

# LA GRANDE EVENING OBSERVER.

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## COMPLAINT FILED IN COUNTY SEAT CASE

### Charging the County Court and Hundreds of Bonified Citizens with all Manner of Illegalities.

In the circuit court, State of Oregon, County of Union.  
A E Eaton, James K Hutchinson Nelson Schoonover, S O Swackend F A Pursell, Plaintiffs.

vs  
All the county officers, Defendants.  
The plaintiffs for cause of action against the defendants complain and allege:

That each of them are and were during all the times mentioned in this complaint, residents and qualified electors of Union county, legal voters and tax payers of Union county and that they each own a large amount of property.

That the defendants (which includes all the county officers)

That prior to the first Monday in July, 1904, the county court of said Union county, consisted of M A Harrison, county judge; J A Pilcher, commissioner; and R Blumenstein, commissioner.

That on the 25th of March 1904, there was presented to said county court, a petition purporting to be signed by 2573 persons, which said petition represented that the petitioners were duly qualified electors of Union county, had been actual residents of said county for a period of three months prior to the signing of said petition and prayed that the question of the removal of the county seat from the city of Union to the city of La Grande be submitted by the county court to the electors of said county at the next general election to be held on Monday, June 6, 1904.

That thereafter the plaintiffs, herein and other qualified electors of Union county presented to said county court objections, and alleged that 1600 persons who signed such petition, or pretended to sign the same were not qualified electors and had not resided

in said county or been actual residents of said county for three months before signing such petition and plaintiff alleges that of 2573 names upon said petition many of the same were duplicated and some were signed by women and specific objections were made to 1500 names to such petition who were designated as neither qualified electors or actual residents of said county for three months prior to the signing of said petition that 1500 of said pretended signers on said petition were not qualified electors or had not been residents of Union county, bonified or otherwise for three months prior to the signing of said petition.

That 800 on said petition were false, fictitious, and no such persons existed, had residence or could be found in said county. Thereafter and after the said county court sitting for the transaction of county business, had adjourned and after said county commissioners had left the court room, the said M A Harrison, county judge as aforesaid, on the 7th day of April 1904, and in the absence of demonstrators and their counsel, secretly and surreptitiously and fraudulently made and entered in the records of said county the following order:

"Now at this time this cause coming on for hearing on petition filed by M A Stephenson et al, on March 25, 1904, asking that the question of removing the county seat from Union to La Grande, be submitted to the voters of said county at the general election, June 6, 1904, and also, upon the protest and objections to the petition filed by A E Eaton and et al, and upon the motion to strike from the petition a large number of signatures thereto, the petitioners appearing by J D Slater, their attorney, and the objectors by T H Crawford, their attorney, and the objections to said petitions having been

argued and submitted, it is ordered that the said objections be and the same is hereby overruled and denied. And the attorney for the objectors having been asked to offer testimony in support of the motion to strike from the names thereon, and petitioners having submitted evidence by two witnesses concerning certain names on the motion and petition, it is ordered that the motion be and the same is hereby overruled and denied and the court, from the petitions filed and evidence taken, now finds that the petition is signed by qualified electors of Union county, who have been actual residents of the county, for at least three months preceding such signing and equal in number to more than 3/5 of all the votes cast in Union county at last general election, and it further appearing that the petition is in all things regular, it is therefore ordered that the question of removing the county seat from Union to La Grande, be and the same is hereby submitted to the voters of the county at the next general election of county officers, to be held in June 6, 1904, and the county clerk is hereby required to give notice thereof, as required by law."

That the findings of the attorney of the said Eaton and others stated that they had no testimony to offer, is false and not true and that no such statements were made, and the finding is that evidence of two witnesses had been submitted concerning the names on motion and petition is false and that no such evidence was taken and that no facts were found by the county court, that the said petition was not signed by 3/5 of the qualified electors who had a bonified residence in said county for 3 months prior to said signing of said petition. That no witnesses were submitted before said county court, sitting as a board of commissioners for the transaction of county business. That said petition of M A Stephenson and others was never considered, passed upon, by the then county court, consisting of the said county judge and commissioners, or the said county judge or one of said commissioners; that said petition was never considered by said board, but only by said county judge sitting secretly, clandestinely and alone, who made the said order out of court, and directed the said county clerk to enter the same in the records. That said act and proceeding of said county judge, in considering said petition, passing the same, said order as aforesaid, was wholly void and of no force and effect. That it did appear that the said petition and all the evidence before said county court touching the same that said petition did not contain the names

of, and was not in fact signed by 1250 qualified electors of Union county, who had been actual residents of the county for the last 3 months preceding the signing of the petition, and the acts of said county court in and about the granting of said petition is wholly illegal, and without authority of the law, and void.

That notwithstanding the facts, the illegality of said order, J H Mimsnaugh, the then county clerk of said county pretended to give notice based upon said pretended order, stating that an election would be held June 6, 1904, for the removal of the county seat of said county, from Union to La Grande, thereafter caused to be printed on the official ballot "For the removal of the county," and the words "yes" and "No."

That at said election there was pretended to be cast for the removal of the county seat 2559 votes, yes, and 1003, no. That of said votes pretending to vote "Yes," 1000 of said votes were cast by persons who were not qualified electors in Union county. That of said 2559 votes voting yes, 1170 votes were cast in precincts known as "La Grande No. 1, 2, 3, and 4."

That 1389 of said votes were cast in other precincts of Union county. That of said 1389 votes, 1000 were procured by fraud and bribery, in this: That said Union county at the time of said election had a good, commodious, substantially constructed court house, with vaults and all fixtures, which said court house and grounds, together with the brick jail and steel cells of the reasonable value of \$25,000. That for the purpose of inducing the said 1389 votes to vote yes for the removal of the county seat, J M Church and other citizens, residents of La Grande offered to each of the said voters to construct a court house and jail and maintain the same free of charge to said county for the period of 15 years, and for the purposes of carrying out said agreement executed a bond, a copy of which is marked exhibit "A" and made a part hereof. That of the said 1389 voters, 600 of said voters each owned large amounts of property in the county, which was annually subject to taxation for county purposes, and that said 600 taxpayers and voters were induced to vote "yes" on the removal of the county seat solely by said false, fraudulent representations of J M Church and others, and were solely influenced to so vote by the giving of said bond and said pledges to maintain a county court house and jail, free of charge for 15 years, and but for said pledge, and said promise and said inducement, each of said 600 voters and tax payers would have voted no, and against the removal of the said county seat. That each of said votes so cast and so influenced are void, and illegal and against the statute, constitution and public policy of the state of Oregon. That of the said 1170 votes cast in the La Grande precincts, 300 votes were not qualified electors, and of said voters voting yes in Summerville precinct, 20 votes were not qualified electors, in Perry precinct 25, in North Powder 22, in Kamela 15, in Island City 30, in Hilgard 40, in South Elgin 75, in North Elgin 65, in Alsea 15, making a total of 607 votes, other and different from the 600 tax payers aforesaid, who were qualified electors, who voted for the removal of the county seat, who were not qualified to vote at said election and who were not residents of Union county Oregon.

The next several pages of the complaint alleges that such removal is contrary to the constitution of the state wherein the county has no suitable buildings for the proper storing of the records and will be put to an expense of \$2000 per annum and that the county is now in excess of the constitutional limit of indebtedness, and further that the act providing for this election is unconstitutional.

The plaintiffs after having made the plea that they had no plain speedy or adequate remedy at law, closed with the following prayer:

"Wherefore the Piffs. pray for an injunction enjoining the said defendants, the county officers, from removing their said offices from the county seat in Union to La Grande, and that they be enjoined from removing any of their said respective offices, records, files or other public property pertaining to their said respective offices from said town of Union to said town of La Grande, and that an order be made setting aside, annulling and holding for naught, each and all pretended proceedings for the removal of the county seat and for such other and further relief as may seem meet and agreeable to equity and good conscience, including plaintiffs costs and disbursements."

## ASSUME THEIR DUTIES

### New O. R. & N. Officials Assumed Their Duties at the Depot this Morning.

The changes as announced would take place in the J. R. & N. office at this place in a former issue of the Observer are now in effect. This morning the new officers assumed their respective duties and everything is moving along as smoothly if there had been no change.

Mr Thomas Walsh who has been chief Train Dispatcher for the past eight years is now Train Master and Mr A D Andrew Buckley who for the past four years has been one of the Dispatchers is now chief Dispatcher. Mr J W Egan, formerly of Denver is now third trick dispatcher. Mr F L Hu able, late of Salt Lake is second

trick dispatcher and Mr E J Walsh is first trick dispatcher Mr E T Walsh will as soon as he can be transferred from Umatilla be the second operator and Mr F Grant who formerly was Road Master for this division, but lately on the Washington Division, is again Road Master here, relieving acting road master Omanoff.

It will be welcome news to the citizens of La Grande and O. P. & N. employees generally that the recent changes have been such, as none of the timers in the office have been obliged to take position at other points on the road and thereby cause the town to lose those who are numbered among the cities best and most progressive citizens. Train Master Walsh has been a resident of this city for the past fourteen years during which time he has always been found in the ranks of those who have worked the hardest and accomplished the most for the advancement of La Grande and Union County.

Senator and Mrs Walter Pierce are in the city today and will leave for their home in Pendleton tonight when Mr Pierce will leave for the San Francisco Knight Templar Conclave.

Encouraging reports were received this morning from Mrs Emel Chenault who is in the Pendleton hospital. Her temperature is much lower and while yet in a precarious condition hopes are entertained of her recovery. Dr N Molitor who is attending the Medical association in Portland is expected home in the morning.

## THE FAIR

### The Great Fashion Center

—OF LA GRANDE—



## NEW STYLES

## NEW GOODS

## NEW PRICES

You's for Fall Trade

*The Fair*  
THE PLACE TO SAVE MONEY

# SCHOOL

## SCHOOL SCHOOL

### OPENS NEXT TUESDAY

Do the boys need a Suit, Cap or Knee Pants. We never have had as large an assortment of BOYS CLOTHING as we have now. We can suit you in quality, fit, style, and price. We only ask for an examination of quality.

Our Boys Clothing is selling at prices never before offered in La Grande and we are positive that a comparison will convince you. Boys Knee Pants, Boys Blouses, Boys Caps, and Boys Shoes. Call and see the BARGAINS we are offering.

## The Chicago Store

THE BUSIEST STORE IN TOWN  
Adams Ave., La Grande, Oregon.