

La Grande Evening Observer

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COURT OVERRULES THREE DEMURRERS

ONE CASE TO A JURY TRIAL

PERMITS ONE JURY TRIAL

SUIT TO CANCEL OVERDRAFT TO BE GIVEN JURY.

RESULT OF RECENT ARGUMENTS

Court Will Hear Three of Four Im- portant Law Suits.

Circuit Judge J. W. Knowles today handed down decisions in the cases of the Grande Ronde Electric company vs. Walter Niedner, receiver of the Farmers & Traders National bank, the Hot Lake sanatorium vs. Niedner, and J. F. Phy trustee of the Scriber bankruptcy against Niedner in which he overrules the demurrers in one case of Grande Ronde Electric company, which is a suit to compel Niedner to surrender up to the light company certain bonds of the company, and the case of Phy vs. Niedner which is suit to recover certain property that the trustee in bankruptcy claim to be entitled to for the benefit of the general condition of Scriber.

The court also overruled the demurrer in the case of the Hot Lake sanatorium vs. Niedner which is a suit to cancel a \$3,000 note which is claimed to be void and without consideration. This is the oft-described accommodation note.

In the case of the Grande Ronde Electric Company vs. Niedner to cancel an overdraft account, the demurrer was sustained.

The legal effects of this decision means that the cases of Phy, Hot Lake sanatorium and the case of the Grande Ronde Electric Company asking for surrender of bonds, must be tried before the court without a jury, and that the matter of the Grande Ronde Electric company for cancellation of overdrafts account, must be tried in an action of law.

The cases were argued a few days ago by T. H. Crawford for all the plaintiffs and William Ramsey for the receiver.

Thirteen Were Drowned.

SHERNESS, England, July 15.—Thirteen lives were lost today when the submarine C. 11 went to the bottom of the channel in a collision with another vessel the name of

which is unknown, during naval maneuvers. All attempts of rescue have been abandoned as the channel at this point is very deep. The work of locating the sunken vessel will commence tomorrow.

Eighteen Killed in Building.
PHILADELPHIA, July 15.—Eighteen were killed by the collapse of a building here today. The bodies of three women and two men and a boy were removed from the ruins.

HUDSON MAY MEET WOLGAST

SEATTLE LIGHT WEIGHT ANX- IOUS TO HAVE FIGHT.

Was Promised "Go" With Winner of Nelson-Wolgast Bout.

SEATTLE, July 15.—In a letter received here today from Chick Hudson, the Seattle lightweight, he states that Manager McCarrey of Los Angeles, promised him a match with the winner of the Nelson-Wolgast fight, which took place on Tuesday night. The letter was written before the fight and so probably Hudson will meet Wolgast, who had the best of the fight.

REGISTRATION HAS COMMENCED

FIVE THOUSAND ARRIVE IN TWENTY-FOUR HOURS.

Flathead Indian Reservation Openings Now Fairly on.

MISSOULA, July 15.—A great event to which thousands of homeseekers all parts of the United States have looked forward to for many weeks, and which brought the immense throngs here, became a reality today when 750,000 acres of Flathead Indian reservation was opened to registration.

It is conservatively estimated that before August 5, when registration closes, 50,000 will have registered.

The drawing will follow close on the registration.

Within the last 24 hours 5000 arrived. Every train adds to the swarm. Lands are divided into 160 acre lots, making 4687 parcels of land to be distributed. Some of this land is the choicest in the state.

A station on the new electric line between Walla Walla and Milton is just south of the state line and is called Pill station. It is said to be a favorite place for cigarette smoking by youths from over the line.

LONG OPINION RECEIVED HERE

LOCAL OPTION THEME

WAS CRAWFORD'S LAST CASE

EXTREMELY LONG DOCUMENT DEALS WITH DECISION.

SLATER WANTS STRICT COMPLIANCE

Moore and McBride Point Out Why Option Election is Valid.

One of the longest decisions handed down by the supreme court in a Union county issue for some time, has been received in today by Attorney T. H. Crawford the judge presiding in the case of Julius Roesch against Union county, the former becoming an appellant when Judge Crawford interpreted the law in this case in a similar manner to that of three justices of the supreme bench, namely Chief Justice Moore, who wrote the opinion, Justice McBride concurring with Justice Aikin. Moore and McBride each advance voluminous arguments in defense of their opinion. The former considers especially the three paramount questions at issue; that the sufficiency of the petition initiating the proceedings was not determined by the defendants when the election was ordered; the notices of election were insufficient; and that they were not posted as required by law.

Under the first division, Moore said in his opinion:

"We conclude that if the order complained of was defective because of the insufficiency of the findings, the imperfection was not particularly pointed out by the averments of the complaint; that the evidence submitted at the trial, bearing herein on the issue made by the answer and reply justified the findings made by the court; and that such conclusion of facts demonstrates that the county court properly ordered an election to be held to determine whether or not the sale of intoxicating liquors should be prohibited in that county."

In regard to the second division, posting of notices, McBride says in part:

"The Sheriff has been designated as the person to post notices. If he employ persons whom he does not by special written appointment authorize to perform such services and the person so selected discharge that duty properly, the only credit he receives is the satisfaction of having performed an obligation which the law imposes. If his agents fail, however, to post the notices properly, in consequence of which the will of a majority of the people expressed at the polls, is defeated, the sheriff must necessarily be subjected to the just censor which an outraged public entertains."

Printed Signatures Good.

This notice complied with forms prescribed by the local option law (Section seven) which does not describe that such notices shall be signed by the county clerk, or authenticated by seal. In Herrick vs. Morrill 5 a. m. St. Rep. 841, in determining the sufficiency of process it was held that any signature whether written, printed or lithographed, which the party issuing the summons might adopt as his own was sufficient. It has been ruled by this court that where an officer adopts a printed signature as his own, such use is adequate for the purpose.

In recapitulating the second and closing his argument on the third question he says:

"We think the rule of law should be that no precinct was effected by

MYSTERY BRANDS PORTLAND CRIME

SHOOTS BRACKET ON STREET

WOMAN EVIDENTLY IN CASE

FATALLY WOUNDED MAN REFU- SES TO TELL HIS STORY.

SAYS WIFE LIVES IN WALLA WALLA

Though Still Living, Believed Mid- night Shooting is Fatal.

PORTLAND, July 15.—R. F. Brackett, a member of the firm of Brackett & Myers, electrical engineers, who was mysteriously shot on the streets here at midnight, is reported to be in a critical condition this morning. He is conscious, but it is feared that he cannot recover.

The bullet entered the abdominal region, penetrating the kidneys. The victim insists that he was held up, but eye witnesses tell a different story.

R. E. Dent, an employe of a stable, nearby, says that he saw a man resembling Brackett meet a woman near the scene of the shooting an hour before he was shot by two well dressed men.

None of Brackett's valuables were taken.

Mrs. Ward ran from her home and says that she heard some one say: "I guess you've got me this time."

Brackett says that his wife lives at 14 Clinton street Walla Walla.

Brackett refuses to make a statement. He will not talk about the woman supposed to be involved in the affair. No trace men who did shooting have been found, but Brackett, it is thought, knows who they are.

the want of sufficient notice, but Kamela and that such defects could not by any possibility have changed the result of the election, if the required number of notices had been posted.

"Believing that no error was committed as alleged, the decree is affirmed."

The Dissenting Opinions.

Justice Slater, who with King dissented in the opinion of the majority, says in his findings, in part:

"If the requirements of the law in respect to the making of an order by the county court in the posting of notices by the sheriff are mandatory, then the strict performance of them is essential to the validity of the election, and the question of material and substantial injury following from the omission of either is not a material one. It is only when the thing to be done is merely directory, and the omission thereof renders what follows voidable, and not void, that the question of substantial injury is materially to be considered. It is upon this distinction that the conflicts in the case has arisen. Those holding to the doctrine that the provisions of statutes requiring a particular form of notice, by holding of special elections are mandatory and must be strictly followed, have been cited and followed in Marsden vs. Harlocker and Guernsey vs. McHaley."

King concurs in this dissent without statement.

The opinions in this decree include over 7000 words, and will doubtlessly be read by all the attorneys of the city and many others who are interested in the points of law made clear. Crawford's Last Decision.

The opinion of the Circuit Court, Judge Crawford presiding, is materially as the supreme court, and as this was Mr. Crawford's last case in the circuit court, he and his friends

look to his interpretations with delight. That the supreme court was divided on the question is proof of the closeness of the question and that a majority ruled with Mr. Crawford, is a pleasing bit of knowledge to the attorney's friends.

Naturally of course, a preponderant majority of the Union county voters are highly elated that the circuit court and the supreme court agreed on this paramount issue.

RUNS HERSELF TO DEATH

COLLAPSES FROM EFFORT TO CATCH STEAMER.

Aged Lady Over Exerted in Trying to Overtake Steamer.

SEATTLE, July 15.—Mrs Katherine H. May, aged 67, is dead today from exertion of running to catch a steamer Monticello, which left Tacoma for Seattle yesterday afternoon. She caught the boat but died before she reached Seattle. The son found the mother dead when he boarded the incoming boat to greet her. Heart failure was the cause of the lady's death.

MOB TEHERAN MOHAMMED ALI

WAR IN CRETE NOW SEEMS IN- EVITABLE.

Nationalists Have Complete Control of Situation.

TEHERAN, July 15.—Colonel Liakhoff, commander of the forces that are defending the city has indicated by ordering the the Cossacks to stop firing, that he would surrender to the Nationalist forces, which means the complete overthrow of Shah Mohammed Ali and the establishment of a new Persian government, under the proposed constitution.

Ruler About to Abdicate.

ST. PETERSBURG, July 15.—The foreign office today ordered the Russian troops stationed at the Persian frontier to arrange for a safe removal of the Shah across the frontier which would go to indicate that the ruler is on the point of abdicating.

SPLENDID WEATHER SENDS A LARGE CROWD TO PARK GROUNDS

BIG BONFIRE WILL MARK CLOSE OF NOTABLE DAYS WORK

The Entire City Will be Transplanted To the Park this Evening

Superb weather and public pride today combined to coax and drive a large crowd of women and children to the Riverside park where the second clean-up day is in progress. Men were not numerous during the morning, but men are often times wiser and shrewder than their wives, and in many instances at least, have deferred their visits until a later hour of the day when the sun is less generous with its heat rays.

Shortly after 9 o'clock this morning the first tally-ho party left the Presbyterian church, tagged for Riverside park, and many subsequent trips were the order of the day.

This afternoon there was a noticeable increase in male inhabitants. This rule will be more marked this

THREATENS GIRL WITH SURE DEATH

NASTY CASE IN SISTER CITY

CRIME IN BAKER COUNTY

GIRL OF SIXTEEN IS CHOKED BY ASSAILANT.

GIRL TELLS STORY OF PUNISHMENT

Joseph Little Accused of Threatening to Kill a Girl.

NORTH POWDER, July 15.—(Special)—Joseph Little was temporarily in custody of officials today on serious charges, that of threatening to kill, but after his arraignment, his case was thrown out of Union county's jurisdiction and his arrest on warrant sworn out in Baker county will follow this afternoon or tonight.

The case is filled with unprintable details. The assault is alleged to have been committed about three miles from North Powder on June 12, when Bertha Tally, aged 16, was assaulted, claims the state, and choked almost to a point of death. The girl tells a story that has incensed many against the defendant. She affirms that Little choked her and threatened to kill her if certain requests were not granted and stipulated things did not occur.

District Attorney Ivanhoe was called today to prosecute the case, and C. E. Cochran from La Grande to be counsel for the defendant, but when it was learned that the crime had been committed in Baker county, the Union officials turned the case over.

The defendant, who is 26, has lived here about one year, and the girl in the case has lived here most of her life. She is the daughter of Mrs. Martha Tally.

Water costs more than whiskey in Wheeler county these days, says the Fossil Journal. Irrigation suits will cost the litigants thousands of dollars.

**New Lines Arriving
JUST IN**

BEAUTIFUL LINE OF HAND BAGS
all the newest styles. Suede and Jett trimmed.
Price \$1.00 to \$4.50

NEW ELASTIC BELTS.
All colors and styles. 50c to 75c

ELEGANT LINE OF BACK COMBS.
Shell combs in beautiful designs 25c to 75c

A new grape design on old gold back ground, ea. 75c
New Tailored Linen Waists \$3.00 to \$3.50

THE FAIR

evening when in the twilight hours, the band will play, children will scream in glee, the more industrious and liberty-endowed men rest, thoroughly satisfied, there will be a new army of workers to take up the work.

Bonfire Tonight.

There is no logical reason why the coming evening should not be, as was the day. Such being the case, there will be a monster fire this evening where the refuse and debris, representing the gleanings of the populace, will be consumed by a mighty fire. Around this fire will gather the forces and with party lunches, stories, jokes and songs, the evening hours will be whiffed away in one of the most enjoyable public functions held in connection with the history of the Riverside park.