamilton. On each evening Col. Hamilton was greeted by a large and attentive audience that enjoyed the relation of his stirring experiences and those of his compatriots in the civil war.

Crow Threatens Vengeance.

Deeming character above artistry Ben Claire Crow, who is now studying in Chicago, and who some time ago appeared in Dallas in concert, threatens to return to Independence and prosecute persons whom he alleges are defaming his good name by circulating stories about himself and his accompanist while on a concert tour of California last summer. Crow says, among other things: "Believe me, some one will likely think several Parisian creations have been imported for the occasion if I return for the final curtain of this delightful little movie stunt."

Trade for Marion Farm.

E. I. Buchanan has traded his Independence property for a Marion county farm, and with his family has moved thither to engage in tilling the soil.