

La Grande Evening Observer

VOLUME 15

LA GRANDE, UNION COUNTY, OREGON, THURSDAY, OCTOBER 19, 1911.

NUMBER 308

COURT HALTS ASSESSMENT FOR SIXTH STREET PAVING

ON EVE OF PUBLICATION OF RE-ASSESSMENT ORDINANCE COURT HALTS PROCEEDINGS TO GO OVER STEPS TAKEN.

RECORDER MUST REPORT ALL STEPS TAKEN BY COUNCIL

Dozen or More Plaintiffs Pray for Temporary Restraining Order and Prayers Are Granted by Circuit Judge Knowles—Council Has Gone Over and Attempted to Rectify Mistakes.

Sixth street assessments are in status quo once more. At noon today Circuit Judge J. W. Knowles issued a temporary restraining order at the instigation of a dozen or more property owners on Sixth street and a few hours before the assessment ordinance was to have been published, put a ten-day stay of proceedings on the whole proposition. The Sixth street paving question has just emerged from litigation in which the court held the proceedings to have been at fault. At the culmination of that initial proceeding, the council went over the details again just as though no paving had been done and had reached that point in their re-assessment where the assessment ordinance was to be given publication when the court ordered the proceedings halted. Within ten days City Recorder Humphreys must turn over to the court all data covering what proceedings have been carried out by the council in its second time over the details, and the court will, after due consideration, decree whether or not justice has been done.

The proceedings cannot be termed a restraining order in the commonly accepted meaning of the term. It is a writ of review in which the petitioners ask the court to go over the matter and give an opinion as to the law. The petitioners for the review are: F. D. Haisten, E. Violet Rosenbaum, Kate Floyd, Bertha Berger, Oscar Berger, Hattie R McDonald, M. Anthony, D. Fitzgerald, George Ball, Para Thornton, Mamie T. Lewis, Laura L. Stults, H. Black, L. W. Damon, F. L. Washburn, Mrs. M. A. Harris, Eliza Coleman, Wesley Harrison, C. P. Ferrin and J. E. Stephenson, W. A. Ludiker and T. T. Nicholson, trustees of the Baptist church.

SOCIALIST MAYOR OF BUTTE SCORNS TAFT AND HIS PARTY

Butte, Mont., Oct. 19.—Fresh from the sweltering heat of Los Angeles, President Taft was greeted by the snow and freezing temperature here today. He seems to be pleased by the change but there was no official reception. He breakfasted at the Silver Bow hotel and delivered an address at the Broadway theatre and then left for Bozeman, Livingston and Billings, which completes the day's program. Mayor Duncan, a socialist, flatly refused to meet the president and left town on a lecture tour. This threw things in a turmoil and the newspaper men came to the rescue by getting Governor Norris to come and officiate.

HILL HOME GUTTED AND ITS CONTENTS RUINED BY A FIRE OF AN UNKNOWN ORIGIN

Fire of an origin that can be explained in no other way than coming from defective wiring in the kitchen of the one of the city's most elegant homes last night did damage to an extent of between \$7,000 and \$7,500 when the Dr. F. E. Moore residence now owned by Henry T. Hill, the real estate dealer, was completely gutted and everything in it destroyed. The property is protected by \$5,500 insurance. The charred hulk stands today in a weakened condition ready to fall at the first heavy windstorm and within the walls, furniture, rugs, clothing pictures, glass and chinaware and numerous other articles are blackened masses. All the clothing saved was that which Mr. and Mrs. Hill had on when the fire broke out. One suit case and some underwear is all that was not destroyed. Drawers con-

REBEL DEFEAT NOT DECISIVE

SUDDEN SEVERANCE OF COMMUNICATION DEEMED POTENT.

REBELS OUT OF AMMUNITION YESTERDAY; NOT DEFEATED

Return of Equipment Today Spells Resumption of Firing at Hankow—Three Hundred Have Fallen in Battle Thus Far—Other Powers on the Alert for Further Developments.

Pekin, Oct. 19.—Communication with Hankow, the scene of the big battle yesterday was suddenly severed this afternoon and it is feared the rebels have defeated the imperialists. It is possible that the dissatisfied troops have joined the rebels.

Defeat Not Decisive. Desultory firing continued this morning between the rebels and imperialists at Wu Chang. The rebel army is expected to attack momentarily.

The rebel setback yesterday was not as bad as reported but they ran out of ammunition or otherwise would have won. Three hundred fell and both suffered equally. Rebels have more ammunition enroute to them.

Japanese on the Alert. Tokio, Oct. 19.—Plans are completed by the war office here today for the sending of 70,000 troops to China whenever it is desired by the powers. It is thought the present land forces in China are insufficient. Supply boats with provisions were sent today to the Japanese land force at Hankow.

Other Powers Interested. Los Angeles, Oct. 19.—Predicting that the Chinese revolution will fail on account of lack of money, imperfect organization and absence of national spirit, Rear Admiral Evans, retired, today declared that the revolution, whether successful or not, may involve the world powers in a bloody conflict. He believed it is only a question of time when England will resent interference with her trade in China which is being materially affected by the revolt and that Japan may be interested.

tain clothing were heated so fiercely that the clothing within fell to pieces when touched this morning. Water ruined much, too.

Mr. and Mrs. Hill had gone down town to a local theatre and it was while they were away that the flames were discovered by passersby. Neighbors turned in an alarm and tried to extinguish the flames which at that time had worked themselves into the basement, though manifestly having originated in the walls near the kitchen. Though the blaze never broke out, the walls were like tinder and the four sides are charred and weakened. The house is all but a total loss.

It was thought the fire started in the basement but this is discredited after a careful investigation of the premises today. It is thought crossed wires had started a smouldering fire that worked between the walls, and then spread out.

The department was handicapped in climbing the hill with the equipment and even after arriving on the scene was deterred from effective work by the fact that all four walls were afire within in such a way that it was impossible to get at the flames.

The residence was built about six years ago by Dr. and Mrs. F. E. Moore and was built and patterned after southern architecture, and was one of the city's most elegantly furnished residences within. The piano was removed but it is ruined. Nothing else was saved.

FORGERY CHARGES PLACED AGAINST COUNCIL MINUTES

COUNCILMAN FLEMING FLATLY DENIES HAVING SIGNED REPORT OF ACCEPTANCE AND DENIES THAT COUNCIL ACTED ON IT.

ALL BUT ONE OF OLD COUNCIL TAKE OATH ON ISSUE

Situation Over Acceptance of Second Street Pipe Line Is Thrown Into Muddle by Affidavits Made Public Last Night—Claim Forgeries Were Committed in Recording Minutes.

Charges of forgeries in connection with the keeping of minutes of the city council sometime subsequent to Aug. 17 and 24, 1910, and of fraudulent prepared reports of a certain committee of the council relative to the acceptance or rejection of the Second street water main which had to be rebuilt by the present council, are contained in a resolution introduced by Councilman G. T. Fleming last night. Mr. Fleming's name, along with that of J. K. Sheak, is charged in the resolution and in affidavits attached, to have been forged to the report accepting the project which later proved to be faulty and the resolution asks for the appointment of a committee of three to investigate the proposition.

No specific person is accused of the alleged wrongdoing, the charges merely saying forgery has been done. The Fleming resolution follows: Whereas, in the minutes of the proceedings of the council of August 17, 1910, there appears the following: "The water committee made the following report in writing which, on motion, duly seconded, carried and was adopted: 'The Newport Engineering company, having completed their contract to the satisfaction of the committee, recommend that the work be accepted. This report was signed by the committee by Councilmen Sheak and Fleming, the majority of the committee, Councilman Church being absent.'"

And, whereas, this statement having been recently called to the attention of J. E. Orvis, J. K. Sheak, Bernard Logsdon, G. T. Fleming and W. N. Monroe, members of the council and H. C. Gillman, water superintendent of that date, and they and each of them disaffirming such proceedings and having submitted herewith their sworn affidavits that such proceeding was never had, that such record was never made to their knowledge, nor read in the minutes of the following council session, viz., August 24, 1910, and the fact further appearing that there never has been any settlement with said Newport Engineering company upon the contract between the said company and the city;

And, whereas, such record is untrue, the alleged report of the water committee pronounced by said committee as a forgery is an injury to the said committee and the councilmen, and should not exist as a matter of record in the proceedings of this council; therefore,

Be it resolved, that all of said record of this council of date August 17, 1910, containing the words: "The water committee made the following report in writing which on motion, duly seconded, carried and was adopted: 'The Newport Engineering company having completed their contract to the satisfaction of the committee, recommend that the work be accepted. This report was signed by the committee by Councilmen Sheak and Fleming, the majority of the committee, Councilman Church being absent.'" be expounded as erroneously entered therein and not a true record and what purports to be a report of the water committee as set out in

minutes be stricken from the files; Be it further resolved, that the mayor appoint a special committee of this council to investigate all the facts and charges herein set forth and report their findings to this council. (Signed) G. T. FLEMING, Councilman

In compliance with the request of the above resolution which was passed without discussion, Mayor Richardson named a committee consisting of Chas. S. Dunn, E. C. Davis and Bernard Logsdon. These three men will report at a nearby date.

What Charges Involve. Outspoken charges of forgeries can mean but one thing, that the minutes were tampered with and the separate reports forged. If the men are correct in their attitude that the clause was acted upon, then it follows that the pages of the minute book, consisting of typewritten pages innumerable, have been removed and some portion left out to make room to insert the clause referred to above. The minute book doesn't show any erasures and the clause in question apparently has not been erased or changed. Consequently it would be necessary, it is believed to have the entire leaf removed and a new one inserted, a delicate and dangerous procedure. Yet this is only a portion of what the committee appointed last night must determine.

How Such Actions Are Taken. All matters of this kind are done through committee reports. The pipe line project, like all other projects, is supposed to be inspected and accepted or rejected by the committee having charge of the affair. The mayor and council as a whole, seldom, if ever, takes inspection of such projects. The committee, having taken some action on this kind of an undertaking, such as street improvements, and the like, report back to the council of their findings. The council then rejects or accepts the committee report. It is here that Mr. Fleming along with the others of the council at that time, claims that the "flaming" took place.

Report a Forgery Charge, Too. Fleming positively asserts that he did not sign the final acceptance report which is now on file bearing the signatures of J. K. Sheak and G. T. Fleming. Herein is another charge of forgery consequently, for the two gentlemen's names are both attached to the report, now a part of the records but which all deny having heard read. Summed up, the charges preferred, insinuate that the minute book was tampered with in two instances, on the 17th and 24th of August, 1910, to include a report which the council cannot remember of having passed, or heard read, and that the separate reports now on file were forged, the names of Mr. Sheak and Mr. Fleming having been criminally attached by some skilled penman.

Others Make Affidavit. Attached to the Fleming resolution are affidavits from all members of the

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VITAL POINTS MADE AN ISSUE

PROGRESS OF TESTING VENIREMEN SLOW IN THE EXTREME

DEFENSE PASSES TWO VENIREMEN DURING FORENOON

Can a Juror Who Believes Times Was Dynamited but Willing to Concede Defendant Innocent of Murder Serve as a Juror? This Is the Question Pending a Settlement by the Court Now.

Hall of Records, Los Angeles, Oct. 19.—Pending a decision of Judge Bordwell, whether a juror who believes the Times was dynamited but still is willing to assume that McNamara is innocent of murder, is eligible as a juror, the defense today continued its efforts to disqualify men for the jury. The greater part of the morning session was devoted to qualifying E. C. Robinson and F. D. Green, who were both passed by the defense. Attorneys tried hard to disqualify Robinson because he admitted prejudice against the use of strikes by unions but they failed. Davis passed quickly as he showed impartiality.

Vital Question at Issue When the noon recess was ordered Attorney Davis was questioning E. J. Showers. When this was completed the court had to take up for decision the dynamite question as there are two men in the box, Jensen and McKee, who have been challenged because they claim the Times was dynamited but are willing to believe that McNamara is innocent.

RAIN BOTHERS A SECOND TIME

PHILLIES DISGUSTED AT GIANTS' FAVORS.

Rain Cases but Game Is Called Off on Account of Bad Fields.

Philadelphia, Oct. 17.—Light rains fell early today but later the weather cleared slightly. The game was called off by the national commission, however, because the diamond was not in the best of shape. Fair weather tomorrow is predicted.

Philadelphia fans are disgusted, saying each day's rest increases the Giants' chances for victory as their pitchers get a much needed rest.

TIDAL WAVE ON MEXICO COAST

ANOTHER CATASTROPE HAS HIT THAT SECTION.

Number of Dead Unknown but Believed to Be Large.

Mexico City, Oct. 19.—Another tidal wave is reported today to have destroyed the towns of San Blas and Siluatanejo in the state of Tepic. The populations are 2,000 and 3,000. Communication with Tepic is severed but many are reported dead.