

The Polk County Observer

(THE HOME PAPER)

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

(TWICE-A-WEEK)

NO. 84

LEGAL BATTLE AT END

MRS. BOWERS TAKES POSSESSION OF HER DAUGHTER.

Guardians of Four-Year-Old Child Pass With Her Reluctantly. Brief Review of Case.

On Saturday last Mrs. Mollie Bowers, acting under instructions from the Multnomah juvenile court, came to Dallas and on Sunday took possession of her four-year-old daughter, whom Mr. and Mrs. Milt Grant had custody for two years, and whom a long legal battle had fought in the courts. The supreme court of the state had, as stated in the Observer last Friday, handed down a decision reversing the judgment of the circuit court for Polk county, and directing the delivery of the child to its mother.

When Mrs. Bowers went to the home to demand the child, Mrs. Grant was accompanied by Sheriff Quine and while Mr. and Mrs. Grant reluctantly complied with the highest court's order they saw the uselessness of attempting further retention of the little one. An effort will, however, be made later to secure the child from the juvenile court, under the jurisdiction it still retains.

Mrs. Bowers was married when she was 15 years old, her baby was born in 1911, she was 15 years of age, and at that time her baby was made a ward of the juvenile court of Multnomah county, the temporary custody continued until her husband, the court in granting a divorce, giving her the custody of the child as against the father. The juvenile court order in Multnomah county was made in June, 1913. In the fall of 1913, Mrs. Bowers arranged with Mr. and Mrs. Grant for the child, she agreeing to have the child in her care. In February of 1914, she demanded possession of the child, but was refused. In September, 1914, she made an unsuccessful attempt to kidnap the child, but was arrested. Henry Savery, then a deputy sheriff under J. M. Grant, was taking the car in which she sought to make her getaway. Proceedings were instituted in the juvenile court of Polk county against the child, and the mother and baby reached Salem bridge, they were stopped by Marion county's sheriff, and Deputy Sheriff Savery was instructed to return them to Dallas.

The Polk county court held the child under advisement, and turned the child over to Mr. and Mrs. Grant. An objection was made to the jurisdiction of the local county court, and demand for the possession of the child was repeatedly made, but without avail. Subsequently, the juvenile court of Multnomah county made the order in the original proceedings in that court, and ordered the custody of the child in the hands of the mother. The Portland court then assumed charge of the matter, and the case. Mr. Tooze, representing the juvenile court of Multnomah, was instructed to file a habeas corpus petition for Mrs. Bowers. A petition was filed in the circuit court of Polk county. In their return the writ was issued, Mr. and Mrs. Grant contending that the mother was an uneducated woman, and was of loose morals. They also set up the proceedings of the Polk county court. Answering the return, Mrs. Bowers, through her attorney, set forth the proceedings in the Multnomah county court, and pleaded former adjudication upon the question of fitness. Upon the trial of the case, the various readings of the various courts were read. Evidence calculated to show the mother's unfitness to have custody of the child was introduced over objection. Judge Belt of the best interests of the child, and that it be left with the mother, overruled the objections to the evidence, and dismissed the writ. Tooze then served notice of appeal to the supreme court, and the case was argued there on December 1, 1915. Its decision, the supreme court, that the disposal of the custody of the child was in the hands of the Multnomah juvenile court, and that the Polk county court could interfere with the order. The decision states the law: "Between courts of concurrent jurisdiction, the court first exercising jurisdiction will retain it, and will not be interfered with by another court. This rule is so elementary as to require no further citations of authority supporting the legal principle. The juvenile court of Multnomah county having first secured jurisdiction of the subject matter and never abandoned the proceedings or the ward, the county court of Polk county, a tribunal of concurrent jurisdiction, had no authority to interfere with the custody of the child, and its attempt to affect such custody is void."

The decision reads: "Mr. and Mrs. Grant who, from a perusal of the testimony before us, appear to be in every way worthy, honest and qualified for the trust reposed in them by the juvenile court, and the custody of the little girl should be cared for and kept in their hands for two years, they must refer to the juvenile court of

Multnomah county, which has exclusive jurisdiction of the subject matter. The action of the circuit court in denying the petition, dismissing the proceedings and awarding the custody of Marion Bowers to the defendant is erroneous, and in consequence thereof the judgment is reversed and one will be entered here restoring the liberty of the ward and surrendering her to the petitioner, Mollie Bowers, until the further order of the juvenile court of Multnomah county in the matter."

The fight was made to establish for all time the extent of the jurisdiction of the juvenile court of Multnomah county. That court has thousands of juvenile cases, and must of necessity send the children outside the county, in order to provide homes for them. If when they sent children to other counties, the jurisdiction exercised would be lost to that court, serious complications would arise. It was not this particular case it was fighting to win, but it was to establish a precedent. It was a matter of vital concern to the policy and proceeding of that particular court which handles more dependent and delinquent cases than all the courts of the state combined.

TEACHER ASKS DIVORCE.

Mrs. Justina Kildee Alleges Maltreatment at Hands of Husband.

Because of his alleged drunkenness and the maltreatment she bore from him, including lashes and abuse, Justina M. Kildee has filed a prayer for divorce from her husband, Edward A. Kildee. Mrs. Kildee is teaching school at Buena Vista to support herself and two minor children since she and her husband were forced to live apart August 1914. The couple were married June 27, 1901 in Hanna church, Grand Traverse county, Michigan, and their first child, William Russell Kildee, was born a year later. The other child, Ambrose Vincent Kildee, is six years old. In her complaint Mrs. Kildee alleges that her husband appeared at Buena Vista last week with the avowed intention of taking the children from her. Mr. Kildee is said to own a homestead of 320 acres in Lake county, which he took up soon after the family came to Oregon in June, 1913. In addition to the custody of the children Mrs. Kildee asks her undivided third interest in all property owned by the defendant. Osear Hayter is handling the case for Mrs. Kildee.

LETTER WRITING CAMPAIGN.

Three Hundred Thousand Letters to Boost Oregon.

A letter writing campaign that is expected to result in sending out 3,000,000 letters to residents of other states will be undertaken during January through the aid and direction of the publicity and convention bureau of the Chamber of Commerce of Portland. Three weeks next month will be set apart for the campaign. Every resident of Oregon will be urged to write at least ten letters to as many persons in other states, telling of the resources and opportunities here for investment, for developing the agricultural and industrial possibilities and for making a home in some part of the state. Each business man will be urged to make 50 the minimum number of letters sent out. Commercial bodies and educational institutions and their officials will be interested in the letter-writing campaign.

DEATH OF MRS. HOBERG.

Mother of Mrs. Ella Metzger Passes at McMinnville.

Mrs. M. J. Hoberg, wife of the Rev. Joseph Hoberg of McMinnville, and mother of Mrs. Ella Metzger of this city, passed away at the family residence Saturday morning, aged 85 years. Mr. and Mrs. Hoberg celebrated their 60th wedding anniversary last October at McMinnville and were the recipients of the best wishes of friends and relatives from all parts of the state. The Rev. Hoberg was one of the early Methodist preachers of this state, but since retiring from the ministry has made his home at McMinnville. In her bereavement Mrs. Metzger, who is president of the Dallas Woman's club, will have the sympathy of a host of friends here and elsewhere.

MANY SALES BEING MADE.

Several Independence Growers Dispose of Their 1915 Hops.

Hops have been moving in the Independence district within the last ten days, several 1915 crops having been sold, according to The Monitor. Walker Bros. let go last week, W. W. Percival with 687 bales, Cook Bros. with 93, Porterfield & Sons with 112, and Conrad Krebs with 180 sold at prices of ten cents and over.

Applies For Admission.

Joseph A. Braden, on Saturday last, made application for admission to the Soldiers' Home at Roseburg, and provided accommodations are available at the time of his entry, his good wife will accompany her husband thither. Mr. Braden enlisted in New York in 1861 and was discharged late in 1863. He was with McClelland in the Peninsula campaign.

MILK MANAGER NABBED

BANGS OF GUTHRIE DAIRY TAKEN ON SERIOUS CHARGE.

Arrested for Misappropriating Funds in Southern Illinois Town Before Coming West.

The proprietors of the Guthrie dairy lost a perfectly good and brand new manager when Sheriff Quine of Douglas county came to Dallas on Friday and arrested L. S. Bangs, who sullied that position with his occupancy. Bangs, who has been in Dallas only a short time, came here from Roseburg, and is wanted by the authorities of Cairo, Ill., his home town, for misappropriation of funds. His misappropriations are alleged to have been made while he was in business in Cairo, and amounted to several thousand dollars. When he found that his dishonesty forced him to flee from Illinois, Bangs came west to Roseburg, where lives a young lady of whom he is very fond. Sheriff Quine got information of the crime committed and the man wanted, and when he recognized Bangs as the man that character had disappeared. That was about two months ago, and only a few days since did the sheriff learn that Bangs had come to Dallas.

When Sheriff Orr appeared at the office on Friday morning Sheriff Quine was awaiting him. With the assistance of Sheriff Orr Bangs was located at the Guthrie dairy. The fact that Bangs was near Dallas was discovered through correspondence that he had exchanged with persons in Illinois, where Sheriff Quine has a daughter and son-in-law. Fearing that Bangs' sweetheart in Roseburg would spoil his plans, Sheriff Quine hurried to Dallas before she could advise the culprit of his danger. On Friday afternoon the sheriff and his prisoner started back to Roseburg, where Bangs will be held for eastern officers. In the meantime the sheriff of Douglas county will enjoy a little reward money, and the Guthrie dairy will east about for a new and honest manager.

Prisoner Blames Wife.

That his wife's extravagant notions far exceeded his income and were responsible for the financial difficulties which resulted in his arrest, was the statement made at Roseburg by J. E. Bangs, former deputy sheriff at Cairo, Ill., and for many years a trusted employe of the McClure Manufacturing company of that city. Bangs is being held there on a warrant charging embezzlement from the latter company. Although the sheriff at Cairo asserts that Bangs' shortage is between \$4,000 and \$5,000, the prisoner says he does not believe it will exceed \$1,000. In a statement made to Sheriff Quine, Bangs said last April he found himself confronted with many bills contracted by his wife and used funds belonging to his employers.

When it became apparent that his shortage would be discovered, Bangs said, he left Cairo and came to Oregon. He passed part of August in Roseburg and while there attempted to form a partnership with W. M. Moore, formerly a liveryman. Mr. Moore's daughter wrote a letter to Cairo residents in hope of ascertaining Bangs' reputation in that city. This letter fell into the hands of Sheriff Burke of Cairo and Sheriff Quine of Roseburg was notified to arrest the fugitive.

Bangs admitted that he was the man wanted by the Cairo officers and says he will return there without extradition papers. Bangs is about 35 years of age and is a lavish dresser. He says he has numerous relatives in the east and does not fear to return to Cairo for trial. He also says he is estranged from his wife, who now lives in New York city.

ALL CONTRACTS EXTENDED.

Hop Association Members Still Holding for 15 Cents.

The outstanding unsold Oregon hop crop will bring into the state \$1,000,000 if the plans of the Oregon Hop Growers' association, as developed Saturday, work out to the satisfaction of more than 700 members. In various hop-growing sections meetings were held Friday and Saturday, and at which practically all the members signed an agreement to extend all contracts till May 1, 1916, holding until such time as 15 cents a pound can be realized. All present contracts were made to December 31, 1915.

Those unable to hold were assured that the association would buy their hops at the prevailing price. President Jones declined to talk of the situation and Secretary Clark is reticent about giving out at this time, an estimate in figures of the Oregon crop now on hand, or the part of the crop which the association might take over and hold on its own account.

Father Teck Transferred.

Rev. Father Teck of the local Catholic church has been transferred to Vancouver, B. C., and he is succeeded by Rev. Father Forget, formerly of Newport. Father Forget will be in charge both here and at Independence and will have his residence at the latter place.

DALLAS TEAM VICTORS

PHI DELTA SIGMA FRATERNITY NO MATCH FOR LOCALS.

Benton County Team Easily Defeated at Armory Saturday Night, the Score Being 31 to 18.

Although the Dallas team labored under a heavy handicap in the first half of its basketball game with the Phi Delta Sigma fraternity of Corvallis on the local floor Saturday evening the home team won by the decisive score of 31 to 18, with playing honors going to every member of the team. The handicap was in having an altogether worthless referee, a last minute substitution, who was relieved in the second half by "Pebo" Shaw. The playing in the first half, perhaps because of the referee, was not spectacular or even exciting except in its roughness. Dallas did have more of an edge on the playing that the first period score of 10 to 9 in their favor would indicate. In the second half the boys came onto the floor vigorously, and had little trouble in showing the O. A. C. 'varsity players the proper way to handle a basketball.

The local team lost the basket in the mixup several times, and had that not been the case the visitors would have even a greater burden of defeat to carry than the score that ended the game. The Dallas boys had many opportunities to score that were unsuccessfully attempted. The visitors conducted most of the chances they had except the free throws and these they could not make good.

As the first game of the season the contest Saturday night was very good, at least when the game got a new start in the second half, and without an exception the men who appeared on the floor for Dallas played real basketball. Blagg and Mix, two regular 'varsity players on the Phi Delta Sigma squad, did more than their share of the playing for the visiting team, although at least two of the other men did much valuable work. The Dallas team consisted of Boydston and Ballantyne, forwards; "Skeet" Hayes, center; Lynn Matheny and Uda Burke, guards.

RALPH WILLIAMS RECOGNIZED.

Member of Committee Appointed to Arrange National Convention.

Ralph E. Williams, republican national committeeman from Oregon, has been honored by the committee at its meeting in Washington, D. C., when he was selected by it as one of the special committee to arrange the national party convention in Chicago, June 7. This committee has a great deal of detail work to do in making ready for the big gathering which is to nominate candidates for the presidency and vice-presidency of the United States. Its personnel is usually made up of older committeemen. Mr. Williams is one of the old members now, since he went into the national party council in 1904.

Charles D. Hilles of New York, by virtue of being chairman of the national committee, is ex-officio chairman of the convention arrangement committee. Mr. Williams' associates on the committee are Frank Murphy, ex-governor of New Jersey; E. C. Duncan of North Carolina; Frederick W. Estabrook of New Hampshire; Frederick Stanley of Kansas; Charles B. Warren of Michigan; Alvah H. Martin of Virginia; James P. Goodrick of Indiana, and John T. Adams of Iowa.

GROCEER WINS CONTEST PRIZE.

Window Display Arranged By Hugh Black Is Rewarded by Judges.

Hugh G. Black has received a cash prize of five dollars as a result of a window display contest in which he participated in competition with merchants throughout Oregon, Washington and Idaho. The contest, conducted by the makers of Golden West coffee, was confined to window displays; the best being rewarded. Mr. Black's window, admitted to be one of the best in the contest, was a work of art as well as one that required considerable ability by the window dresser. The business managers of the Oregonian and the Journal and Merrill Reed of the Reed advertising agency were judges of the contest and their award to Mr. Black is a tribute to that enterprising merchant. That not even the large metropolitan stores could excel the local grocer is significant.

Girls Are Industrious.

With domestic science and domestic art being taught to 7194 girls in Oregon public schools, Superintendent of Public Instruction Churchill says that apparently the majority of the young women intended to become housekeepers. Domestic science courses are now offered in 69 standard high schools and in 73 domestic art is taught.

Teachers' Examinations Over.

In contrast with previous years when the average attendance of approximately forty was maintained, at the annual teachers' examinations

held here for the school teachers of the county there were only seventeen to appear for the tests this year. These teachers took examinations on a great many subjects, some of them remaining throughout the three days set for the tests, to complete their work. The results have not yet been determined as the papers must be graded in the state superintendent's office at Salem. Upon the grades made in these tests depend the position of some teachers and the future of more than one bangs by the results obtained. The tests were completed on Saturday.

LARGER FIRE DEPARTMENT.

Council Plans Provisions to That End Last Night.

The Dallas volunteer fire department will be increased in membership from twenty to twenty-five men as a result of the findings of the fire and water committee of the city council and the instructions issued to the ordinance committee last evening to bring in an ordinance amending the one now in force. The department will also be allowed to select two new locations for its hose carts. This matter was referred to the fire and water committee some time ago. The ordinance authorizing a \$5 increase in the salary of the city marshal passed its first reading, and a resolution, authorizing the city auditor to purchase 300-feet of hose for street cleaning purposes, was passed. Two ordinances on the same subject passed first readings, one prepared by Mayor Kirkpatrick and City Attorney Coad, and the other by Osear Hayter as attorney for R. L. Chapman. These ordinances grant permission to R. L. Chapman to build a drain tile into the street from his basement on Oak street. The ordinance prepared by the mayor and city attorney was not just what Mr. Chapman had in mind, and it is probable that the ordinance prepared by Mr. Hayter will be the one to pass the second reading at the next meeting.

Mayor Kirkpatrick appointed a committee to investigate the expenditure by the band of the monthly appropriation granted it by the city. The committee, consisting of John Sweeney, chairman; Riley Craven and Carl Williams, will see that the money is properly and judiciously expended. Other business transacted at the meeting was of a routine nature and included the allowance of a few unimportant bills.

MILT. GRANT CELEBRATES.

Rural Carrier Has Served Twelve Years on Local Routes.

On Wednesday Milt. Grant celebrated the twelfth anniversary of the beginning of his service as a rural mail carrier, working out of the Dallas office. Mr. Grant took up his duties on the rural routes just twelve years ago, and at that time rode horseback to deliver the few letters that he carried in his pockets. And with the passing of the twelfth year Mr. Grant, who still does his duty as a rural carrier, ruminated on the time that went and the times that are. From a long route traveled on horseback with perhaps a dozen or two dozen letters the years have brought almost as long a route, but with it a team and an enclosed cart in which Mr. Grant daily carries hundreds of letters and hundreds of packages, weighing a great many pounds. In the earlier day letters were all that could be transported through the mail, but today the rural carrier has his wagon loaded with everything from a simple postal to a sack of potatoes, a bundle of ax-handles, or several hundred two-pound catalogs from a mail order house. It takes Mr. Grant many hours longer to cover his territory than it did in the beginning, and the great population of the districts through which his route passes is an increase of many hundreds of people over those that formerly lived along the crude county roads.

THE NEW YEAR APPROACHETH.

Every Freight and Express Car Brings Liquid Refreshment.

To determine that Dallas citizens, those whose "eye-opener" or "appetizer" is a pleasure they will not deny themselves, are assiduously preparing for the new year, the dry year, one must only observe the unloading of any express or freight car that comes into the local depot during the days before the dawn of the bright, dry new year. Since last Monday morning there have been received in Dallas 36 barrels of the cheery amber fluid, not to mention 6 kegs, 2 barrels and 2 cases of whiskey, in addition to countless wines and other liquors that have been carried or shipped into the city. But the above are those only that have been shipped to various Dallas folks who enjoy a "see nip" with their lunch, or at any other time. Dallas people have been enjoying "dry" conditions for nearly a year, and they evidently do not intend that the new year shall be old before, in their homes at least, are temporary cases in the heart of a bone-dry state.

Funeral of Mr. Madison.

D. A. Madison, who died at his home in Independence Thursday, was buried Saturday afternoon, the funeral services being held under the auspices of Salem lodge of Elks.

WILL OBSERVE THE DAY

CHURCHES PLAN CHRISTMAS EXERCISES FOR THE WEEK.

Children Associated With Various Dallas Denominations Will Join in the Festivities.

The several churches of the city have arranged for Christmas exercises for the present week, the young people of the different societies having in most cases prepared elaborate programs for the occasion.

Evangelical Church.

The program of the Christmas service to be given by the United Evangelical Sunday school on Thursday evening, December 23, is as follows: Voluntary; "Awakening Chorus;" scripture reading, Superintendent H. H. Dunkleberger and school; prayer by the pastor; music by the orchestra; class exercise, "The Olden Story," by six boys and six girls; recitation, "Christmas in Poland," by Arthur Winters; primary class exercise, by Miss Eugenie Phillips' class; song, "The Prince of Bethlehem," by primary and infant classes; recitation by Huber Phillips; music by the orchestra; recitation, "The Brown Sparrow's Christmas," by Edna Card; duet, Janet Lauener and Dorothy Erskins; exercise, "Mechanical Toys," by eleven boys; recitation by Lucia Card; cornet solo by B. L. Downey; pantomime, "Abide With Me," by Miss Cora Rossier's class; pantomime, "The Virgin Mary and the Child Jesus," by Mrs. Chester Siefert, Evelyn Siefert and Mrs. H. H. Dunkleberger; address by the pastor; chorus, "The King of All Kings;" distribution of candy and presents; benediction.

Presbyterian Church.

The Christmas service at the Presbyterian church will be held on Thursday evening for the children of the Sunday school and will be in the form of a cantata in two acts. In the first Mrs. Santa Claus will reign and the girls and boys of the various classes will appear as dolls. As planned, the cantata is to be a very delightful entertainment and the tots are working diligently to perfect their work. Lucile Ellsworth will be Mrs. Santa Claus and Harris Ellsworth will be Santa Claus. There is to be a great Christmas tree with a nice remembrance for all the children.

Baptist Church.

The Rev. W. T. Tapscott has announced a program and a Christmas tree for Friday evening at the Baptist church. Mrs. Jaekman and Mrs. Forrette are drilling the children of the Sunday school in the program they are to present. The prescribed program for the entertainment failed to arrive in time for drill work and the program as presented will be the more interesting because of its variety. There is to be a Christmas tree for the young men and ladies, and, withal, the Christmas day is to be a memorable one to those who are affiliated with the organizations of the Baptist church.

Methodist Church.

A most interesting program is being prepared for presentation on Friday by the Sunday school children of the Methodist church. The exercises will be entirely by the children and the program is one that will reveal many clever juvenile talents. A Christmas tree will be the most interesting to the children and the Rev. George H. Bennett and assistants have a present to give Santa Claus for every child in the classes.

Christian Church.

Friday afternoon will be a gala occasion for the Sunday school children at the Christian church, where the primary department is to present a most interesting program. Thursday evening there will be a Christmas service, but the children will find things just as Christmas should be at the Friday afternoon service. Hugh Black, superintendent of the Sunday school, with a corps of assistants, is preparing the program.

Vacation Begins Friday.

The students of the Dallas grade and high schools will be dismissed on Friday evening, December 24, for their annual Christmas and New Year vacation. Classes will resume work on the first Monday in January. So far this year the city school work has gone along with unusual smoothness and a great deal of valuable effort has been applied by the pupils. That they will return with vigor and enthusiasm renewed after a brief respite from their studies is assured. Most of the teachers will make the holiday season an occasion for visits to their homes in various parts of the state.

Fails to Materialize.

Albert Gillett, who was to have appeared in concert at the high school auditorium on Friday evening, failed to appear, and after a meager audience had waited half an hour overtime, Professor Ford announced that the baritone from the University of Oregon Glee club had disappeared in thin air. The last word received here regarding the singer was that he would arrive on the five-thirty train. The audience to greet Mr. Gillett was small.