

La Grande Evening Observer

VOLUME VIII.

LA GRANDE, UNION COUNTY, ORE.

SATURDAY, JUNE 19, 1909.

NUMBER 207.

DECISION THAT IGNORES ORDER

LOCAL OFFICIALS TAKE STAND AGAINST DEPARTMENT

Another Decision Handed Down by Bramwell And Eberhard Which is Not in Accordance With Department Orders—Local Officials Convinced Their Stand is a Just One And Will Hold Water When Taken up Higher.

The United States land office at La Grande today handed down another decision refusing to follow a regulation of the Department of the Interior made for the carrying into effect of an act of Congress. The case is that of the United States vs. James D. Rose, wherein a special agent filed charges against the entryman, alleging non-residence upon the land, and also that, in disregard of a regulation of the department, no cultivation or other use of the land had been made by the entryman. The land is within the Umatilla Indian reservation. At the trial, it was stipulated Rose never established or maintained residence on the land or made any use of the same for the reason that it was not susceptible of cultivation or residence, and is exclusively grazing land, incapable of any profitable use other than for grazing purposes.

The acts of March 3, 1885, and July 1, 1902, under which the entry was originally made required that before a patent shall be issued for such lands, the purchaser should make satisfactory proof that he had resided upon the lands for at least one year and reduced at least 25 acres thereof to cultivation. Later, by two separate acts, Congress sought to excuse residence, upon the making of final payment by entrymen, who should be entitled to receive patent therefor upon submitting satisfactory proof that the lands so purchased are susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

The Department of the Interior, however, apparently not satisfied with the provisions of the acts, promulgated a regulation which required that in case it was attempted to be shown that the lands were not susceptible of cultivation, what efforts, if any, had been made to cultivate the same, and if residence was attempted to be excused what efforts had been made to reside thereon, and if the lands were to be classed as grazing lands incapable of any profitable use other than for grazing purposes, "to what extent the lands had been so used for these purposes since they were purchased."

The issue presented to the officials, under the evidence as stipulated, left no room for discussion about the

facts, and it was squarely upon the point that the regulation was in excess of the power of the department to make that the entryman made his fight. The local office had decided in effect that the regulation was in excess of departmental authority several times, but no decision one way or the other has been forthcoming for some time, indicating that the matter was being thoroughly threshed out. For this reason, and the fact that the decision, which is a joint one by Register F. C. Bramwell and Receiver Colon R. Eberhard, written by the former, covering many pages, discussing dozens of cases and politely decides in effect that if Congress had desired these additional requirements it would have said so and hence the additional requirements of the department from Rose were in excess of the authority of the department to make, is regarded by attorneys as the final stand of the local officers. This action will require the special agents to appeal all such cases to the commissioner of the land office if they hope to have the regulation enforced.

The action of the land officials was largely based on a case in the U. S. Supreme Court (106 U. S. 267) wherein Congress had passed a law admitting duty free animals for breeding purposes. The treasury department promulgated a regulation requiring all stock imported under the law to be of "superior stock" and it is said by lawyers that the decision of that august body in knocking out this regulation came as near being facetious as any on record.

Involves Thousands.

There are something like 15,000 acres involved in this one case as the Rose decision will be taken as precedent. Litigation of the most voluminous kind is going to follow if the decision of the local officials is reversed by the secretary of the interior.

BOY POISONED BY SNAKE BITE

RATTLE SNAKE CLAIMS VICTIM AT WENATCHEE.

Boy Searching For Ground Squirrels Bitten by Reptile.

WENATCHEE, Wn., June 19.—John Moon, a wheat grower near here, and his wife are today prostrated with grief over the tragic death of their son, aged 15, whose body was found in a field where it was bitten by a rattlesnake. Accompanied by his dog, the boy left home Monday to catch ground squirrels. His body was found by a searching party. The boy was evidently bitten by a snake while reaching into the hole to get a squirrel. Tracks showed he had died while trying to reach home.

Calhoun Jury Deliberating

FIVE-MONTHS' TRIAL ENDS AT 11.45 THIS MORNING

Calhoun Nervous During Concluding Arguments in Remarkable Trial

SAN FRANCISCO, June 19.—Heny, hoarse and still fighting with his old spirit, wound up probably the most effective and sincere argument ever made before a jury in a criminal case in this state today. The court room was crowded. Heny scored all alleged false charges made by the defense and appealed to jurors not to let any fraternal prejudice interfere with them in finding a verdict.

The case went to the jury at 11:45. Concluding his argument, Heny said: "You jurors have but one consideration before you when you retire to deliberate, and that is, you may leave there, and go home with full conscience that you performed your duty to God and man; I leave the case in your hands, confidently expecting San Francisco to have no reason to question the conscientiousness of your verdict."

The jurors retired to the upstairs room of Carpenter hall, and the court ordered the police to drive people away from the front of the building. Jurors plunged into the work, not taking time for lunch. District Attorney Langdon, after court adjourned, warmly thanked Heny for his services.

Heny then went to his home to await the decision.

Calhoun Was Nervous.

For the first time since the trial commenced five months ago, Calhoun was nervous today. As the time for the jury to retire drew near, when Heny resumed his closing argument he appeared stronger than on the two preceding days.

BOURNE SUPPORTS CORPORATION TAX

In Interview Affirms He is Approving of Taft's Pet Measure

WASHINGTON, June 19.—Senator Jonathan Bourne in an interview today, stated that his unqualified approval of the corporation tax advocated by Taft. He believes this is the psychological time for sweeping reform in methods of raising federal

revenue and incorporation reform. That Taft's plan met with the approval of many of the senators was shown today when the senate agreed to consider the proposition to the exclusion of all other business, immediately upon the final disposition of the tariff schedule of "free list."

INCREASE ASTER SHOW CLASSES

Executive Committee Will Incite Greater Interest by Wider Scope

Prize classes for the coming Aster show were arranged this afternoon at a committee meeting consisting of Mesdames E. E. Bragg chairman, Albert Hunter and E. Polack. Mr. A. L. Richardson is also a member but was absent. Chief among the things arranged for, was to make this postively the most elaborate of its kind ever held, and to do this, the committee decided to make more classes for entry. The following extensive list of

classes were arranged for, with the number of prizes to be given in each: Best yard; 1, 2 and 3 prizes. Largest collection of fine asters; 1, 2 and 3 prizes. Best collections of pink; 1 and 2 prize. Same for purple and white. Most artistic bouquet of white, first prize; pink, first prize and purple first prize. Mixed bouquet, first prize. Best single specimen; prize for best white, best pink and best purple.

according to the latest information from Joseph.

Gompers to Europe.

NEW YORK, June 19.—Among the passengers sailing on the Baltic today is President Samuel Gompers of the American Federation of Labor, who will remain abroad until sometime in September.

Mr. Gompers will make a thorough study of the economic and sociological conditions existing in the various European countries. He will attend several labor congresses and make a general investigation of industrial conditions in Great Britain and the Continent. He has been informed that the Court of Appeals of the District of Columbia will not render a decision in the contempt case in which he is one of the defendants, under the October term.

"Our annual convention is to be held in November," said Mr. Gompers, "so I will get back in time either to attend it or go to jail. I would prefer," he added, "to attend the convention."

Baseball Magnate Dies.

XENIA, Ohio, June 19.—George L. Dovey, the president, and heaviest stockholder in the Boston National League team, died on a train near Cedarville early today from hemorrhages of the lungs.

Popular Auto Race Started.

CROWN POINT, Ind., June 19.—Thousands today witnessed the start of the great Cobe-Trophy automobile race. A total distance of 395.65 miles is considered the most severe auto test ever attempted.

WILL PURCHASE TWINE AND BAGS

EXECUTIVE COMMITTEE MEETS HERE TODAY.

Will Advertise For Bids to Supply Union Members During Harvest.

This afternoon the executive committee of the county Farmers' Education and Cooperative Union met in La Grande and took action toward advertising for bids on sacks and binding twine to supply the members of the Union during harvest. The committee consists of one delegate from each of the seven locals in the county. The committeemen are: F. Zubrick, La Grande; D. McDonald, Alicel; J. Woodell, Imbler; R. Blumenstein, Elgin; C. H. Chambers, Cove; W. S. Paddock, Union; and Andrew Lun, North Powder. J. W. McAllister, president of the La Grande local, is secretary of the county union.

As engine 209 was leaving the turntable last night just after being run out of the house it dropped off the track and the trucks sank almost out of sight in the cinders. The turntable had not been locked before the engine was run off, and the accident resulted.

March For Holy Name.

PHILADELPHIA, June 19.—Ten thousand members of the Holy Name societies of the Catholic church are expected to take part in tomorrow's street parade and services at the cathedral.

RAIN HEAVIEST IN TWO DECADES

ENORMOUS RAIN ALL OVER THE SANDRIDGE COUNTRY

More Than an Inch Falls at Union Yesterday Afternoon—Imbler And Alicel Country Soaked to a Turn—no Actual Need of More Rains to Insure Recordbreaking Crops in Imbler Country—Only Trifling Damage.

Sam Brooks of Imbler came up this morning via the Sandridge, and reports that the entire section north of La Grande was visited by rain yesterday afternoon and evening. Mr. Brooks states that in the vicinity of Imbler this was the heaviest rain in the past 25 years. It simply fell in torrents and that, while some grain was knocked down, it was of general inestimable value. It matters not now whether that section receives any more rain this season, for both spring and fall grain will be immense without any more moisture. The grain that is down will be all saved for hay and, as a certain portion of the grain is cut for that purpose anyway, Mr. Brooks states that with exceptional instances there will be no losses whatever.

Enormous Rainfall.

UNION, June 19.—Yesterday's rain storm was the most severe of many years, 1.25 inches of rain falling while the shower lasted. Heavy hail knocked down some grain but the trifling losses were offset by the abundance of good to the growing crops. High valley roads were damaged some.

Not Unusual at Cove.

COVE, June 19.—(Special)—The rain-storm yesterday and last night was not unusually strong or heavy, but soaked the ground thoroughly. It lacked the fierceness of other points in the valley.

ENGINE DERAILED.

Ran Off Turntable And Buried Itself in The Cinders.

As engine 209 was leaving the turntable last night just after being run out of the house it dropped off the track and the trucks sank almost out of sight in the cinders. The turntable had not been locked before the engine was run off, and the accident resulted.



Sewing Machine Supplies

Needles, Shuttles and Bobbins for use in All Makes of Sewing Machines.

Hardware and Furniture

W. H. BOHNENKAMP Co.

"Boye" Needle Threader

PATENTED FEB. 11 '09. DEC. 1 '08

Simple, durable, automatic. It threads any needle itself even in the dark. Most valuable of all attachments. No twisting, biting or cutting thread.

\$2.00. \$2.00.

Hand Bags

ALL THE NEW STYLES.

We have a large line of new hand bags that we are going to sell at one-half price and less. We have displayed this line of bags on the big table in our store, and have marked them "Your Choice for Two Dollars." Whether or not you need one at present, you cannot afford to miss this sale. Twenty or more different kinds. Call and see them.

\$2.00. \$2.00.

HILL'S DRUG STORE

LA GRANDE, OREGON

FAIR WEATHER SUNDAY

Weather forecast—Fair and warmer tomorrow.

Experienced weather eyes affirm Sunday morning will break clear and bright, with sunshine to go around for everybody who participates in the Rail Road Men's excursion to Joseph and Minam tomorrow.

The arrangements are completed. Jack O'Neal is here and will personally conduct the Joseph excursion. The company has the equipment ready and there is now nothing to stand in the way of the popular event which has been before the public so long, ex-

cept climatic conditions and even these are predicted from all sources to be fair and clear.

Trains Leave Early.

The first train will leave promptly at 6 o'clock tomorrow and go to Joseph. The Minam train leaves a half hour later and will carry those who intend to put in the day with hook and line.

Four barrels of chickens were shipped to Joseph today and will be used by the Commercial club at Joseph to feed the hungry ones who may like fowl. The launches will be at the disposal of the La Grande people, gratis.