

# La Grande Evening Observer

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## ROESCH CASE IS TO BE APPEALED

### TEST CASE REGARDING LOCAL OPTION IN UNION.

#### Grant County Case Actuates Local Brewer to Action Again—More of Original Case—Better Test Case Than Anderson Trial—Will Be Final

The sensational case of Julius Roesch against the county court of Union county, where an injunction was sought enjoining the court from declaring the local option law effective, but was overruled by the circuit judge, T. H. Crawford, will be appealed to the supreme court. This startling information is the outcome of a visit to La Grande yesterday of Attorney E. F. Wilson, Roesch's attorney, when the litigation was commenced, and the decision of the supreme court in the case coming up from Grant county. Originally, the plaintiff contended that because Sheriff Childers had failed to do his duty in posting the notices of a local option election, the law was invalid.

The time limit for filing an appeal has not expired, hence this action. This case, when acted upon by the high court, will settle all dispute as to what the sheriff's negligence will mean to Union county. In fact it will be a better test case than the Anderson case.

### JEOPARDIZE PULLMAN SCHOOL.

#### If Appropriation Money is Not Let Let Loose College Will Close.

Olympia, Wash., Dec. 19.—The supreme court today has under advisement a petition of mandate filed by the regents of the State college at Pullman to compel the state treasurer and auditor to honor orders of the regents for an amount of money in excess of the sum appropriated by the last legislature for the institution. In support the regents say that unless the money is obtained to pay bills, 1200 pupils will be dismissed and the institution will be closed.

## RAP XMAS TREES

### UNDERWRITERS WILL PREVENT FIRE LOSSES.

#### No Christmas Trees in New York If Policyholders Value Their Protection Says the Board.

New York, Dec. 19.—The board of fire underwriters of this city has set their official faces against Christmas trees. It has issued a circular letter stating, "Holiday and other decorative displays are not approved by the underwriters," and that if machines or other inflammables are introduced into residences and public buildings where policies are held, extra hazard will render the policies void.

### DO NOT KNOW THE WAR IS OVER

#### "Skin Game" Works Well With Confederate Money in Bellingham.

Bellingham, Dec. 19.—That there are still "easy marks" left in Bellingham was evidenced by the success of a well dressed man in passing Confederate currency at several places in this city. The victims, most of them merchants, tried to keep the story from the newspapers, but the secret service men, failing to locate the stranger, let the news leak out.

The man passed the first \$10 Confederate bill at a dairy station, receiving change in good money. He bought a loaf of bread with another, received \$9.95 in change. He returned to the bakery and passed a \$20 Confederate bill. The bill bore a stamp of the Bank of Georgia, dated 1800.

### CHILD'S LAST NOTE.

#### Sends Christmas Greeting an Hour Before Her Death.

Seattle, Dec. 19.—Ruth Weaver, aged 8 years, a pupil of the Mount Carmel mission, died here this morning. Less than an hour before her death she wrote a Christmas note to her mother, who resides in Tacoma. At this time she was apparently enjoying the best of health. She was suddenly stricken and despite the efforts of several physicians, died of what the physicians describe as congestion of the brain.

## KNOWLES DENIES MOTION TO INVALIDATE LOCAL OPTION LAW

### ANDERSON CASE REplete WITH EXHAUSTIVE ARGUMENTS TO OFFSET WILL OF THE PEOPLE.

#### Case Goes to Jury This Afternoon—If Allowed It Would Mean Serious Mix-up in Union County—Case Could Not Have Been Appealed by the State—Deep Anxiety During Period That Court Had Matter Under Consideration—The Grant County Case is Far-Reaching in Its Effect—Liberal Extracts From the Opinion.

After listening to an exhaustive argument by Attorney C. H. Finn in support of a motion for a directed verdict of acquittal in the Anderson whiskey case, on the ground that according to the recent decision of the supreme court in the Grant county litigation, there was no local option law in Union county, Judge Knowles today denied the motion.

The court, in deciding this motion, stated in general terms that each supreme court case was decided in a great measure upon the conditions surrounding the case at issue, and that the court in that case had recognized the small majority in favor of prohibition, and that in some precincts in Grant county no notice whatever had been posted, and that in some the required number were not posted and in others the required length of time had not been followed. That in Union county the only serious irregularity was in Kamela precinct, where only three notices instead of five had been posted and that the records showed that the registration in Kamela was 33, the highest vote cast for any county office was 35 and that 31 votes were cast on prohibition. The majority in Union county being so large that the entire vote of Kamela precinct would not have changed the result in the least.

The court held in view of this supreme court decision he was doubtful as to his position, and it was a grave question as to the law of the higher court; however, he felt constrained to declare any legislative act or law declared by the people void, especially when this very case had been decided by his predecessor and held to be good. That decision, however, was given previous to the supreme court decision.

## GIRLE THE GLOBE

### GERMAN STEAMSHIP CO. HAS STUPENDOUS PLAN.

#### Added Faith in Story That German Lloyd Steamers Will Sail From New York via 'Frisco to Orient.

San Francisco, Dec. 19.—The plans of the North German Lloyd Steamship company to make a line world-girdling service, received added impetus today with the unofficial announcement that the company's officials are negotiating with the Western Pacific railroad for a traffic agreement on trans-Pacific freight. The company announced that upon completion of the Panama canal it will operate steamers from New York to San Francisco, and thence to the Orient.

ed in one precinct; in another the notices were posted for only 11 days; in another the notices were posted for only 10 days before the election; and in still another, but three notices were posted, and those for only eight days (12 days being required by law). The election resulted in a small majority in favor of prohibition and suit was brought by a firm of retail liquor dealers for the purpose of testing the law.

The right of plaintiffs to maintain the suit is settled by Marsden vs. Harlocker, 46 Ore., 90, and by the recent case of Hall vs. Dunn, and therefore the only question necessary for our consideration at this time is whether the election was invalid because of the failure to give notice thereof as required by law.

The local option law provides that whenever a petition signed by not less than 10 per cent of the registered voters of a county shall be filed with the county clerk, shall order an election; and at least 20 days before election the clerk is required to deliver to the sheriff of the county, at least five notices of the election for each precinct, and it is made the duty of the sheriff at least 12 days before election to post said notices in public places in the vicinity of the polling places.

The courts are practically unanimous that where the object of an election and the time and place are provided by general law, the requirement as to notice is directory and a failure of the officer charged with the duty of posting such notices will not invalidate the election, and it seems equally as well settled that if the time of the election is to be fixed by some public authority, after the happening of some condition precedent, or if some special question is in like manner to be submitted to the voters at a regular election, the law authorizing such election, or the submission of such question, and providing for notice thereof, must be strictly followed.

The reason for this distinction is that every voter is presumed to know the law and informed as to time and place of officers to be elected, or matters to be determined at a general election; but when the election is not held in pursuance of such a general law or some matter not provided in such law, this presumption does not arise and the law authorizing such election or the submission of such question must be strictly pursued and the required notice given. This is the rule announced by this court in Marsden vs. Harlocker, as applicable to an election under the local option law, and while the question was not directly involved in that case, what is said in the opinion in reference thereto is borne out by the authorities.

It is said that no substantial injury resulted in the case under consideration from the failure to post the notices as required by law, but this can never be known. There was, in fact, less votes cast on the question of prohibition than for some of the county offices, and there is no means of determining how many voters did not attend the election who would have done so if they had been advised that such question was to be submitted. The decree of the court below is reversed and are entered here as prayed.

### Civil Service Meeting.

Pittsburg, Dec. 19.—After a two days' discussion of various measures, the National Civil Service Reform league brought its annual session to a close today. The delegates are jubilant and declare that the reforms advocated by the league will soon be accepted in all departments of national and state governments.

### Dies From Injuries.

La Porte, Ind., Dec. 19.—Frank Hannum, of this city, died today at Seattle, Wash., of injuries received in a football game. He was 16 years old.

## ROBERTS DENIES HE HAS RESIGNED

### BAKER CITY PAPER PICKS SUCCESSOR TO RECEIVER.

#### Roberts Again Unable to Attend to His Work and is Given Two Weeks' Furlough—Emphatically Denies He is Going to Resign—Unable to Leave Bed.

Notwithstanding reports from various sources to the contrary, A. A. Roberts, receiver of the land office, denies that he is going to resign. When seen today to verify the rumor, he affirmed that he is merely out on a two weeks' furlough while he recovers his health. Last evening he was forced to take to his bed and is still in his room at the Foley, unable to be out. The Portland Oregonian this morning prints a story that Roberts has resigned. The rumor was taken for granted at Baker City and the Herald prints this on the strength of what it has heard:

Not since there seemed to be a possibility for a federal district in eastern Oregon have local politicians been stirred to activity so much as they are today in getting support for Woodson L. Patterson, who seeks the land office appointment at La Grande, which place will probably be left vacant because of the resignation of Al Roberts. Mr. Patterson is recognized as one of the bright, honest young republicans of the state and it is believed that he can win. All factions of the republican party in Baker county seem to be for him and telegrams are being sent in quick succession by men here, urging senators and congressmen to line up for Patterson when the appointment is made.

There seems to be a belief that the place should go to Baker county and that is one of the reasons there is such ardent work being done. Mr. Patterson has the distinction of cementing all politicians here to his cause, as there is not an objection from any source.

Prepare for Inaugural. Washington, Dec. 19.—Fairbanks today announced the senatorial committee of Senators Knox, Lodge and Bacon to co-operate with the house committee in making preparations for Taft's inauguration.

### Railroaders Get Damage.

Portland, Ore., Dec. 19.—The jury in the case of George Light, who sued the Southern Pacific for \$20,000 damages for personal injuries received several years ago, returned a verdict giving him \$12,500. He was working as a bridge repairer and was struck by a projecting timber on a freight train. The cars cut off his leg.

### AMERICANS THREATENED.

#### Boat Load of Jackies Landed to Quell Disorders in Foreign Port.

New Orleans, Dec. 19.—A letter published in the New Orleans Picayune from Puerto Cortes, Spanish Honduras, tells of mutiny by drunken soldiers last week, which threatened the lives and property of American citizens living there. In order to quell the disturbance a boat load of Blue-jackets from the United States gunboat Dubuque was landed. The letter states that 50 native soldiers started to shoot up the town, and that the American consul, Brick Wood, Jr., took his life in his hands when he went among them and warned them that if they offered any violence to Americans that swift vengeance from the United States war vessels, which were then in the harbor, would be visited upon them. The appearance of the Blue-jackets was necessary to bring the disorderly soldiers to their senses.

### SERIOUS ACCIDENT.

#### Boy Breaks Leg in Three Places While Coasting Today.

The 8-year-old son of Engineer and Mrs. Jay Thompson met with a serious accident this afternoon, by which his leg between the ankle and knee. It seems that the little fellow was riding on a bobbed and fell beneath the pole which extends from the sled to the ground. Dr. Richardson reports that the bones of the leg are broken in three places, but that he believes they will knit and that he will recover the use of the limb.

## Bargains in Ready-made Goods

Prices Cut in Two. Last of the seasons ready made goods must be closed out regardless of cost. Our stock is being reduced very rapidly

### Ladies' Suits

We have only a few ladies' Suits left to be closed out at ridiculously low prices.

- 1 \$15 black Serge goes at.....\$4.95
- 1 \$12.50 black Serge goes at.....\$2.35
- 1 \$25.00 black Cheviot goes at.....\$9.85
- 1 \$18.50 black Cheviot goes at.....\$9.85
- 1 \$47.50 brown stripe goes at.....\$28.35

### Millinery

All ladies' Trimmed Hats Half Price.

- \$10.00 Hats, to close, at.....\$5.00
- \$8.50 Hats, to close, at.....\$4.25
- \$6.50 Hats, to close, at.....\$3.25
- \$4.00 Hats, to close, at.....\$2.00
- \$2.00 Hats, to close, at.....\$1.00

### Ladies' Waists

- \$3.50 wool and silk Waist, reduced to.....\$4.33
- \$6.50 all-wool and silk Waists, reduced to.....\$2.95
- Wash Waists, lot 1, reduced to.....95c
- Wash Waists, lot reduced to.....\$1.95

### Misses' Coats

Our stock of Misses' Coats is very large and we have decided to make prices that will move them.

- Lot 1—Children's Coats, values to \$2.50, at.....\$1.00
- Lot 2—Misses' Coats, values to \$6.50, ages to 14 years.....\$2.85
- Lot 3—Misses' Coats, values to \$8.50, ages to 14 years.....\$4.85

### Ladies' Skirts

You know our reputation on the famous "Beverly Skirts." To buy these at the prices we are offering them is surely an inducement.

- Skirts, in value to \$5.00, to close \$1.95
- Skirts, in value to \$8.50, to close \$4.85
- Skirts, in value to \$12.50, to close at.....\$7.85

### Ladies' Coats

- Lot 1—Ladies' Coats, values to \$10.00.....\$2.50
- Lot 2—Ladies' Coats, values to \$15.00.....\$4.85

This is a reminder. If you want a coat, decide quickly.

# FAIR STORE

La Grande, Oregon.