

THE MONMOUTH HERALD

Vol. XII

Monmouth, Polk County, Oregon, Friday, March 12, 1920

No. 28

Monmouth is Located in the Best Section of the Best Valley of the Best State in the Nation

Items of Interest At Oregon Normal

At the chapel hour Monday morning the Juniors made a unique announcement of their Class Day exercises to be given March 26. The nature of the program is a profound secret but if one may judge by the number of meetings it requires much work, and will measure up well to high standard set by former Juniors in their entertainments.

The Alumni of the Normal are responding in a most generous, loyal spirit to the call in support of the Millage Bill.

Superintendent Duncan, who spoke last Friday morning at the chapel hour, visited Elkins Rural Center with President Ackerman Friday afternoon. Mr. Duncan delivered a very interesting address there.

The Vespertines entertained their new members and the Faculty after their program last Friday evening.

The Easter vacation is to begin April 2 this year. It covers April 2, 3, 4, and 5 inclusive.

The work of the Norm is going forward enthusiastically. Several good pieces of work are already in the hands of the editor but of course there is still room for more.

Preparations are being made for the Memorial Day program held annually at the Normal. The school is very proud to announce that Judge Lawrence J. Harris, Associate Justice, will give the principal address of the day.

The Student Body Dance given in the Gymnasium last Saturday evening was a decided success in every respect. The slight change in the social regulations recently authorized worked out very pleasantly in actual practice.

Several students besides the eight delegates have signified their intention of attending the State Oratorical Contest to be held in Forest Grove this week-end. A number of new rallying songs have been composed and the delegation has every intention of displaying the real O. N. S. spirit in supporting the Normal orator.

The motion picture to be given Friday evening, March 12, in the chapel is entitled "The Willow Tree." It presents a very pretty little story in a most attractive picture.

Bank Burglar Baffled

Wednesday morning about 8:30 o'clock a burglar was discovered in the Jefferson State Bank in the act of battering down the vault door with sledge hammer.

The discovery was made by Henry Smith, Ted Flecken and Ernest Harnish, who had come in late from a motor trip and as the light in the bank was still on they could plainly see the yegg at work. About the same time the yeggman saw them and he came out with his gun in hand. As the three young men were unarmed they thought best to take no chances, and so beat it, taking the route through E. E. Howell's yard and down the alley to the house of J. T. Jones in order to telephone to W. J. Jones, and they all hastened back to the scene, only to find that the man had just left. They heard him running steps in the direction of the railroad tracks where it is supposed he boarded a freight train which went thru about that time.

All that was missing from the bank was a German lugger and Colts automatic, souvenirs that President George Griffith had brought from France.

The hammer used by the yegg was from a tool box near the Jefferson bridge and the chisel and other tools used were from the Jefferson blacksmith's shop.

Sheriff Needham and deputies Bower and Smith were here in a short time after being notified and ran down several clues, but nothing so far has developed that looks like a real clue.—Jefferson Review.

Tile Company Expands

By a deal expected to be concluded this week, the Central Tile company acquires ownership of a strip of 6 acres along side the railroad to the north of their present plant. This land which was bought of Thos. Boulden, sold for \$1000. Underneath there is a vein of clay twenty five feet deep which is sufficient to keep the kilns going for some years to come. Not all of the land will be opened for the clay this year and it is expected to plant two or three acres of strawberries on the land in order to put it to use.

Manager Partridge of the Tile Company has been busy recently installing machinery to make 10 and 12 inch tile. This last year the large tile made by the company was gone before Christmas. Although an extra large number of tile were made last year, the supply is about all cleaned out now and much more large tile could have been sold had they been in stock. With the acquisition of the additional acreage the company will put in a switch and be ready to ship tile and building material by rail.

The demand for large tile has been occasioned by the general use of tractors in plowing and preparing the soil for crops. It has been the custom to have open ditches on land but now that tractors are in use, the ditches are in the way, interfere with handling the land to advantage, and farmers are putting in the big tile to take care of drainage and filling in the ditches.

Start County Work

As the result of arrangements completed at the state Pastors' Conference held in Portland last week under the direction of the Interchurch World Movement, the conference to be held in Polk county has been tentatively assigned to one day and evening between April 6 and April 15. This conference greatly will follow in form the state pastors' meeting in Portland. A "team" of widely known pastors and other church leaders will have the program in charge and most of the addresses will be accompanied by stereopticon slides and large sized charts.

These county conferences, one to be held in each county in Oregon, mark the opening of the campaign in this state to raise its share of the budget for 1920 set by the 30 denominations co-operating in the Interchurch World Movement and amounting to \$336,777,527, of which \$175,448,349 is to be paid this year. This sum comprises all the askings of the co-operative denominations and while it is the largest single project of the kind ever authorized in this country it has the distinct advantage of being the only one based on exactly accurate estimates with a set objective for every dollar asked. These objectives will not be changed in any detail.

County representatives now are being appointed for the various departments of the Interchurch World Movement and to care for the financial campaign which soon is to be put under way. These appointments will be announced within the next two weeks.

Frank Aynes of Portland was a visitor this week with relatives in Monmouth.

Better and More Profitable Farming

At a mass meeting of farmers held in Dallas, Saturday, March 6, at one p. m., to consider methods for promoting better and more profitable farming, the Farm Bureau Plan was carefully gone over and approved.

P. O. Powell of Monmouth, was named temporary Chairman of the meeting, and A. G. Rempel of Dallas, Secretary.

Those in attendance felt the need of some organization to knit together the various agencies working for farm betterment, such as the Federal Department of Agriculture; the State Experiment Station; the County and County Agent; the Local Farm organizations; as the Unions and the Grange, and the County schools. Since all these forces are working for the same end, it was agreed that the Farm Bureau, as organized in nearly every county in the Northern and Western States, was a vital factor in joining and making more effective all these forces.

Assistant County Agent leader, W. L. Kadderley, who enjoys a wide acquaintance in Polk county, explained briefly the progress of Bureaus in some other counties of the State.

Paul Carpenter, the recently selected Agent for Polk county, touched upon some of the things waiting to be developed to the full, by a county-wide organization, emphasizing the need for immediate attention to a "Grey-digger" extermination campaign, to be pushed to the limit this Spring.

Chairman Powell advised fixing upon a definite program of work, taking up a few lines of importance to everyone in the county, and suggesting that local communities enlarge upon the plan to suit their needs. After some discussion the meeting decided for the 1920 work to prosecute with all vigor the squirrel poisoning campaign to give all support possible to the County Fair, to the Corn Show at Independence, to the Grand Ronde Fair; to encourage co-operative shipment of livestock, and other co-operative marketing activities; to work for an increase of quality and acreage of corn, and to support any movement for better livestock.

Owing to the advanced season it was decided to push the program in a limited number of communities this year. To arrange for local community meetings, a temporary committeeman was named for each as follows: Dallas, A. G. Rempel; Dallas; Liberty Bell, L. H. McBee; Dallas; Bridgeport, C. C. Gardner; Dallas; Monmouth-Elkins, W. J. Stockholm; Monmouth; Airlie, J. F. Ulrich; Airlie; Rickreall-Oak Grove, S. L. Fawc, Rickreall, R. F. D.; Perrydale-McCoy, G. L. Richards; McCoy; Smithfield, W. J. Garner; Dallas; Brush College, F. C. Ewing; Salem, R. D. 2.

These committeemen are arranging for local meetings in the near future, schedule of which will be published in our next issue.

As a temporary executive committee to take charge of pending permanent organization, the following mentioned gentlemen were elected. The committee members met later and elected officers as indicated: P. O. Powell, Chairman; L. H. McBee, Sec-Treas.; Evan Evans, C. I. Ballard, W. J. Garner, C. C. Gardner, C. L. Hawley.

A county-wide meeting will be held later in the Spring when a permanent organization will be formed. The meeting decided to take quarters for the County Agent adjacent to those occupied by the Commercial Club in the Imperial Hotel Building. It was arranged to

All Streets Are City's Says Supreme Court

By a decision handed down by the Oregon Supreme Court and filed March 9, the city of Monmouth was upheld in its more or less famous paving suits. The decision of Judge Belt in the circuit court for the city, was affirmed, Judge McBride making the decision which was concurred in by Justices Burnett, Bean and Johns. A wait of twenty days for the mandate of the court must intervene after which the assessments will be collectible.

Curiously enough the point on which Justice McBride rendered his decision was not the same as the one on which Judge Belt ruled in favor of the city. In his argument Attorney Hayter based his claim on the right of the city in the matter on three points. First by records that showed Main street to antedate the road from Independence to Thorp's mills, otherwise the county road. Second, that Section 29 of the city charter gives the city jurisdiction over all the streets in the city, a right which they have exercised such as in granting franchise for poles to power and telephone companies, laying of sidewalks, etc., and third, that the special act of the legislature in 1917 corrected any doubt as to jurisdiction on Main street.

Judge Belt ruled in favor of the city on the first point and the supreme court based its ruling on the second point, a ruling that is considerably more sweeping than the first as it gives the city recognized jurisdiction over all of the streets of the city and is to the effect that since 1899 when the charter was granted there are and have been no county roads within the city limits.

The question at issue rested on the meaning of the word "provided" in Section 29 of the charter, and on this the court reasons as follows:

Section 29 of said Act is as follows: "The common council is authorized and empowered to lay out, establish, vacate, widen, extend and open streets and alleys in said city, and appropriate money for that purpose; and to establish and alter the grade of any street or any part thereof, and to construct and improve sidewalks, pavements, streets and parts of streets within the city limits, making full or partial improvements thereon, and to establish a system of sewerage and to construct and repair drains and sewers; and it has full power to determine and provide for everything necessary and convenient for the exercise of authority herein granted; PROVIDED, that all public highways and roads within the corporate limits of said city become streets and subject to the supervision and control of the common council."

The contention of appellants is, that the word "provided" in the section quoted, should be construed as a condition having reference to some future action to be taken to convert the then existing roads and highways into streets, and that said section did not, by its own force, convert such ways into streets.

It is a rule sustained, not only by the numerous authorities cited by counsel for appellants, but substantially by all the authorities, that the usual office of the word "provided" in a statute, is to create the time of a stenographer, thus not only making a great saving in keeping up the office, but having some one on hand when the Agent was about the county.

A membership fee of One Dollar a year was agreed upon. The membership fund was to be used chiefly in publishing a monthly sheet covering the activities of the Bureau.

ate a condition or to restrain the enacting clause, to except some thing which would otherwise be in it, or in some manner modify it. But while this may be stated as the general rule, it is not absolute.

(Here the court quotes a number of precedents.)

To construe the language referred to as a proviso or condition, would lead to the result that the common council could not exercise any of the powers granted in the preceding portion of the section, except upon the condition that the public highways and roads in the city should first become streets, and, as there was no method provided by which they could become streets, except by an act of legislature, the powers granted would remain in a state of paralysis until the legislature should, by another act, declare such roads to be streets.

We cannot assume that it was the legislative intent to bring about so absurd a result or to merely hint at what might be done, should another legislature see fit to pass an act making such public ways streets, but that the actual intent was to transform the public roads and highways in the city immediately into streets.

Following the theory of the cases cited, and taking into consideration the conditions which existed when the charter of 1899 was enacted, we hold that the word "provided" in Section 29 of the charter, was not intended as a condition but was inartificially used as a conjunction, and that the clause in question should be construed as if, instead of the word "provided", the conjunction "and" had been used, or the phrase "it is further provided" had been employed.

The fact that the legislature, after these proceedings were begun, passed an act expressly giving the city of Monmouth jurisdiction over "the highway known as Main Street" did not after the effect of the charter of 1899. If the city already had such jurisdiction under that charter, and we hold that it did have, a subsequent act again granting it could not take away the jurisdiction originally granted. The act alluded to and which became effective February 7, 1917, (Chap. 55, Gen. Laws 1917) recites that "at this time there exists confusion concerning the jurisdiction of the city of Monmouth over said highway, within the corporate limits thereof." This confusion was evidently caused by the contention made by plaintiffs in the case at bar and it was to clear this up and settle beyond question the rights of the city of Monmouth over the highways in question that the act was passed. As a matter of law, the act was unnecessary and gave the city no additional authority, as that granted by the Charter of 1899 was plenary.

These considerations render it unnecessary to discuss the other points argued by the counsel.

Demented Dame Drowned

The body of Mrs. D. B. Boydston of Independence who was reported missing in last week's Herald, was found Thursday in Ash Creek in the northwestern part of the city. Demented by sickness and family troubles, the lady left home Tuesday night and went to the only part of the creek where any one could be drowned, and jumped in. Mrs. Ridgeway who died in Dallas recently, was her third child to die in late years and this with her own sickness is credited with causing her act. She is survived by her husband and was 63 years of age. She was born in Polk county. Funeral services were held Sunday afternoon.

Ernest Force left for Portland Tuesday.

Water Bonds Figure In Latest Sensation

Monmouth has achieved some notoriety during the past week or two because of the alleged exposure of graft in the sale of municipal bonds by Morris Brothers, Portland, to the state treasurer. Monmouth's late issue of water bonds was sold in this way and according to the Portland Telegram of Saturday they were sold in two sections, first \$40,000 on which a premium by the state of \$3,088 was paid, and the remaining \$20,000 for which a premium of \$1840 was paid. These were only two of a number of deals in which the state treasury officials and Morris Brothers participated and the governor has since called a special grand jury investigation of the affair.

It has never been alleged that Monmouth was overreached in the deal; in fact it is recognized that the city did well with the issue and got as much out of it as could have been expected. The bonds were sold by contract to Morris Brothers in August, the company agreeing to have the bonds engraved and supply legal services in the special election as an extra to paying par for the bonds.

It is also stated that the state treasurer has considerable money to invest in the different funds of which he is custodian, that there is considerable in the treasury yet to be put to work and that he paid the market price for bonds bought. Of this the investigation by the grand jury is likely to develop facts on one side or the other.

Mrs. L. M. Hall, Dead

An item overlooked last week was the death of Mrs. Lark Hall at the home of her daughter, Mrs. Claud Skinner in Independence, which took place Sunday, February 29. Mr. Hall died nine weeks ago. Mrs. Hall was a pioneer of Buena Vista and was born in Shelby county, Illinois, May 12, 1844. In 1853 she crossed the plains with her parents who settled at Oregon City and later located on a part of Reason B. Hall's donation land claim at Buena Vista. She was L. M. Hall's second wife and was the mother of eight children, five of whom survive. They are, Mrs. Clara Stover, Weiser, Idaho; Mrs. Anna Herron, Monmouth; Miss Dora Hall, Monmouth; Mrs. Ethel Skinner, Independence and Mrs. Erna Withers of California. Funeral services were held at the Skinner residence in Independence, conducted by Rev. H. C. Dunsmore and burial was at Buena Vista.

Death of Mrs. Rickard

Mrs. Edna Rickard of Corvallis died Tuesday night about 10:30 after an illness of several weeks.

Death resulted from pneumonia which followed scarlet fever. Prior to the scarlet fever, Mrs. Rickard was seriously ill with "flu". The funeral services were held in Corvallis Thursday at 2:30 at the cemetery.

Mrs. Rickard was a daughter of Mr. and Mrs. H. E. Guthrie and was 30 years of age. Mr. Guthrie who has been suffering from an attack of pleurisy, was unable to attend the funeral.

Some one with a 22 rifle sent a bullet through a window in the high school building Tuesday afternoon. Luckily no one was within range. A little caution is necessary in handling this sort of weapon for next time the circumstances might not be so fortunate.

E. C. Cole attended the monthly meeting of employees of the Miller Mercantile in McMinnville Tuesday night.