

# La Grande Evening Observer

VOLUME VIII

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## PEARY'S ATTACK FULLY OUTLINED

WILL BE PUBLISHED WHEN PEARY CLUB O. K. COMES

No Tampering With Facts in the Charges, But Bywords May be Dropped Out When Perused by Peary Club Officials—Peary Club President Says he Believes the Public Will Adopt Peary's Charges as Correct—'Not too Fierce' Report.

BAR HARBOR, Maine, Sept. 29.—President Hubbard, of the Peary Arctic club, has announced today that Commander Peary's charges against Dr. Cook were ready for submission to the club, and after they have been gone over thoroughly, they will be published.

Speaking of the report today, Hubbard said: "It is possible that the officers of the club may think some of Peary's statements are too fierce. In such an event the explorer will be asked to modify his language, but as far as facts go, nothing will be done to detract from its force, and nothing added to it. The report will be just as much Peary's statement of the case, as if the members hadn't made minor suggestions. I believe all the statements made by Peary in his arraignment of Cook, are true, and will be so accepted by the public."

**Doubles Its Capital.**  
NEW YORK, Sept. 29.—At a special meeting of the New York Telephone company, the chief subsidiary of the Telephone Trust, the capital stock was increased from \$50,000,000 to \$100,000,000 in order to bring a number of subsidiary companies, including the Bell of Buffalo and the New York and New Jersey Telephone company under one operating head.

**Liquor Dealers Gather.**  
NEW YORK, Sept. 29.—The largest convention ever held by the liquor dealers of this state, opened here today and will continue three days. An organized plan against the proposed measures of the legislature disadvantageous to their interests will be formulated by the dealers.

**No Hope For Zeller.**  
TRENTON, N. J., Sept. 29.—Walter Zeller, of Vineland, N. J., convicted of the murder of his grand-father made an appeal to the Board of Pardons today to have his death sentence changed to life-imprisonment, but the circumstances are such that it is not believed his appeal will be granted.

**New York's Cheap Rides.**  
NEW YORK, Sept. 29.—The new law limiting rates to be charged for motor cabs, which the taxi-cab companies have fought so vigorously, went into effect today. In future the legal rate will be 30 cents for the first half mile and 19 cents for each succeeding quarter of a mile.

## WILD STAMPEDE ATTRACTS MANY

INNOKO COUNTRY RIVALS THE DAWSON STAMPEDE.

Many Stories of Remarkable Wealth in Big Pay Streaks.

FAIRBANKS, ALASKA, Sept. 29.—A stampede is now in progress to the Iditarod country which is promising to rival the rush of the early days to Dawson. Hundreds of men are rushing to the new diggings. The steamer Reliance has just arrived from Innoko and reports the finding of very rich placers in Otter Creek, to which several thousand miners have gone from Fairbanks. The pay streak is outlined as being a mile in length and fully 600 feet in width, running on the average at three cents a pan and as high as \$1.50 to the pan.

## PRESIDENT DINES ON BEAR STEAK

PREFERS IT TO CROCODILE AND FANCY DISHES

His Future Programs Have Been Cut to the Bone—President Still Exasperated Over Extra Work Being Forced Upon Him by Committees—Last Night he Openly Expressed His Displeasure With Habits.

(By Hazard, United Press Correspondent.)

NORTH YAKIMA, Wash., Sept. 29.—"Bear meat is better than crocodile." President Taft made this declaration tonight at a game dinner given at Hayden Lake by the business men of Spokane. "I am glad to testify that one's internal machinery isn't as badly stirred up after a meal of cub bear as it is following a repast on the crocodiles we have in the Philippine Islands."

On his return journey Taft was accompanied by Governor Brady of Idaho; Senator Jones, of Washington and other prominent men of Idaho and Washington. A roar of laughter was raised when a practical joker approached Ballinger, with a spread eagle speech and presented the secretary with a bouquet "from Chief Forester Pinchot." Ballinger was somewhat flabbergasted at first but entered into the spirit of the fun and came back with a speech of thanks. Taft arrived here at 5:50 a. m.

After the president's train arrived here this morning, orders were sent ahead on the president's itinerary to cut all of the program to the bone. Taft's patience became exhausted at the cheeky manner in which the local committees in the various cities he has visited have enlarged his labors by adding speeches, hand shaking,

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## LICENSES ON NEARBEER LEGAL

ATKINSON MUST STAND TRIAL HERE NEXT WEEK

Circuit Judge Knowles Rules in Lengthy Decision That Nearbeer Must be Proven Intoxicating Before it Can be Termed so—Important Rulings Made—City Has the Right to License Nearbeer Joints—Saving Clause is Missing.

That Ralph Atkinson, convicted in the city court on the 10th day of August on a charge of selling Nearbeer without a license, must stand trial, was the effect of a ruling handed down this afternoon by Judge Knowles. The defendant appealed from the city to the circuit court and his attorney, a few days ago presented a motion to have the action dismissed.

In support of the motion to have the case dismissed Judge Ramsey argued that the city council had no right to license Nearbeer because it is an intoxicating liquor; that licensing its sale is not licensing a trade or calling; that the city ordinance under which Atkinson was convicted has been repealed with a saving clause; and that the term "Nearbeer" is not defined.

The substance of the ruling handed down by Judge Knowles is that the ordinance is upheld and that the city has the right to license Nearbeer, that the allegation that Nearbeer is intoxicating must be proved, and that the appealed case must come up for trial at this session of the circuit court. In substance the ruling is as follows:

It is contended by the counsel for the defendant in support of the motion, that the Ordinance under which the defendant was convicted, is void upon the ground that there is no sufficient provision in the charter, authorizing the council to pass such an ordinance; that the ordinance is uncertain because it provides for a license for selling Nearbeer and fixes the amount of the license at \$100.00 per year.

For the court to hold that the ordinance is void because it provides for a license fee of \$100.00 a year, when the state law provides that a license for the sale of intoxicating liquor shall in no case be less than \$200.00, would necessitate the court assuming that Nearbeer is an intoxicating liquor.

While the word Nearbeer is a word of frequent coinage, yet it has a distinct meaning from lager beer. Lager beer denotes an intoxicating liquor and Nearbeer a non-intoxicating liquor.

Neither do we think the objection that the ordinance is void because there is no authority in the city charter under which the ordinance was enacted to authorize and empower the council to pass such an ordinance tenable. Sub-division 38 of section 35 of the charter, under which this ordinance was enacted in defining the powers of the council provides:

"To license, tax and regulate such callings, trades and employments as the public good may require to be licensed, taxed and regulated, and as are not otherwise prohibited by law."

Now the selling of Nearbeer is a calling, trade and employment, and while we believe that counsel for the defendant is correct in his contention that the city council must have express authority under the charter to pass an ordinance for the licensing of the sale of Nearbeer, yet we also believe that the foregoing provision of the charter of the City of La Grande gives full, ample and complete authority to the council to pass the ordinance in question.

Again it is contended by counsel for the defendant that the ordinance under which the defendant was con-

victed in the Recorder's court has been repealed, and that there is no saving clause in the repealing ordinance, and therefore this case cannot be prosecuted on appeal in this court.

As has been stated the defendant was convicted in the Recorder's court on the 10th day of August, 1909, and on the same day filed his notice and undertaking on appeal to this court, and on the 8th day of September, 1909, the transcript on appeal was filed in this court. On August 4, 1909, the city council of La Grande passed Ordinance No. 432, Series of 1909, which ordinance expressly repeals Ordinance No. 405, Series of 1909, the ordinance under which the prosecution was instituted, and provides that said ordinance No. 432 shall take effect September 7, 1909. By section 1 of Ordinance No. 432, section 1 of Ordinance No. 405, is re-enacted in almost the identical language of section 1 of Ordinance No. 405, the section that defendant is charged with violating, excepting that section 1 of Ordinance 432 leaves out the exceptions heretofore contained in section 1 of Ordinance 405, and provides that the punishment for the violation thereof may not be less than twenty-five days and not more than fifty days imprisonment in the city jail, instead of not less than twenty-five days, nor more than seventy-five days imprisonment in the city jail as provided by Ordinance 405.

As has been stated section 1 of the repealing ordinance is substantially the same as section 1 of the ordinance under which this action was instituted, and therefore under the above authorities, we feel justified in holding that by the simultaneous repeal of Ordinance No. 405 and the taking effect of Ordinance 432 the courts have lost jurisdiction of this action.

Again it is ably contended by counsel for the defendant that the complaint is insufficient because it does not negative the exceptions set forth in the enacting clause of Ordinance 405, and in section 1 of said ordinance.

Section 1 in effect provides that no person without first obtaining a license therefore shall sell or dispose of any "Nearbeer, maltina, or malt"

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## PERFECT TOUR IN WRIGHT'S SHIP

GREAT CONCOURSE WITNESSES WRIGHT'S FEAT.

Aviator Has Perfect Control of His Machine en tour.

NEW YORK, Sept. 29.—Daring through the air with terrific speed and with ease on the Grace "Seagull", Wilbur Wright today gave the immense throng assembled here for the Hudson-Fulton week a rare display of his skill as an aviator. The fact that it was a public flight and not a government test gave the exhibition the distinction of being the first flight of the great American air ship before the American public.

The Goddess of Liberty in the harbor was the point chosen as the goal of the Seagull and Wright made a beautiful circle around the statue and aroused the vast multitude of on-lookers to wild enthusiasm. In his flight, he rose from Governor's island with his machine under perfect control, soared gracefully into the sky, turned over the harbor and made for the statue of the Goddess of Liberty. His machine glistened in the sunlight like some enormous bird and as he turned toward the harbor the thousands of spectators cheered and the steamer sirens blew a welcome to their competitor in the air that went rolling off down the harbor for miles. The motors during the flight worked perfectly and the speed of the machine was simply tremendous.

## MOOREHOUSE TO BRING PICTURES

WORLD-FAMOUS INDIAN SITTINGS ON EXHIBIT

Local Fair Committee Captures Three Prizes at Pendleton Fair For Local Show Next Week—Noted Indian Pictures Brought Through Instrumentality of George Himes—Pendleton Fair Passed The Experiment Stage—Big Crowds.

Several of the most spectacular and educational features of the Pendleton fair now in progress, will be here next week as a result of the efforts of the Committee which visited Pendleton to see their fair in operation yesterday. Lee Moorehouse, whose Indian relics and photographs have made him famous the world over, will have his wonderful collection here and will be here in person with it. This collection from a money consideration would not be considered by Mr. Moorehouse, and had it not been from the fact that George H. Himes, secretary of the State Historical society, was to be with us during fair week, he would not have come. These two Oregon history collectors are very warm friends.

The other exhibits secured was a display of gasoline engines by the Nesbitt company, which shows the workings of a pumping plant around which great crowds are constantly gathered. Another was the display of Indian blankets, manufactured by the Pendleton woolen mills. The Pendleton business college will in all probability have a display.

The committee was received in open arms by the managers who did everything they could whereby the Union County Exposition might profit by their experience.

**The Pendleton Fair.**  
Everything was in shape and in perfect working order yesterday, being the second day. The exhibits were all in place and there were so many horses on display that capacity room was over taxed. Today the stock will be inspected and prizes awarded.

Last night was Red Men's night, and that order made a parade through the streets, decked out in their Indian costumes, with floats amid the red and blue lights on the streets. It made an imposing scene and thousands of people followed them into the fair.

As the committee left the grounds at 11 o'clock, Secretary Fitzgerald stated that while he had not yet had time to check up the gate keepers more than 3000 admissions had been recorded during the day and evening. McElroy's band of 25 pieces is furnishing the best music that has ever been in Pendleton and is one of the chief attractions of the week.

The agriculture, horticulture and stock displays reflects credit upon both Morrow and Umatilla counties and especially to the enthusiasm of the farmers, who made such an exhibit possible. The city was filled to overflowing. Every hotel and lodging was filled and some who were not exceptionally good rustlers sat up last night. Pendleton has passed the experimental point in her fair history and it grows with each succeeding year.

Roanoke Voting on Liquor.

ROANOKE, Va., Sept. 29.—Complaint with a recent order of Judge Staples, a local option election is being held in this city today. Although they could not postpone it the "wets" have appealed to the Supreme court from Judge Staples' decision declaring that another local option election within two years is a violation of the law.

## YOU WANT A SUIT

HERE YOU CAN BE SURE OF GETTING GARMENTS NOT ONLY CORRECT IN EVERY FASHION DETAIL BUT FAULTLESS IN WORKMANSHIP AND PERFECT IN FIT. THAT IS BECAUSE THEY ARE BUILT BY THE BEST CLOTHES MAKERS IN AMERICA. COME EARLY WHILE THE ASSORTMENT IS COMPLETE. VALUES \$10, \$15, 18, \$20 AND \$25.00.

## OVER COAT

MAGNIFICENT OVERCOATS—A BIG WORD BUT NOT TOO BIG TO TELL YOU OF OUR LINE, ANY SHAPE, SIZE OR STYLE THAT YOU MAY WANT WILL BE FOUND HERE. PRICES \$8.00, \$10.00, \$15.00 AND UP.

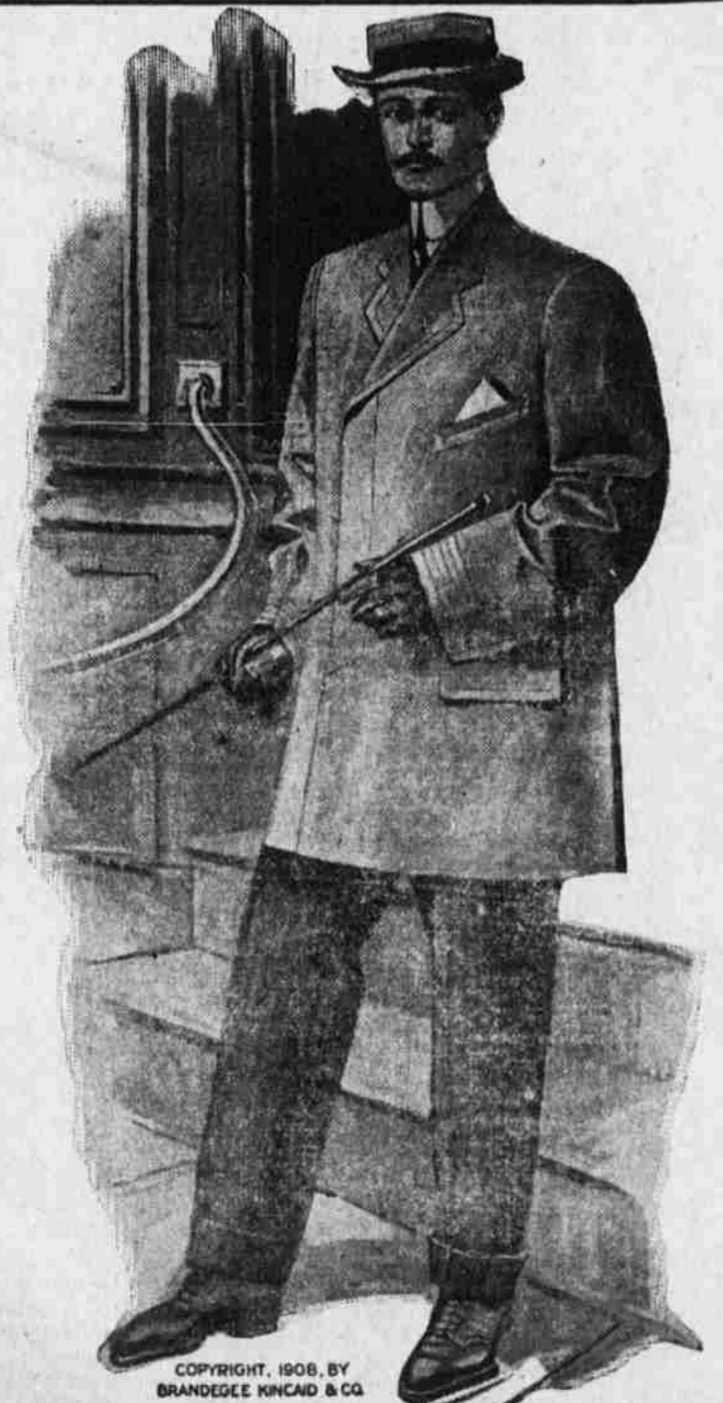
## ULSTERS

YOU WANT A GOOD STYLISH COAT FOR THE RAINY SEASON. WE HAVE THEM AT PRICES THAT ARE IN REACH OF EVERYONE. PRICES, \$10.00, \$12.00, \$13.50, \$15.00 to \$22.50.

## ROYAL TAILORS

WE ARE AGENTS FOR THE ABOVE WORLD WIDE, MADE TO MEASURE CLOTHING.

## The Fair



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