

Polk County Observer

SEMI-WEEKLY

DALLAS, OREGON, TUESDAY, JUNE 3, 1913

NO. 27

NO DECISION MADE IN INJUNCTION MATTER

COURT HEARS ARGUMENTS IN SALOON PROBLEM BUT TAKES MATTER UNDER ADVISEMENT.

SOLUTION "UP IN THE AIR"

Attorneys Believe Galloway No Longer Has Jurisdiction; Court Holds Busy Session and Hears Many Cases Before New District Law Becomes Effective.

Following arguments heard by Judge Galloway on Monday in the injunction proceedings brought by Walter J. Coy, of Dallas, against the City of Dallas to prevent the issuance of a saloon license to James V. Clitty, the court took the matter under advisement and asked that written briefs be submitted by counsel. Stripped of the legal verbiage which the average man doesn't understand, the plaintiff's attorneys amended the complaint under which the temporary injunction was procured, and made the State of Oregon plaintiff, and declared that the issuance of a third saloon license in this city would be a nuisance and therefore should not be permitted. Attorneys Oscar Hayter and Walter L. Tooze, Jr., of this city and John R. Carson of Salem, appeared for the plaintiff and City Attorney Ed F. Coad and Glen O. Holman for the city. A night session of the court was held last night to permit of arguments being made, but no decision was reached.

Lawyers at Sea.

Attorneys are much at sea as to the probable result of this postponement of a decision on the part of the court. The new law creating the Twelfth judicial district went into effect at midnight last night, and Judge Galloway no longer has jurisdiction in Polk county. It is therefore doubtful, they say, whether a decision rendered by a judge in a case in another county outside of his district, will be lawful.

Judge Galloway held a term of department No. 2 in this city Saturday afternoon and yesterday at which he made an effort to clean up his calendar preparatory to turning over matters to his successor, Judge Holmes, of Tillamook. While many cases were settled the docket is still well filled with actions which the new judge will have to unravel.

Saturday's Proceedings.

The following cases were heard, motions made and proceedings taken at Saturday's session: B. Grammar vs. Samuel Whitmore, dismissed for want of prosecution. D. Bentley et al vs. A. C. Sarff et al, action to cancel contract; decree for defendant; plaintiff given 30 days to file bill of exceptions. Mary E. Baker and Sarah A. Stout vs. John C. Uglow. Stipulated that demurrers be overruled and it is so ordered; defendant given until July 1 to answer. Lena Carden vs. Everett O. Carden, divorce; default entered, testimony taken and decree as prayed for.

E. L. Ketchum vs. Williamina Cooley, et al, action to quiet title; Asa B. Robinson Jr., appointed guardian ad litem for Ivan Smith, a minor. Divorce is granted. Lillie M. Hill vs. William H. Hill, divorce; default entered, decree as prayed for. Carrie A. Snyder vs. Samuel E. Snyder, divorce; default entered. Frank L. Brown vs. Elda Jones, partition; testimony taken as prayed for. P. R. Friesen et al vs. Charles L. Cox et al, action to quiet title; default entered, decree as prayed for. Hiram Wood vs. John Davis et al, action to quiet title; default entered, decree as prayed for. William Ellis vs. City of Falls City, injunction; demurrer withdrawn on motion of defendant, and answer today. Minta White vs. Henry White, divorce; default entered, testimony taken and decree as prayed for. W. H. McCurdy vs. C. W. McCurdy; motion to strike portions of complaint argued and taken under advisement. Frank Bond vs. Laura Bond, divorce; default entered, testimony taken and decree as prayed for.

Moose Lodge Organized.

With a membership of more than 200 final organization of Dallas lodge of the Loyal Order of Moose was completed in the city on Thursday night when a class of over 50 were initiated. Among the improvements in contemplation by the new society is the erection of a building of their own in the near future.

Yamhill Wins Field Meet And Newberg High Wins Base Ball Championship

Costly Errors Lose Game For Dallas; Barham Fans 19 But His Support Is Wretched; Some Dallas Athletes Flunk in Finals; Score Shows 91 Points For Yamhill to 58 For Polk

With the base ball championship of Polk and Yamhill counties safe in the grip of the Newberg High School team, and with Polk county badly worsted in the track and field events, the final score of points being 91 to 58, the representatives of the Polk County High schools suffered badly at the two-county track and field meet held in McMinnville Saturday. Although Polk athletes won a few first points and made a good showing in every event in which they entered, the failure of some to compete who had made the best showing at the Dallas meet and had been picked to enter the McMinnville competition, was largely responsible for the poor results. To the credit of Independence it may be said that she rallied to the support of Polk's reputation and representatives from that school not only filled every entry which they made, and with credit to themselves, but, in several instances, they supplied entries in which some of the Dallas men refused to enter, and thereby aided materially in making the score what it was. Although Dallas excelled in the Polk meet, many of the winners failed to enter at McMinnville. This was notably true of Barham who refused to compete in a single event in which he had been the winner for Polk county. Hiestand said he had sprained his shoulder during the ball game, and Shepherd and Balderne "forgot" their suits, and left them in an up-town hotel and failed to enter on that account, so the list of contestants from Polk was cut down considerably. Those who did enter, however, made

a good showing and kept the county from being entirely "scooped."

Crowd Not Large.

A fair sized crowd witnessed the events, but it was noticeable that the Polk county boosters were very numerous. There was quite a respectable showing from Yamhill county, but so far as McMinnville went, the turnout of citizens of that burg was not sufficient to crowd the field to suffocation. The only accident which marred the meet was when the discus thrown by one of the contestants in practice crashed into the skull of one of the faculty of the McMinnville school, rendering him unconscious and necessitating the taking of several stitches in his scalp. The policing of the field was wretched, and but feeble attempts were made to keep the crowd outside the lines, at times 100 or 200 people swarmed all over the grounds inside the lines, preventing the people in the grandstand from seeing the events.

Errors Lose Ball Game.

Errors on the part of the Dallas team lost the ball game in the morning. Boydston and Woods were not in their usual form and pulled off some costly bobbles that sent the contest to the Yamhillers. Barham, on the mound for Dallas, pitched a classy game, whiffing 19 of the Newberg tribe, but he couldn't win the game single handed. In the third stanza, Boydston let an easy one roll between his legs and two scores resulted, and in the sixth, after Dallas had tied up the game, Tucker con-

(Continued on Page Six.)

LIQUOR ORDINANCE IS PASSED BY COUNCIL

FAILS TO GET THREE-FOURTHS VOTE NECESSARY TO ADOPT WITH EMERGENCY CLAUSE ATTACHED.

MEASURE MAY BE REFERRED

Intimated that People Will be Asked to Vote on Proposal; Dallas City Bank Would Move Wooden Building; Street Fountain Locations Decided; Other Council Business.

Passage of the ordinance eliminating the word "major" from the present liquor measure where reference is made to the number of inhabitants necessary for the establishment of more than two saloons in the city, marked one of the more important events at a busy session of the council last night. Just previous to the passage of the ordinance Councilman Fenton called attention to the fact, that, in order to pass it with an emergency clause, would require a three-fourths vote of the members. The law was looked up and found to expressly subordinate Fenton's position, but the vote was taken with the following result: Voting "yes" on the passage of the ordinance—Barber, Gohrke, Hayter, McBee; voting "no"—Barham, Fenton, Risser. Mayor Van Orsdel ruled that only a majority vote was necessary to pass the measure and, if the people desired to refer it, they would have an opportunity to do so. Previous to the vote on the ordinance a petition signed by 100 persons urging the council not to pass the measure had been read and placed on file.

Wants Permission to Move.

The application of the Dallas City bank for permission to move the present wooden building, known as the Matthews & Madison saloon building to a new location on the Jacobson property on Mill street, in order to clear the site for their proposed two-story brick structure on the corner of Mill and Main street, occasioned considerable discussion. Fenton opposed the plan unless it was shown that it would not conflict with the city fire ordinance. Others thought that, inasmuch as the removal only contemplated the changing of a wooden building to a different location within the fire limit, there could be no objection especially as the change would eliminate two of the worst fire traps in the city. It was suggested that the location of the proposed saloon building would be adjacent to the Methodist church property and might be objectionable on that account, but it was shown that members of that society, while they didn't exactly relish the saloon so near them, were not disposed to stand in the way of progress and would interpose no objection, if the building was used for such purposes no longer than necessary, or until

(Continued on Page Six.)

Cincinnati's Mayor Put Foot Down on the Trolley Strike



MAYOR HENRY T. HUNT of Cincinnati won praise from most of his people and notice from the country generally by his determined stand in the trolley car strike in his city. He warned both sides that he would not permit the situation to become so strained that lives would be endangered. He served notice that if the company and men did not agree to arbitrate he would apply to the courts for the appointment of a receiver for the company. He tried his best to get both sides together, but at the last moment the negotiations fell through and rioting started. Then the mayor carried out his threat. He applied to the courts, and the company and men reworked their attempts to settle the trouble. It ended in an agreement, and the cars were run again.

FINE PROGRAM FOR FRUIT MEN WANT PERRYDALE CANNERY HERE

COMING BAND PICNIC PROMISES INTEREST.

School Also to Assist; Exercises to Take Place at Gilliam's Grove North of Perrydale.

All arrangements for the annual picnic at Perrydale next Saturday have been practically completed, the matter of securing an entertaining speaker having been settled last week when C. E. Bauer of Salem, accepted the invitation to address the gathering which is expected to be a large one. Dallas and vicinity expect to be well represented at the event.

Interest will center on the two ball games and the concerts to be given by the Perrydale band, an organization that has won a reputation that is to be envied by villages much larger than Perrydale. It was rated as one of the best a year ago in the Elks parade at Portland and received flattering mention by the press of Portland as well as those who heard the music. The membership numbers over 30 and is under the leadership of Mr. J. P. Caldwell, an accomplished musician as well as a thorough instructor.

The event is to be given by the Perrydale concert band and school and the exercises will take place at Gilliam's Grove, three-quarters of a mile north of Perrydale, the program beginning at 10 o'clock in the morning. Besides the ball games there will be in the neighborhood of ten field events, all of an exciting and entertaining nature. The addresses will be of an educational nature.

Court Meets Tomorrow.

The regular monthly meeting of the Polk court will take place tomorrow. Among the important matters to come before the body will be the appointment of three directors of the Polk County fair board and it is reported that a large delegation of Independence people will be on hand to secure the naming of directors who will be favorable to that city as the site for the fair. It is not known, however, what action the court will take in the matter.

FRUIT MEN WANT CANNERY HERE

DALLAS FRUIT GROWERS TAKE INITIAL STEPS.

Committee is Named to Investigate Other Canneries and Report; Market for Fruit Badly Needed.

Matters of importance connected with the fruit industry in the county, were discussed at a meeting of the Dallas Fruit Growers' association held at the offices of Sibley & Eakin on Monday afternoon. Among other things three men were recommended to the county court to serve on the county fair board, to represent the horticultural interests at the fair. The question of establishing a cannery in Dallas was also discussed. It was reported that the securing of a market for the large amount of fruit which will soon be coming into bearing in this vicinity was looked over at length and a committee consisting of Robert Ewing and H. A. Woods was named to make a visit to Salem, Eugene and Corvallis and inspect the canneries in operation at those places and find what procedure is necessary to secure one for this vicinity. One of the principal objects of the visit of the committee will be to find out how much acreage is necessary before a cannery can be made profitable.

It is the intention of the committee in hustling for a cannery to install one to handle all kinds of fruit and vegetables in order that the large amount of these products raised in this vicinity may find a ready sale.

NEW MAN AT DALLAS HOTEL

W. R. Ballard Secures Long Lease on Well-Known Hostelry. Beginning June 1, W. R. Ballard took possession of the Dallas Hotel, corner Mill and Church streets, succeeding Landlord Kelley who has been managing the place for the past year. Mr. Kelley and family left Sunday for Portland and have not decided on their future location. Mr. Ballard is well-known in Dallas and should do a thriving business. The entire building will be thoroughly renovated and improved and every effort made to cater to the wants of the transient and permanent guest. The hotel is open for business and the improvements under contemplation will be carried on without disturbing the guests.

DAYTON COMES TO OPEN NEW BASE BALL PARK

MANAGER SEER ARRANGES CONTEST WITH PAST YAMHILL COUNTY TEAM SUNDAY.

FAST CONTEST IS IN SIGHT

New Grounds on Rowell Tract to be Ready; Grand Stand and Bleachers Built; Ground to be Fenced; Local Team in Constant Practice and Ready for Game.

The first ball game of the season for the newly organized Dallas base ball club will take place on the new grounds on the Rowell tract in the southwest portion of the city on Sunday afternoon at 2:30 when the fast Dayton team will meet the Dallas aggregation. This event will also mark the opening of the new ball park, corner Clay street and Fairview avenue, which is being rapidly placed in condition for the contest. A fence will enclose a portion of the field and a grand stand and bleachers sufficient to accommodate 700 people are now being constructed and will be in readiness for the game Sunday.

That the opening contest should be a fast one is the belief of the bugs. The Dayton team has not been defeated this season and it has met some of the best in the business. While the metal of the newly organized Dallas aggregation is not fully known, it is composed of some very fast men and should be able to give a good account of itself. During the past week the different members have been in almost constant practice and say that if Dayton wins they will know they have been to a ball game.

"It has been several years since Dallas has possessed a ball park close to the business center of the city," said a well-known fan today, "and the enterprising merchants who donated liberally last week to give the team a start are entitled to the commendation of all the sport lovers of the community. The new park is centrally located and can be made into one of the most ideal in the country. It is a portion of the proposed county fair grounds and the fence which is now under construction will eventually enclose the tract. Admission has been placed at 25 cents for the bleachers with 10 cents extra for the grandstand and there should be a good attendance at the opening game in order to encourage the boys in their efforts. The advantages, in the way of an advertisement of a good base ball team is well-known and if the city supports one properly, there will be no question about its make-up."

OIL 13 MILES OF CITY STREETS

CONTRACT IS AWARDED TO A PORTLAND COMPANY.

Bid of \$46.75 Per Mile is Accepted; Work to Begin Without Delay; Adams Objects to Procedure.

Oiling of the dirt and macadam streets of the city was ordered at the regular council meeting last night when the bid of the Pacific Road Oiling company, of Portland, for \$46.75 per mile, was read and accepted on recommendation of the special committee appointed to look after the matter, and the mayor and city auditor were authorized to enter into a contract with the company. Work is to begin at once.

Although the committee which had been appointed with power to act, had reported in favor of oiling 15 miles of streets, including the county roads within the city limits, on motion it was decided to cut down this amount to 13 miles in the interest of economy.

Ralph Adams who was present inquired why the street oiling proposition had not been advertised. He said he had the necessary machinery to do the work and had been watching the newspapers for an advertisement for bids and wanted to bid on the work. He thought that some people should not be discriminated against. Chairman Barham of the special committee said that the committee had submitted the proposition to two Portland firms and had secured competitive bids.

City Observes Decoration Day

Perfect Weather Conditions Add to Success; Program at Armory Interests Big Crowd.

Under the smiling skies of a perfect summer day, with a cool and bracing breeze kissing the folds of the many flags displayed, and with 280 school children in line, headed by the Dallas band and eight veterans of the civil war, the parade that ushered in the exercises of Decoration Day on Friday, was one of the most impressive of all former events of the kind in Dallas. A year ago, there were 12 old soldiers in line, but Friday the number was short by four.

Starting promptly at 10 o'clock the parade moved through the streets of the business section and ended at the armory where the patriotic exercises were held substantially as published in these columns last week. The big auditorium was comfortably crowded and much interest was manifested in the program.

Graves Decorated.

Early Friday morning the graves of the sleeping veterans in the Dallas cemeteries were decorated by the surviving comrades and many fragrant blossoms were banked above their dust. Relatives of loved ones sleeping in the silent city, also remembered the day with the result that but few graves remained after the close of the occasion without its tribute of flowers.

Business Suspended.

Business of all kinds was practically suspended during the afternoon, and the people gave themselves over to the commemoration of the occasion. It was one of the most successful Decoration days that the city has experienced, the perfect weather adding much to its enjoyment. There was a noticeable absence of the usual crowd from the county districts, but this is accounted for by the reason of the fact that farmers are behind with their work as the result of the late spring, and but few of them were willing to spare the time to come to town.

Dallas Chautauqua Holds Promise of Fine Program

Plans Show Splendid Collection of Attractions for Six Day Event Opening July 4.

We are pleased to announce some of the plans herewith for the coming Chautauqua this summer. The session will last six days, opening upon the first day about 2:30 in the afternoon. There will be music, entertainment, lectures, games for children, band concerts, etc., for some three times a day, after the opening day, when there are but two.

Ben Chapin has been engaged to give his great production of "Abraham Lincoln." This is regarded by many of the best Chautauquas in the east as the best attraction appearing on any program. The audience, apparently sees Abraham Lincoln, him-discuss for an hour and a half the old Civil War days with the troubles that beset the President in those dark times. There is the President's noted humor as well as his pathos, and as you apparently see President Lincoln himself, it is said to be one of the finest attractions that has ever been presented on Chautauqua.

White City Band.

Also the White City Band of Cl-

esse, which is regarded by many as the best concert band in this country today. This splendid attraction, costing thousands of dollars to bring to the coast, will be here for two concerts on the fourth day of our program. Accompanying the band is a company of grand opera singers, and known as the Thaviv Grand Opera company. Those who have heard this band and the Thaviv Grand Opera company say that this one attraction for the two concerts, is well worth the price for the season on tickets to the entire Chautauqua program. Among the entertainers engaged are the Winona Ladies of Indiana, the Chicago Male Quartet for two concerts, the Georgia Jubilee Singers, Harrell, the Boston Georgian, and the splendid Artists Trio. Each of the above named attractions will appear twice during the program.

Several lecturers of note have also been engaged, among them Senator Burkett, who will give his great lecture on "The New Woman" and the "Young Man." Senator Burkett always draws a big crowd and entertains them most royally.

The Balkan Question.

Julius Caesar Naypbis, a Greek lecturer, will come to us from Greece though he is a graduate of the Oxford University in England, and

(Continued on Page Six.)

UPJOHN IS APPOINTED

Named by Governor as District Attorney for New Twelfth Judicial District.

The law passed by the legislature last winter creating the Twelfth Judicial district went into effect today. In accordance with that law, which creates the office of district attorney for the new district, Governor West today named D. H. Upjohn of this city to be district attorney for the counties of Polk, Yamhill and Tillamook.

Mr. Upjohn has appointed M. J. Gerson as deputy for Yamhill county, and R. L. Conner as deputy for Tillamook county. While the law also permits him to name a deputy for Polk county, he has decided to omit this appointment believing that it is not necessary to inflict this burden upon the taxpayers and will attend to the work here personally.

(Continued on Page Six.)