

HAMILTON ORDERS SUTHERLIN ELECTION

WILL VOTE NOV. 4

Writ of Mandamus Issued to County Court.

JUDGE'S OPINION IS CLEAR-CUT

Judge Hamilton Says The Duty of County Court to Order The Election Was Ministerial Not Discretionary.

In a clear-cut legal opinion Judge Hamilton today annulled the previous order of County Judge Dexter Rice and Commissioners Wiley and Pinkston, sitting as the county court, which refused to order a local option election in the city of Sutherlin on November the 4th.

It appears from the records that some time ago certain citizens of Sutherlin presented a petition to the county court asking that an order be granted to hold a local option election in that city on next November 4th.

The petitioners for the election were satisfied that they had the right to hold the election this fall

JUDGE HAMILTON



Who Orders Local Option Election at Sutherlin.

and Attorney B. L. Eddy, of this city, was retained as counsel. Last Saturday a writ of mandamus was asked for before Judge Hamilton, of the circuit court, and he issued the order directed to the county court to immediately issue the order for the holding of the election in Sutherlin or else appear before the court on Friday and show cause why the order should not be made.

Under the statutes it is the duty of the district attorney to appear in behalf of the county court when it is brought before some higher tribunal. District Attorney Brown is the legal advisor of the county court here but as he had previously advised the county court that the order should be issued he felt that he could not appear before the circuit court and ask that the action of the county court be sustained.

Attorney B. L. Eddy, for the petitioners, argued that the county court in passing on local option petitions performed a purely ministerial duty and that if the petition presented had names on it representing at least 10 per cent of the registered voters in that precinct and if the petition were filed not less than 30 days nor more than 90 days preceding the date for holding the election that the county court had no discretion in the matter but was compelled to order the election.

These matters were not in dispute and it was attorney Eddy's contention, which was subsequently adopted by Judge Hamilton, that the order to hold the election must be made.

After the arguments were concluded Judge Hamilton speaking through preparation delivered a most scholarly decision taking up each point advanced by counsel and analyzing it and pointing out the correct conclusion. Judge Hamilton said that the law was clear and that the county court went beyond its duties when it refused to order the election after it had ascertained that number of names on the petition was sufficient and that the petition had been filed within the required time.

Under the decision the election will be held as first prayed for in the petition and the question of whether or not saloons shall exist in Sutherlin will be fairly voted on by the people of that city on next November 4. It is said by persons familiar with the situation that the saloon has been no benefit to Sutherlin and that the undercurrent of feeling is strong against the liquor traffic longer remaining within its borders.

ELECTION FARCE

Wilson Administration Believes Mexico Tangle Hopeless.

TO WITHDRAW RECOGNITION

England Now Finds Her Early Action Was Illadvised—Wrecked Aeroplane in Hackensack River.

(Special to The Evening News.) WASHINGTON, Oct. 14.—President Wilson and government officials of the state department have abandoned all hope that there will be constitutional election in Mexico, therefore recognition of the government of Mexico on the part of the United States is remote.

Wrecked Aeroplane in River. JERSEY CITY, Oct. 14.—An aeroplane, believed to be the one belonging to Albert Jewell, an aviator, who started yesterday to fly from Hempstead, L. I., to Staten Island was seen floating in the Hackensack river today.

Lecherous Priest in Court. NEW YORK, Oct. 14.—With his clothing soiled and face unshaven, Hans Schmidt, assistant priest in a prominent New York Catholic church, who a few weeks ago confessed to murdering Anna Amulder, whom he had wronged, appeared before Justice Malone today to answer to the charge of murder.

COMMERCIAL CLUB MEETING.

There will be a special meeting of the Commercial Club tonight at 8 p. m. All members are requested to be present and a special invitation is given to men who are not members to be there, as the proposition will be discussed as to whether it is advisable to continue as at present or not. Do not fail to be present at this very important meeting.

According to word received here this morning, J. J. Scott, who was last night arrested at Portland charged with passing two worthless checks on the Umpqua hotel, of this city, also passed a questionable check on a hotel at Medford. Scott has asked for a chance to settle the case and as a result he will not be brought here before tomorrow. He says he can secure the necessary funds to square the claim and there, by avoid prosecution. In the event he fails to make good by tomorrow he will be brought here for prosecution. A formal warrant of arrest, issued by Recorder Carl Wimberly, was telegraphed to Portland last night.

CASE IS HEARD

R. B. Warner on Trial in Local Court.

ALVA BELLOWS PROSECUTOR

Defendant Denies That He Allowed His Automobile to Come in Contact With Rig of Mr. Bellows.

The trial of R. B. Warren, who was arrested at Myrtle Creek yesterday on a charge of running down and damaging the vehicle of Alva Bellows, of this city, was heard by City Recorder Carl Wimberly this morning.

Mr. Bellows, the prosecuting witness, claimed that he was driving along the road in the vicinity of Ruckles when Warren, and two companions, R. E. Stephens and Dike Stephenson overtook him in an automobile. Bellows alleged that they humped into his vehicle from the rear, with the result that his horse was injured.

Warren testified to the effect that he had no knowledge of bumping into Bellows' rig, and if he did so the accident was unintentional. Mr. Warren's evidence was corroborated by Dike Stephenson and R. E. Stephens, who were with him at the time. Stephenson, Stephens and Warren are linemen and are employed by the Southern Pacific railroad. At the time of the accident they were proceeding to points in the southern part of the county to do some line work.

Attorney John T. Long, representing Warren, raised the question as to whether the local city recorder had a legal right to preside over the trial. Attorney Long claimed that

CAPTAIN PERKINS DEAD.

BERKELEY, Cal., Oct. 13.—Captain C. P. Perkins, U. S. N. (retired) died of heart failure last evening on the platform of the Santa Fe depot at Berkeley, while talking to his son, Julian, a student at the university of California. Captain Perkins was just leaving on a pleasure trip to the Grand Canyon of Arizona with W. J. Willey, who lives at the Berkeley Inn. The captain had drawn his son aside and was bidding him farewell, preparatory to stepping on the train. Suddenly, he reeled and sank to the platform, dying almost instantly. Captain Perkins was retired from active service about a year ago. His wife died a few weeks ago. He was 65 years of age and lived at the Alta Vista Apartments. The funeral, with full naval honors, will be held on Wednesday. (Captain Perkins is well known in Douglas county, having once lived at Drain.)

The jurisdiction of the recorder terminated at the city limits, and as a result he had no legal right to try the case at issue. District Attorney Brown, who appeared for the state, claimed that the recorder was clothed with the proper authority to try the case, regardless of the question raised by the defense.

In order that he might be enlightened on the question at issue, City Recorder Wimberly instructed the opposing attorneys to submit authorities substantiating their respective contentions. The case terminated at about 11 o'clock this morning, and the attorneys were given until this afternoon to submit authorities as requested by the court.

Later this afternoon Mr. Warren and Mr. Bellows held a conference and settled their differences. As a result the case against the former was dismissed by Recorder Wimberly.

SUBMIT MOTION

To Dismiss the Case Against Robert Coates.

CASE CALLED THIS MORNING

District Attorney Opposes Motion and Submits Ruling of Judge Burnette, Now a Member of Oregon Supreme

The case of the State vs. Robert Coates and Lillian B. Carter, who were arrested here late Saturday evening on a statutory charge preferred by Coates' wife, was called in the recorder's court this morning. Both Coates and Miss Carter were conspicuous by their absence. They were represented by Attorney Elbert Hermann, of the firm of Hermann and Hermann.

At the very opening of the trial, Attorney Hermann submitted a motion signed by Mrs. Coates, the private prosecutor, in which it was asked that the cases against Coates and Miss Carter be dismissed.

Attorney Hermann argued that it was public policy to dismiss actions of this nature when a request was made by the private prosecutor. It was Attorney Hermann's contention that the results of cases such as the one at issue were bad, and had a demoralizing influence upon those who chanced to hear the evidence or read the newspaper accounts. Attorney Hermann also called the court's attention to the ruling of Judge Coke, of Coos county, in the case of Fred Day vs. Pilkington. In this case, Attorney Hermann claimed Judge Coke held that it was public policy to dismiss the action when a request was submitted by the prosecuting witness.

District Attorney Brown opposed

ROADS ARE BAD.

Berry Brothers, traveling in a Hupmobile, arrived here last evening on a trip from Chicago, Ill., to San Francisco. The men left Chicago on September 1, and expect to reach their destination within the next ten days. They traveled leisurely, and upon several occasions were delayed by rains and other pranks of the elements. The worst roads encountered on the trip are between Cottage Grove, and Roseburg, according to R. C. Berry, who was at the wheel. The machine stood the trip well and appeared in the best of condition when it arrived here last night. They left on the last lap of their journey today.

the motion on the ground that it was not public policy to dismiss actions of this nature, when warrants were issued, served and the defendants brought into court. In substantiation of his claims, the district attorney referred the court to a parallel case, in which Judge Burnette, now a member of the Oregon supreme court, refused to grant a motion for dismissal. In regard to the absence of Mrs. Coates, who spent yesterday at Portland with her husband, the district attorney said he did not need her evidence in prosecuting Coates. In fact, the district attorney said she could not testify against him even though she was in the city. Mrs. Coates could testify against Miss Carter, however, said the district attorney. In leaving for her home, District Attorney Brown claims Mrs. Coates has not in any manner assisted her husband. The motion for dismissal of the action has been taken under advisement by Recorder Wimberly, who will render a decision some time Thursday morning. In the event he overrules the motion the trial will proceed immediately. Should the motion be allowed, the defendants will be released.

Coates returned here early this morning from Portland, where he spent yesterday with his wife. Miss Carter is also here, being registered at the McClallen hotel. It is believed that Mrs. Coates left Portland late yesterday for her home at Aberdeen, Wash., after signing the motion asking for dismissal of the case.

District Attorney Brown says actions such as the one at issue are too often dismissed after the county has been put to the expense of arresting the persons involved. In this case he is determined to prosecute and thereby escape being made the "goat" for persons involved in domestic difficulties.

This morning's issue of the Oregonian, published at Portland, had the following to say regarding an interview alleged to have been given out yesterday by Mrs. Coates:

"Lillian B. Carter is fat, and the homeliest thing in seven states," was the opinion expressed yesterday by Mrs. Robert Coates, wife of the man with whom Miss Carter was arrested in Roseburg last Saturday.

"Although Mr. and Mrs. Coates had occupied the same room at the Imperial hotel, and left together on the northbound 3:45 Northern Pacific train, presumably for their home in Aberdeen, Mrs. Coates said that she had not yet decided about dismissing the charge against her husband.

"The paper says that woman is a beauty," she said contemptuously. "You just ought to see her. She's the homeliest thing in seven states, and fat."

Coates refused to make any statement.

"This is the first I have heard of this," said Miss Carter's younger brother, R. V. Carter, 704 Washington street, last night. "But the whole thing is preposterous. My sister went to Roseburg to look after some huckleberry land that she owns there. She is a real estate agent, and has quite a large tract of land near Ashland. She was staying with her brother, H. J. Carter, of Ashland, and will be back tomorrow.

"Coates was on a deal for some timber land in the locality, and they went on the same trip, but the idea of their eloping is absurd. Coates is an old family friend, and neither of them would think of such a thing. His wife must have been crazy jealous and her trouble must have been the product of her own imagination."

ANTLERS REDUCES PRICES.

Popular New Theatre Has Lowered Admission for Picture Shows. Manager O. D. Bloom, of the Antlers theatre, announced today that hereafter the price of admission to picture shows will be ten cents to adults and five cents for little children. The regular show will consist of 4 reels, two of which will be run without a stop for change and then the musical number will follow. The show will be concluded by two more reels of film. Mr. Bloom says that only the best of motion pictures will be shown. When more than the regular numbers (four reels and music) are shown the price will be advanced slightly to make up the extra cost and worth.

The Home of Snow



"The Igloo Built, We Prepare for Our Daily Camp."

"In the evening, after blocks of snow walled a dome in which we could breathe quiet air, the blue-flame lamp sang notes of gastronomic delights. We first indulged in a heaven-given drink of ice-water to quench the intense thirst which comes after hours of exertion and perspiration. Then the process of undressing began, one at a time, for there was not enough room in the igloo for all to undress at once.

"The fur-stuffed boots were pulled off and the bear-skin pants were stripped. Then half of the body was quickly pushed into the bag. A brick of pemmican was next taken out and the teeth were set to grind on this bone-like substance. Our appetites were always keen, but a half pound of cold withered beef and tallow changes a hungry man's thoughts effectually.

"The tea, as beer is making, was always welcome, and we rose our elbows to take it. Under the influence of the warm drink, the fur coat with its mask of ice was removed. Next the shirt, with its ring of ice about the waist, would come off, giving the last sense of shivering. Pushing the body farther into the bag, the hood was pulled over the face, and we were lost to the world of ice."