

INDEPENDENCE ENTERPRISE

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WOULD SETTLE FAMOUS CASE

END OF CELEBRATED CASE IS IN SIGHT.

Action Growing Out of Trifling Matters Drags Through Courts for Two Years and Costs Grow into Sum of Several Thousand Dollars.

Independence, Ore., May 10, 1909. To the Editor:

As there has been a great deal of street talk, and a number of the taxpayers of the city have asked me concerning the now famous Krebs Hop Company case vs. R. J. Taylor, city marshal of the city of Independence, and Isaac W. Dickenson, livery and feed stable man of this city, I will, with your permission through your valuable paper, briefly state the facts in the case and let the people form their own opinion as to whether the city of Independence should pay any of the costs in the case before the case has been tried out.

Ordinance No. 43 of the city of Independence, among other things provides that it shall be unlawful for any person to leave hitched or tied upon any street, alley, block, lot or part thereof, within the limits of the city of Independence any team, draft, riding or driving animal or any domestic animal used for such purpose, for a longer period of time than one hour between the hours of 7 p. m. and 7 a. m. during the months of October, November, December, January, February, March and April, the penalty for violating this ordinance is by a fine not less than \$2.00 or more than \$20.00, and to pay for feed of the animal.

Section 3 of said ordinance makes it the duty of the city marshal to take any such animal found hitched or tied in the city limits and turn the same over to some livery or feed stable for care and shelter, and any owner refusing to pay for the feed and care of said animal shall be subject to arrest and fine.

On the 27th day of March, 1907, Mike Krebs left his team of horses hitched in the public streets of Independence near Messner's store building from 6 o'clock p. m. until 10:30 p. m. Mike Krebs testified that he called for his horses about half past ten o'clock. See page 10, appellant's brief. City Marshal R. J. Taylor says he took the horses to the livery stable and left word at Cooper's saloon for Krebs to get the team, and went immediately into the hotel and was eating his midnight lunch when Mike Krebs, in company with a friend came and demanded the team.

Ex-Mayor W. A. Messner had made complaint to the city marshal that Krebs was in the habit of leaving his team along side of his place of business very often until late into the night, without feed or shelter, and on this occasion the marshal took the team and back and drove it to the livery and feed stable of Isaac W. Dickenson, and left word for Krebs to get his team and pay Mr. Dickenson 25 cents for their care. Krebs telephoned to Dickenson to bring his team to Cooper's. Dickinson then hitched the team to the hack and started down with them. Krebs then telephoned to him not to bring the team down, and then telephoned to Councilmen Bice and Bohannon to have the marshal bring back his team. To the former he said: "Your town is nothing but a calf pasture and your ordinances and charter are no good. We hire our attorney by the year", and Mr. Bice hung up.

On or about the 27th day of April 1909 the Krebs Hop Company filed an action against R. J. Taylor and Isaac W. Dickenson in the circuit court at Dallas, Oregon, for the recovery and possession of said personal property, although Dickinson had offered them the possession of the horses for nothing if they would come and take them away. In their complaint they asked for special damages in the sum of \$5.00 per day for every day they had left their horses in Dickinson's stable—from the 27th of March to April 23.

In May following the case came for trial in Judge Burnett's court at Dallas, Oregon, and after the plaintiff had given in their evidence to the jury the counsel for the defendants filed a motion for a non-suit and the court

allowed the motion and dismissed the case.

Thereupon the Krebs Hop Company appealed the case to the supreme court, and the supreme court affirmed the decision of Judge Burnett. Thereupon the Krebs Hop Company petitioned the supreme court for a new hearing in the case and the court granted the hearing and after a new trial remanded the case back to the lower court for trial, and it would have come up at this term of court which convenes at Dallas today had it not been settled.

About two months ago counsel for the Krebs Hop Company, Hon. John A. Carson, of Salem, met me in Portland and asked me if a settlement could be reached in the Krebs case. I advised him that so far as I was concerned I had no objection if the city was protected. After I returned home counsel wrote me at Independence asking if the case could be settled. I answered and said to state his proposition. At a regular meeting of the council I stated the matter to the council and on motion of councilman Bohannon, the council with out a dissenting vote decided not to settle the case. Counsel for Krebs Hop Company then came over to Independence and had a talk with some of the councilmen, and at the next meeting of the council, councilman Bohannon moved that the case be settled according to the proposition of attorney Carson, the city paying one half of the costs and the Krebs Hop Company the other half. The matter was thereupon discussed for some time and no action taken in the matter. Counsel for the Krebs Hop Company again visited Independence and had a conference with some of the councilmen, and at the next meeting of the council, councilman Mix made a motion to settle the case on the terms of Mr. Carson, each party to the suit paying half the costs, and stating that a majority of the council had already settled with Mr. Carson. This motion was voted down.

The next day, Thursday, the 6th, 1909, I wrote to counsel for plaintiff that the council had refused to settle and that I had subpoenaed witnesses for the defendant and the case would be ready for trial on Monday, the 10th. Mr. Carson answered the letter saying that one of the councilmen had visited his office at Salem and left signed stipulations on the part of the council settling the case. On Friday, the 7th, Mr. Carson followed the letter up and he held another conference with some of the council and they visited the son of one of the defendants and agreed to settle the case, Krebs Hop Company to pay half the costs and the city of Independence the other half.

Attorney Carson in his letter to me stated in part all the councilmen expressed the view that they desired the case to be settled, because it was deemed advisable to have good feeling existing between our clients who are heavy traders, and the business people of the city of Independence and on behalf of my clients I stated that this feeling was reciprocal. Personally I have no interest in the case. At the time of the action was commenced I was city attorney and the city has paid me my fees in this case. Since the proposition of a compromise has been under consideration I have been mayor and publicly state to the council in regular session that it might be better to employ another attorney to take the Krebs case for that reason. But I also stated to the council that if they decided not to accept the terms submitted that I would continue to act as attorney in the case without cost to the city and pay my own expenses as I wanted to see if the city ordinance could be enforced.

If any citizen will take the trouble to examine the record of the recorder's office they will find that but few ordinances have been enforced or attempted to be enforced in the past three years if any one objected to complying with the ordinance. To illustrate I will recite one or two instances as for example: the council has passed one or two ordinances for the improvement of streets and sidewalks, in one case providing for cement sidewalks in certain portions of the city, in this case those who desired to do so went ahead and put in their walks according to ordinance others laughed at the council and tore out their old wooden walks and put in new wooden walks where the ordinance provided cement walks, others have not attempted to put in any kind of a walk, although a year has elapsed. There are a number of build-

(Continued on fifth page.)

THE STORY OF OREGON HOPS

WHAT THEY MEAN TO PEOPLE OF OREGON.

Beginning With Genesis of the Plant Its Growth is Traced in the United States to One of the Foremost Industries of the Farm.

The following story is taken from the Salem Capital Journal:

Someone has told and told very beautifully the story of "Hemp." A pretty story through which runs a delicious little love tale. Why is it no one has ever written the story of "Hops?" Is there any one in Salem, or for that matter in the Willamette valley, that understands and appreciates the tremendous influence the hop crop has had, still has on the welfare of hundreds, of thousands of Oregon people? How many outside of a hop growing district know anything about this fragrant crop? How are they grown? What are they used for? What figure do they cut in the state's showing of wealth?

The good housewife of old times used hops in her yeast—to make perfect the big loaf for her family, out of the harvest products that her husband's hands had won with sweat and toil.

Neither of them understood the germ theory. All they knew, all that was necessary for them to know, was the effect, the fact that yeast made their bread light and palatable; without bothering their minds about the especial brand of microbe, big or germ, that produced that effect.

In those days every long haired savant was not loaded with germ theories and all of us ate our bread in the sweat of our faces, or some other fellow's, and found no fault.

Now it doesn't take a great quantity of hops to make all the yeast necessary for putting holes in the bread of the whole world. If that was the only use, hops would cut but a small figure in the world's markets. But there are other uses.

Whether it was Gambrinus or the big goat that first discovered the art of making beer, of distilling a mild alcoholic stimulant, does not matter, but whoever, or whichever it was found a new job for hops.

Without going into the merits or demerits, the pros or cons of prohibition or temperance, the fact remains that the discovery was made, that the manufacture of beer necessitated the use of hops, and that the beverage became so much of a necessity, habit, custom, what you please, that today it represents hundreds of millions of dollars in each and every civilized country on the globe.

Without going into the question of any one's opinion as to drinking beer The Journal reporter a few days ago went into the matter of hop growing, and as to what it meant to the producer regardless of the ultimate use of his crop, and he found about this:

Oregon produces from 110,000 to 150,000 bales of hops annually, the bales averaging about 200 pounds each. To put these hops into the bale, before the grower can get a cent of profit, requires from 7 to 8 cents a pound, according to yield and conditions.

Up through the Willamette valley under conditions as they have been, the hop grower has to borrow money to grow and harvest his crop.

The very much abused hop dealer (no matter whether he deserves it or not) has to go down into his bank account, partly to protect his own business, because he has to stand back of and support the grower.

When the hops sprout, or before the dealer is called upon for advance money, generally about \$4 a bale or at that rate; this for cultivation, plowing, wiring, etc., and along in mid-summer when pickers are needed, in other words, before the grower or the dealer get or have a chance to get a cent of their money back about \$14 a bale or from 7 to 8 cents a pound has to be paid out every cent of which goes to labor.

Who gets the money?

The business men of the town are not out gathering the hops, but hundreds of families, from Salem, from Independence, from all the little towns of the hop district, are out; glad to have the opportunity to earn school books, shoes, little gingham dresses, stockings, all the little things that go to make up comfort, so trifling to the rich, so important to the poor. Indeed, the hop picking season is looked forward to by hundreds of families as the one source of income that will carry them through the winter in comfort.

Again; the hop picking season lasts about two weeks. In that time more than 50,000 people are in the hop fields, for many families go with little tots, who there earn for the first time in their lives something that goes toward the support of the family. So much from that standpoint.

There has been advanced this year by Salem hop dealers at this time about \$4 per bale on 40,000 bales. There will have to be advanced practically the same amount on the other 70,000 bales; or in round numbers, \$440,000. Now in September, when picking begins there will have to be advanced an additional \$10 a bale, or in round numbers, \$1,100,000. The total expenditure to put the crop in shape for market, counting it at 110,000 bales, will be \$1,540,000. Every dollar of which goes to the poor people of the Willamette valley.

One hop man said to the reporter: "I have 40 acres of hops. I have spent good money so far, and before I get a cent from the crop I expect

The Spot Cash Plan

Of business means a saving on every transaction and it keeps you out of debt. You can't get "cash store" prices at a credit store. If you have cash to spend trade at

Barnes' Cash Store Salem

Dress Goods, Silks, Hosiery, Underwear, Hats, Shoes, Clothing, Shirts

Everything for the whole family at prices that "regular stores" can't match.

to put up from \$4200 to \$4500 every dollar of which goes for wages. So, looking at the hop business from a cold-blooded business standpoint, it seems that it would be foolish to do anything to interfere with it. Looked at from the moral, immoral, social, fanatical or any other viewpoint, it may seem different, but the Journal reporter expressing no opinion, presents only the facts and asks what's the matter with hops? And without hops where would the willing hands that gather in from \$1,500.00 to \$2,000,000 a year turn to earn for themselves this vast sum of money?

BALL PLAYERS GET TOGETHER

The Independence Base Ball Association held its first meeting in the Commercial Club rooms Sunday afternoon for the purpose of electing its officers. The following were elected: manager, Ted Cooper; captain, Clyde Hill; assistant captain, Frank Kirkland; secretary, E. N. Johnson; treasurer, Roy DeArmond. A board of directors were elected which shall have authority over all business matters of the club. The following are the ones elected: D. G. Dove, C. D. Calbreath, G. G. Walker, Clyde Hill and E. N. Johnson. Shaffler Eldredge was chosen mascot.

Work is progressing rapidly on the new grounds and they are expected to be ready for next Sunday. It is the first organization of this kind started right in Independence in a number of years and it is hoped that, with the help of the business men, it will be a success.

AGED PIONEER PASSES AWAY

Crossed the Plains in 1862 Settling at Dallas

Elijah T. Miller died at the home of his son in this city Sunday morning after a lingering illness, his death being principally due to the general physical decline of advancing years. Mr. Miller was born near Evans-

ville, Indiana, in 1830, and while still a boy, he moved with his parents to Illinois. From that state he moved to Iowa, where he was married on May 9, 1852, to Miss Rachel Sutton, of Adel, Iowa. Mr. Miller came to Oregon in 1862, settling at Dallas, where he has made his home almost continuously. Since the death of his wife, which occurred several years ago he has resided with his son, J. W. Miller.

During the earlier part of his residence in Oregon, Mr. Miller farmed in the vicinity of Dallas. In 1862, he was elected treasurer of Polk county, in which office he served for three terms. He was a member of the order of Odd Fellows and at one time acted as deputy grand master.

The funeral was held yesterday afternoon in the Christian church, in which the deceased had for 59 years been an earnest member. The remains were laid at rest in Odd Fellows' cemetery. A large crowd of friends and relatives followed the body to its last resting place.

Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent free. Price 75c per bottle. Sold by all druggists.

Take Hall's Family Pills for constipation.

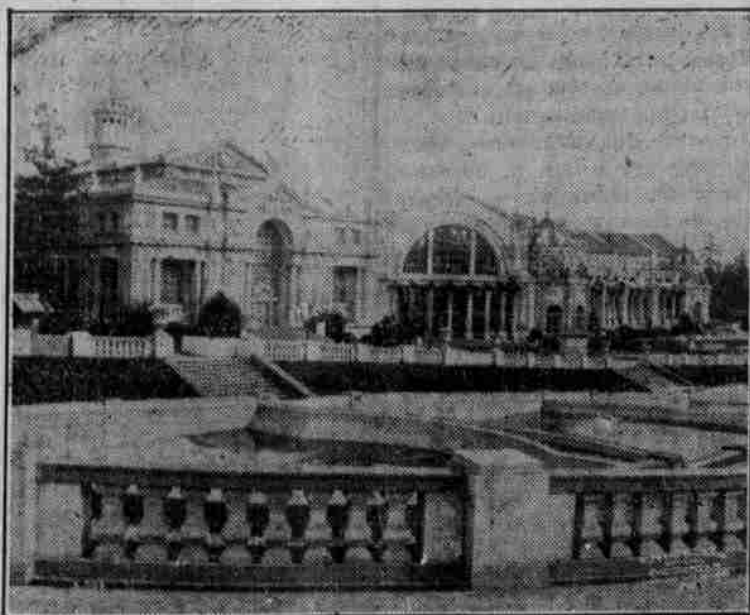
Was Joyous Occasion

Every commercial body in Oregon that failed to have a representative present at the Oregon Development League's Conference in Eugene last week missed a most instructive meeting ever held in this state. It goes without saying that the people of Eugene gave their visiting friends a most hospitable and enthusiastic reception.

Kills to Stop the Fiend

The worst foe for 12 years of John Deye, of Gladwin, Mich., was a running ulcer. He paid doctors over \$400.00 without benefit. Then Bucklen's Arnica Salve killed the ulcer and cured him. Cures Fever-Sores, Bolls, Felons, Eczema, Salt Rheum. Infallible for Piles, Burns, Scalds, Cuts, Corns. 25c at all druggists.

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ORIENTAL PALACE AND MANUFACTURERS BUILDING.

The Palace of Oriental Exhibits and Manufacturers Building have a frontage on Cascade Court and Geyser Basin and look across at Foreign Exhibits and Agricultural Palaces; Yukon Avenue separates these magnificent display buildings, and in the back ground the state buildings of Oregon and California are located.

Construction work on these buildings was completed last year and exhibits are being received and placed in position. The Oriental Palace will house the most valuable collection of Far Eastern art that has ever been sent from the Orient, and will present displays from Japan, China, India, Ceylon, Straits Settlements, French Indo China, Borneo, Java and all the eastern countries of Asia.

The Manufacturers building encloses a vast amount of exhibit space and every foot of this has been engaged for display purposes by domestic and foreign manufacturers. The interest manifested in this department of the Alaska-Yukon-Pacific Exposition is world-wide and competitive displays will be general and comprehensive. Exhibits are being daily received and the heavy work of installation is rapidly being accomplished.