

The Polk County Observer

NOT GUILTY OF ARSON

CHARGE OF INDEPENDENCE PARTIES NOT SUSTAINED.

Occupies Better Part of Two Days, and Many Witnesses Are Called.

After debating for three hours the jury in the case of the State of Oregon vs. Mrs. Amanda Rexford and Mrs. McMurray found a verdict in favor of the defendants, and the charge of defrauding an insurance company, one that has been hanging over them since the destruction by fire of the old Walker rooming house at Independence, was proved untrue. The charge was brought about through an investigation that seemed to show that the defendants intentionally fired the building to obtain insurance money amounting to \$600. Witnesses for the state appeared before the grand jury when the defendants were returned, and at that time gave testimony to substantiate the case for the state, but these persons either failed to draw attention to the things they alleged they saw, or the attorneys failed to touch them in their examination. The case went before the court on Monday, and the jury rendered its verdict at three o'clock the following day. Evidence for the defense was completed at noon on Wednesday, after Mrs. Rexford had testified in her own behalf. The rooming house which Mrs. Rexford operated at Independence was burned to the ground on Saturday morning, November 6, with a total loss of approximately \$25,000, suffered by Mrs. Rexford and the occupants of several spaces in the same building. The building was the property of Mr. Eugene.

The trial of the arson case was interesting and attracted a large number of people from Independence. Several suits were staged between the counsels, and some of the witnesses answered questions in such a manner that attention was demanded. Balliff A. V. R. Snyder. Late in the evening counsel for the defense moved for a dismissal of proceedings on the ground that the state had not presented sufficient evidence to justify its action, but the motion was not allowed by Judge Belt, who presided over the case. Witnesses for the state and for the defense told some stories regarding details of the case, some of them being so badly mixed as to cause a titter in the room. In some instances witnesses testified on either side of the case mixed up the answers to the jury. Hats, rope, pictures and trunks admitted as exhibits to the jury defense.

WARRANTS CANCELLED.

Business in Treasurer's Office Goes to Very Low Point.

The lowest monthly turnover has been made by County Treasurer J. Holman, during his office was receipted for by clerk on Tuesday afternoon. The amount represented was \$1,000 and was in the form of warrants, as follows: General fund \$33.76; general road fund \$2,457.52; road district warrants \$36.78; common school fund \$421; special school fund \$39.33. In February of last year Treasurer Holman turned over warrants in the sum of \$10,153.18. In April, 1915, the most extensive cancellations in 18 months were made. In that month warrants representing the sum of \$89,168.17 were turned over to the treasurer. During 1914 a total of \$68,137.42 in warrants were cancelled.

Corner to Lecture Here.

Presbyterian church Sunday school of J. B. Horner, department, Oregon Agricultural Experiment Station, will give an illustrated lecture on "Egypt, a Land of Wonders and Free Schools." This is one of the professor's best lectures and appeals to school people and churchgoers. Tomorrow afternoon he will lecture at Falls City on his theme, "The Ear of Oregon."

Wool Sheep Suffer.

Wool from the Ballston sheep that owing to the inclement weather during January has lost a considerable number. The sheep do not do so well on dry feed, especially the ones used in this section. Sheep are a good feed for sheep men do not have much wool in this locality as a rule and are not prepared for such a season.

Who Passed the Exam.

Those who passed the examination in Polk county in 1915. Viola Leland Erickson, No. 2; Leland Erickson, No. 2; Clara Hartman, dis-

trict No. 2; Walter Craven, district No. 2; Frank McKinney, district No. 2; Alba Brown, district No. 2; Carson Odum, district No. 2; Herschel Fiddler, district No. 2; Effie McBea, district No. 2; Victor Williams, district No. 2; Oscar Parker, district No. 2; Lowell Simpson, district No. 2; Frank Elmer White, district No. 2; Lavelle Hewitt, district No. 29; Marie Denny, district No. 29; Virgil Bewley, district No. 29; Dred Seymour, district No. 29; Merle Brown, district No. 29; Kenneth Cook, district No. 31; J. Wilson Cook, district No. 31; Hattie A. Burbank, district No. 59; Walter A. Barnes, district No. 73.

ICE DELAYS LOCAL TRAINS.

Pantograph Acts Mean and Local People Fail to Receive Mail.

The juice wouldn't come down the pantograph. And because of the refractory actions of the "juice" Tuesday evening's mail did not arrive in Dallas until one o'clock Wednesday morning, more than five and one-half hours late. The heavy crust of ice on the trolley wire of the electric line between Portland and Whiteson made an electrical connection impossible and at Oswego, near Portland, the train stopped. After several hours the crust of ice had sufficiently disappeared to allow the pantograph, a modern name for the modern trolley, to serve its purpose and the train proceeded on to Whiteson. Special trains were operated from Salem and Dallas to connect with the northbound train from Corvallis and take passengers for Salem and Dallas to their destinations. Similar trouble made the Wednesday morning train forty-five minutes late.

FUNDS GETTING SHORT

FINANCIAL CONDITION OF CITY BECOMES QUITE SERIOUS.

Five Thousand Dollar Indebtedness Limitation Permitted by Charter Stares Council in Face.

When additional warrants aggregating \$600 have been issued, the city of Dallas will have reached the charter limitation of its warrant indebtedness, which cannot lawfully exceed \$5,000, and there is something of a quandary as to what the municipality will do until next May, when additional funds will be forthcoming. The \$600 now on hand in the way of lawful credit must necessarily soon be exhausted, yet the city will continue to have legitimate obligations to discharge, and the manner in which this may be done is causing some study among the members of the aldermanic body and the mayor.

Once heretofore this provision of the charter has been exceeded, and warrants issued to defray necessary obligations, but the mayor is opposed to that method of procedure and may exert his influence with the council to stick closely to the law governing the matter of expenditures. He holds that the councilmen become personally responsible for warrants issued in excess of the \$5,000 limit, but were the need urgent, as it evidently will be during the ensuing three months, it is not probable that any citizen would object to the council using its best judgment in the matter and if necessary further pledge the municipality's credit. There is a bare possibility that to exceed its charter limitation as regards the issuing of warrants might have some effect upon its outstanding bonded indebtedness, but the amount necessary to tide the city over would be comparatively small at best, and no fear of complaint from this quarter is anticipated.

It may be said in this connection that under the present administration there has been curtailment of expenditures wherever possible, the council appreciating the fact from the outset that the garment must be cut according to the cloth available. Mayor Kirkpatrick in his inaugural message to the council made special mention of the financial condition which was certain to obtain before tax money for another year would be forthcoming, and every effort was made toward economy, but nevertheless the fund is practically exhausted and the administration must wriggle through as best it can until such time as money is obtainable.

Mrs. Ferguson Entertains.

The Sweet Briar Embroidery club was entertained at the home of Mrs. J. C. Ferguson on the Wallace road. The afternoon was passed with sewing and visiting. Dainty refreshments were served by the hostess, assisted by Mrs. E. O. Moll and Mrs. H. M. Webb. The guests of the club were: Mrs. Mary Ferguson of Newport and Mr. and Mrs. Wm. Calder. Members of the club present were Mrs. M. C. Pettys, Mrs. Bunn, Mrs. Hodson, Mrs. James Imlah, Mrs. W. C. Franklin, Mrs. E. O. Moll, Miss Helen Taylor, Mrs. J. C. Ferguson, Mrs. H. M. Webb, Mary Christine Ferguson and Richard and Dwight Webb.

P. E. Timblee of Buena Vista transacted business in Dallas on Tuesday.

INJUNCTION FILED BY MAYOR DISSOLVED

City of Dallas Must Pay Its Proportion for Construction of Proposed Inter-County Bridge, Says Judge Belt.

Whether or not property located within the corporate limits of the city of Dallas, affecting West Salem and Monmouth also, will be liable for the 5-mill tax levy made by the county court for bridges and ferries, including the proposed inter-county and other bridge and road construction and maintenance, was the question that occupied the attention of the circuit court Wednesday, when a demurrer filed on the part of the county to the complaint of E. C. Kirkpatrick was argued before Judge Belt. Mr. Kirkpatrick recently filed a complaint asking the issuance of an injunction to restrain the collection of this tax. Oscar Hayter represented the county in the argument of the demurrer, and Walter L. Tooze, Jr., represented Mr. Kirkpatrick and other tax-payers interested.

Though Dallas has been operating under what is deemed a valid amendment to its charter, being the road district amendment, since 1910, Mr. Hayter attacked the validity of this measure. It was his contention that the city of Dallas had no authority to vote itself into a separate and entire road district, and that its assuming to do so is of no effect. If his contention is correct, the suit instituted by Mr. Kirkpatrick must fail, as his whole contention is based upon the road district amendment. Mr. Hayter stated that up until very recently, he had been of the opinion that the road district amendment was a valid exercise of the initiative vested in the citizens of the city of Dallas, and called attention to the fact that several years ago he had instituted an action against the county court for the city of Falls City, having a similar amendment, based upon this amendment. He said, however, that by virtue of the case of West Lynn vs. Tuffs, decided by the supreme court of Oregon very recently, wherein the supreme court placed certain restrictions upon the rights of cities to use the initiative and referendum powers, he had been forced to the conclusion that the city had no power to adopt the road district amendment. Mr. Hayter's argument was a strong presentation of the issues involved. In addition to this contention, the county also argued that by virtue of the law passed by the legislative assembly in 1915 relating to inter-county bridges, the county court could assess the cost upon all property within the county, and that the fact that a certain city constituted a separate road district from which the jurisdiction of the county court had been excluded upon road matters, would not save the city from payment of its share of the expense of the inter-county bridge.

Representing Mr. Kirkpatrick and other tax-payers, Mr. Tooze argued that the city now has the same power formerly exercised by the legislative assembly in so far as amending, repealing, modifying, or otherwise dealing with charters is concerned. He pointed out that the legislature by special act formerly created separate road districts out of certain municipalities. He urged that what the

legislature formerly had the power to do by special act with reference to city charters, the people of the cities themselves now had the power to do. The creating of separate road districts by the legislative assembly by special act was never considered as class legislation, but as legislation purely local in its nature, and such as the legislative assembly could pass with reference to any particular city desired. With reference to the 1915 law regarding inter-county bridges, Mr. Tooze argued that this law must be read in connection with the charter of the city of Dallas, so far as Dallas property is concerned.

Decides Against Dallas.

Judge Belt took the matter under advisement, and yesterday sustained the demurrer, holding that the 1915 session laws make the building of inter-county bridges a legal obligation against a county as a whole, and that no particular section of a county affected by such construction can be exempt from an obligation thus incurred. "If judgment were entered against the county of Polk, the city of Dallas could not claim exemption," said Judge Belt, and to illustration stated that if Multnomah county undertook the construction of a bridge across the Willamette river, which would cost many thousands of dollars, and the city of Portland could by creating a separate road district exclude itself from payment thereof the entire cost of the structure would necessarily fall upon one-tenth of the people of that county. "Legislation of the character involved is general legislation and not local or municipal legislation," contends the judge, who continuing, says, "the supreme court has held that where the legislature had the power of granting charters to cities, and amending the same, the legislature could by special act create separate road districts, but by the constitutional amendment, known as the Home Rule amendment, the legislature is deprived of this power and it has never held since the adoption of the amendment that a city through the power of the initiative could enact legislation contrary to the general laws governing road matters." As a matter of justice, aside from the law, Judge Belt expresses the opinion that the city of Dallas should bear its just proportion of the proposed inter-county bridge.

The Mayor's Contention.

Owing to the importance of the case, and the necessity of getting a final construction of the road district amendment of Dallas, the case will, in all probability, be appealed to the supreme court. Mr. Kirkpatrick, through his attorney, appeared before the budget meeting in December and stated that he felt that Dallas should contribute toward the construction of an inter-county bridge. He stated, however, that the charter of Dallas was to be considered, and the people should know once and for all whether the road district amendment was valid, and if valid, and a bad law, the

(Continued on last page)

REYNOLDS GETS PLACE PRANK OF ELECTRICITY

HOPVILLE TEACHER SUCCEEDS MR. SEYMOUR.

Appointment Made Late Yesterday Afternoon, After a Three-Cornered Contest.

After a three cornered argument that lasted throughout most of yesterday afternoon the county court, in meeting at Falls City, unanimously elected W. I. Reynolds to the position of superintendent of Polk county schools. Mr. Reynolds was superintendent of schools in this county a number of years ago and at present is engaged as principal of the Hopville school, near Buena Vista. He has had many years' experience as a school teacher, he having spent the mature years of his lifetime in that profession. He was elected to the superintendency of Polk county schools on the democratic ticket a good many years ago, but within the past few years has been enrolled as a republican. He was succeeded in the office of superintendent by Mr. Hart, who preceded C. L. Starr in the position.

The appointment of a superintendent to succeed H. C. Seymour, resigned, has created more interest than anything that has been before the county court for months. A large number of candidates appeared for the office, but the commissioners and Judge Teal each selected their candidate and remained steadfast until a late hour yesterday afternoon. The deadlock was broken by a compromise on Mr. Reynolds.

HORSE AND DRIVER HAS AN UNPLEASANT EXPERIENCE.

Grounded Wire Charges Earth and Throws Animal into a Quivering Heap.

To be driving along the street peacefully and suddenly have your horse go rigid as stone and then drop in its tracks is not exactly a pleasant experience, but K. N. Woods, who drives the Dallas Laundry company's wagon, is used to unpleasant experiences when traveling behind his famous black steed. While ambling along at the intersection of Jefferson and Oak streets on Wednesday morning the laundry wagon horse stopped suddenly and began to paw the air with a forefoot. When the foot descended again the horse started to quiver and shake and in a moment was in a helpless heap on the ground. Mr. Woods jumped to the animal's side to hold its head, thinking that it had suffered a sudden attack of la grippe or heart failure. With the contact of the driver's hand on the horse's head Mr. Woods also started the quivering process and leaving the horse temporarily to its awful fate, made tracks to more congenial territory. Woods summoned a team and soon had his horse hauled out of danger.

The animal spent a pleasant afternoon in the barn recovering from the shock. For a shock it was—110 volts of electrical energy, more energy than the horse has had in many years, had coursed through its body and through the body of its driver. The earth

had become charged through a grounded wire from a transformer and was one of those electrical accidents that occur once in a lifetime. Electricians repaired the damaged wire within a few minutes after the accident, but Mr. Woods is nursing a wounded constitution, although the hair that the electricity raised, has almost settled down to its normal sleek beauty.

Many Game Birds Are Dying.

Ross Nelson, who has a large farm near Independence, is authority for the statement that the sportsmen and farmers of that section of Polk county have scattered to the birds fully 500 bushels of wheat since the cold snap commenced the first of January. Yet notwithstanding their efforts to protect the pheasants and other birds hundreds have perished. The pheasants cling close to the ground, and ice forms upon their tails. Burdened by the weight these handsome game birds are said to soon die. Sportsmen throughout the valley have had the co-operation of farmers and others in preserving the game birds, thousands of bushels of grain having been scattered during the cold spell.

Mad Cows Are Killed.

Three dairy cows which had been infected with rabies were killed on a farm near Falls City last week. They were attacked by a dog having the dreaded disease some four weeks ago, and as the dog had been killed it was hoped the cows might escape it. They were kept in close confinement and after a few days refused to eat, and as time went on other symptoms developed which resulted in the killing of the animals.

BREEDERS WILL SHOW

JERSEY ASSOCIATION TO CO-OPERATE WITH FAIR BOARD.

Date for Annual Sale of Purebreds Has Been Changed From Spring to Fall.

One hundred of the finest Jersey cattle will be exhibited at the Polk county fair this fall, and special housing accommodations will be prepared as a result of action taken at the meeting of the Polk County American Jersey Cattle club at Independence on Tuesday afternoon. About thirty-five members of the organization attended the meeting, at which a committee from the County Fair association was present to discuss the participation of Jersey breeders in the fair this fall. The committee, consisting of President I. L. Patterson, A. L. Martin and W. V. Fuller, promised the breeders hearty co-operation from the fair management and agreed to see that housing accommodation would be provided for at least 100 head of cattle. The committee will probably rent a large tent to provide stalls for the animals that the club members will bring to Dallas. The Jersey breeders' club appointed a committee, comprising F. J. Lynn, W. O. Morrow and C. P. Hembree, to meet with the executive committee of the fair association in Dallas next Monday. At this time premiums for the Jersey exhibits will be discussed and adopted, and the class of stock to be shown will be determined. If the fair board lives up to its part of the agreement the Jersey breeders have said they would confine their competition to ribbon premiums and that no cash outlay for prizes would be necessary.

At the meeting on Tuesday the club also decided to change the date of its annual Jersey cattle sale from the spring until the fall, and the date was set for October 10. It is believed that the change will mean greatly improved business at the sales, as the fall is a better time to buy. Buyers will have more ready money and therefore more buyers would attend the sale. The last event of this kind held at Independence was very successful, notwithstanding the fact that it was held in the spring of the year. One hundred head of register of merit Jerseys have already been entered for the sale this fall by some of the most noted Oregon breeders of Jersey cattle.

The club is entering upon what looks to be its most prosperous year and with every member interested and taking part in the work of the club much good is expected to result from the co-operative organization. Frank Loughary of Monmouth is president of the club and Ross Nelson of Independence is secretary.

Newberg Plays Here Tonight.

The basketball line light shines upon the game tonight between the teams of the Newberg high school and the Dallas high school. Newberg won from Dallas at Newberg some time ago by a one-point margin, and the Dallas boys are determined to turn the score decisively when the game gets going tonight. The local boys have had a long period of fast practice and are fitted for one of the best contests of the year. Tickets are on sale today at Staffin's.

J. E. Steen of Salem was a business visitor in Dallas on Wednesday.

PLAN A TANK FACTORY

COMMERCIAL CLUB AUTHORIZES AN INVESTIGATION.

Semi-Monthly Dinner, With a View to Increasing Interest Among Members, Is Arranged For.

A member from the Manufacturers' committee of the Dallas Commercial club will make a tour of Puget Sound towns in the very near future for the purpose of investigating the various articles manufactured there with a view to securing some additional woodworking industries for this city. The chief purpose, however, is to investigate the tank business, which appears to be a growing industry on the Pacific coast, and which it is believed may be profitably promoted in this community by home capital. The committee from the Commercial club, comprising Messrs. Fuller, Coad and Soehren, have investigated the proposition to some extent at long range, and after making a report to the main body on Wednesday night it was instructed to send one of its members to Grays Harbor and other places along the Washington coast to confer with operators of factories there with a view to increasing the tin pail brigade here. Mr. George Gerlinger of the Willamette Valley Lumber company had been in conference with the committee, and expressed the opinion that such an institution might be made a success at this point, the demand for tanks from red fir being quite equal to that for tanks from California red wood. It is probable that Mr. Coad will make the investigation for the committee, he being the practical member, and moreover the owner of a manufacturing plant here from which it is proposed to turn the articles upon the market.

This proposal, together with one that resulted in the club voting to hold semi-monthly dinners, featured the session of Wednesday night. President Martin suggested that the organization plan to hold dinners in order to bring out the membership to the end that more interest might be manifested in the work of the club. There was some opposition to the idea, but this did not develop to a sufficient extent to defeat the measure as presented by the president, and he was authorized to make the necessary arrangements for a dinner a fortnight hence. To assist in the work Mr. Martin named the amusement committee, composed of Messrs. Guy, Soehren and Fenton. It is proposed to have the meal served either at one of the hotels, by some one of the church societies, or the Woman's club, each member to liquidate his own personal account therefor, and to have present on these occasions speakers who are interested in promotion work in other towns.

The president and secretary were selected to go to Albany tomorrow to attend a meeting of the commercial organizations of the Willamette valley, the object of which gathering is to form a permanent association for general promotion work among the eight counties.

MR. PADDOCK APPOINTED.

Will Succeed the Late Eli T. Henkle as Justice of Peace.

At its meeting at Falls City yesterday the county court appointed E. E. Paddock of Independence to the position of justice to succeed the late Eli T. Henkle. Mr. Paddock has been active in the political and civic life of Independence for a number of years and his appointment comes as an unsolicited honor.

Would Take Contract For Ferry.

County Commissioners Wells and Beckett are in Salem today conferring with the Marion county court in the matter of letting a contract for the operation of the Independence ferry across the Willamette river. Some years ago the ferry was operated by contract but the plan was changed and since has been in charge of a man hired and paid by the county. This has been a losing plan and it is to correct the loss that the change is proposed.

Keeping Up With Lizzie.

Mr. Irving Bachelor, lecturer, nature lover and humorist will deliver an address Saturday evening in the Normal chapel, entitled "Keeping up with Lizzie," which is taken from his book by the same name. As the book has been widely read by Monmouth people, they are looking forward to the evening of the lecture.

Resigns Her Position.

Mrs. Margaret Shimmers Dalton, a teacher in the Independence schools, has resigned her position, to become effective today. Her successor has not been elected. Mrs. Dalton has taught in this school for nearly 15 years, prior to which time she taught at Red Prairie and at Dallas.

Quits Lunch Room Biz.

William Finley has retired business at the Kory Corner room and is preparing to move to Portland with his family, which