

# La Grande Evening Observer

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## OBJECTORS TO PAYMENT LOSE

### REIMBURSEMENT OF OFFICIALS IS HELD CONSTITUTIONAL

#### MOVEMENT LED BY GEORGE MILLER IS DEFEATED TODAY

County Treasurer and Sheriff Will Be Reimbursed From County Court for Losses Sustained in the Failure of La Grande Bank—Injunction Is Permanently Dissolved by the Circuit Judge.

Efforts to perpetually enjoin the county court of Union county from paying to County Treasurer John Frawley and County Sheriff P. F. Childers, the sums of \$9,515.84 and \$2,160.26, respectively, as ordered by a measure adopted by the last legislature, were put to an end today when Circuit Judge Knowles dissolved the temporary injunction granted by him to stay the payment of the money some time ago. The decision is the outgrowth of an action brought by George Miller, of Cove, representing the Taxpayers' league. At the time the county court was about to carry out the requirements of the legislative act, ordering the two men reimbursed for losses sustained in the failure of the Farmers & Traders' National bank, Mr. Miller secured a temporary restraining order staying the issuance of warrants for the same. The proceeding was finally argued, making a warm legal set-to in the circuit court and a decision on this argument was handed down late this afternoon. For the benefit of the public at large, the Observer will publish verbatim the opinion of the court in this case. The opinion was filed too late this afternoon to permit its publication in full today.

At the time the bank failed, carrying down with it large sums of county moneys, the county treasurer and sheriff were held for all sums kept by them as deposit there.

The treasurer paid back the sum, by aid of his bondsmen, at once, and recently the balance due the county from the sheriff was taken care of. At the last session of the legislature, the two men were ordered reimbursed from the county coffers, from money raised by taxation, it being set out in the act that their loss was not due to any overt act of the officials.

#### Claimed Unconstitutional.

George Miller, of Cove, representing the Taxpayers' league, attacked the act of the legislature, claiming it to be unconstitutional. At the time the arguments were made, the state insisted that precedent in other states

## GLIDDEN TOUR CLAIMS VICTIM

### CHAIRMAN OF CONTEST BOARD INSTALLED KILLED.

#### Referee Walk'r Hurt—Tour Postponed as a Result of the Mishap.

Tifton, Ga., Oct. 25.—S. N. Butler, chairman of the contest board of the American Automobile association was instantly killed today when a Cunningham car, pacemaker for the Glidden tour cars, turned turtle. B. W. Walker, referee, and Mrs. Walker were injured. The tour is postponed as a result.

#### Walk'r Lives on Coast.

San Francisco, Oct. 25.—Referee Walker who was injured at Tifton, is a contractor here and is president of the California State Automobile association and the Pacific coast representative of the auto associations.

allowed such procedure when it was shown that it was not through any careless act or misdemeanor on the part of the officials that caused the loss of the public money.

The decision is an important one, and unless contrary action is taken in higher courts, the county court will be allowed to reimburse County Treasurer John Frawley the sum of \$9,515.84 and the sheriff \$2,160.26. These two sums represent the actual loss to them the dividends paid by the defunct bank being deducted from the total loss, leaving the sums stated.

It is stated on good authority that an appeal will be taken. In such an event the issue cannot be brought to a head again until the March term of the supreme court. If an appeal is taken the money cannot be paid until the supreme court finally passes on the question.

#### MORE "LIES" DISCLOSED.

### Broken Sextant Only Evidence in the Case Cook Claimed Had Proof.

Copenhagen, Oct. 25.—M. Frouchen, the explorer, has brought back from Greenland the case which Dr. Cook claimed contained instruments and observation which would prove he really had reached the north pole. The explorer purchased the case from Cook's Eskimo Ituknuit. It contained only a broken sextant.

#### Oregon Nearing Gold Gate.

Vallejo, Oct. 25.—A wireless message today from the battleship Oregon indicates the famous vessel will enter the Golden Gate Thursday. She is off the Oregon coast today.

## GROOM ATTACKS HIS EMPLOYER

### FRIEND OF EMPLOYER IS KILLED INSTANTLY.

#### Groom to Wealthy California Girl Is Seriously Hurt Also.

San Jose, Cal., Oct. 25.—Enraged because he was reproved for taking her thoroughbred horse, Manuel Garcia, a stableman today shot and killed Simon Romero, a Monterey millionaire and seriously wounded Miss Bella Quesada in her home here. He was employed by the rich Quesada family. The man had been riding her horse and returned early today and found Romero and the young woman drinking chocolate. She reproved him and without a word he killed Romero and shot her and fled.

Garcia was captured shortly before noon after a desperate fight in which he was mortally wounded. He died in jail later. Sheriff Langford and three deputies met him on the road and in an exchange of shots, Garcia fell.

Garcia was riding a horse which he had stolen. When he saw the officers he fired six shots before the plunging horse caused him to stop. Simultaneously the officers began firing, killed the horse, and shot the man in the head. He was lifted in an automobile and hurried to the county jail.

#### FANCY APPLES SHOWN.

### Local People Given Opportunity to Get Fancy Brands for Home Use.

Complaints have been heard from year to year, that all the fancy fruit especially apples, has been shipped out. The culis left for local use.

At the recent fair many people expressed a desire to obtain a winter's supply of first class apples, and to meet this demand the Thronson Fruit company have reserved enough fancy fruit to supply local demand, but orders must be in by Nov. 1st. eSe sample boxes and leaves orders with J. G. Snodgrass, E. Polack or the Golden Rule company.

The People store has the finest box of Rome Beauty apples ever exhibited in La Grande in their window and we especially recommend this variety for all purposes.

## ASSASSINS SLAY CANTON CHIEF

### REBELS WILL FOLLOW CRIME BY ATTACK ON CANTON

#### RECENTLY APPOINTED GOV- ERNOR TOEN TO PIECES

Wife and Several Others Fall Before Assassin's Bomb in Canton Today—Death Instantaneous as the General Steps From Steamboat, Surrounded by Guards—Bomb Dropped From Hensetop.

Shanghai, Oct. 25.—General Fen Shang, commander of the Canton garrisons, was reported killed by a bomb explosion today. Revolutions are said to have plotted his death preparatory to attacking Canton. Fen Shang was an able strategist.

#### Death Is Admitted.

The general's death was confirmed later. Several of his escort were killed when the bomb, dropped from a house-top, exploded. It is believed an outbreak in Canton will follow.

Fen Shang was the newly appointed governor of Canton. Details say that with his wife, who was also killed, he was leaving the steamboat, escorted by thirty guards when the bomb was dropped.

Witnesses from Hankow say the rebels are preparing to establish a provisional republic headquarters at Klu-kang.

#### HURRYING HYDE TRIAL.

### Night Sessions to Be Held That No De- lay Shall Result in Case.

Kansas City, Oct. 25.—Night sessions are probable in the second trial of Dr. C. B. Hyde, the alleged Swope murderer.

Examination of talesmen is proceeding very slowly and the court wants to hurry matters. Only forty unexamined veniremen remained on the second panel when court convened today.

Three jurors have been selected, but two will probably be preemptorily challenged.

#### Groom 65, Bride 28.

Yonkers, N. Y., Oct. 25.—The wedding of Miss Elizabeth P. Getty, great-granddaughter of the founder of Yonkers, and Carl Fischer, the well known music publisher of New York City, took place today at the home of the bride's parents in this city. Mr. Fischer is 65 and his bride 28 years of age.

## JUDGE WILL QUIZ VENIREMEN TO LEARN STATE OF MINDS

Los Angeles, Oct. 25.—That a juror will not be qualified to try McNamara merely because he is willing to lay aside an opinion was made plain by Judge Bordwell today. The court said he personally would consider qualifications of a juror and when he doubted the juror's ability to divest himself of opinions, would excuse him.

Just before the recess the defense challenged Albert Dunlap, a farmer, who admitted he believed McNamara was guilty.

Los Angeles, Oct. 24.—When court opened today Attorney Darrow secured permission to renew the interrogation of F. J. Mullin to whom he interposed a challenge yesterday. He asked him if he had not talked to Fred Hammerer and said if he was on the jury he would hang McNamara. Mullin said he said he would do his duty. Darrow then secured a sub-

## STRIKE AFFAIRS HEARD IN COURT

### LOCAL MACHINIST IS HELD FOR THROW- ING ROCK

#### COMPANY PAYS DEPUTIES ADMITS ONE OF WITNESSES

Trial Comes to Focus in Police Court This Afternoon—One Deputy Don't Know Where His Pay Comes From; Other Admits, Under Pressure, That Company Pays—Stories Are Related to the Court.

The deputy sheriffs sworn in by Sheriff Childers and deputized by him to protect O.-W. property during the strike do not know from whence their pay comes or else admit that the O.-W. is issuing their pay checks developed this afternoon during the progress of a trial in police court before Police Judge Humphreys when George A. Rickett, a striking machinist of this city, was placed on trial for disturbing the peace. The specific charge is that he and others throws rocks at Night Foreman Burleigh of the local O.-W. shops on the night of last Saturday and that Burleigh was hit by someone on the jaw bruising the skin.

The court room was filled with strikers and witnesses when the first witnesses were called for the city. Deputy Sheriff Jack Fandyk was the most important and also the first called, aside from Mr. Burleigh. Fandyk told of having seen Mr. Burleigh start from his home near the shops, and said a group of strikers saw him coming, immediately crying out "Let us get him." They followed, and Fandyk from a perch on the stockade fence saw several pick up rocks and throw them in the direction of Burleigh, but would not admit that any struck Burleigh, nor could he tell how close they came to him.

During the cross examination by J. S. Hodgins, council for the defense, Fandyk admitted he was a deputy sheriff but said he did not know where his pay came from.

#### Next Witness Knows Little

Fandyk was finally excused after failing to show that Burleigh had been hit by a stone thrown by the strikers. He also admitted that his orders were strictly given authorizing his jurisdiction within the stockade alone.

Deputy Sheriff Watkins was called. He had seen but little, aside from knowing that the crowd followed Burleigh on the way to the shops and heard them say, "Let us get him."

On cross examination he stopped

proceedings momentarily by refusing to answer from whence he got his pay. The court required him to reply and he said, "The company."

Watkins could not swear the man who threw the rock was in the court room.

Night Foreman Burleigh testified he was hit but didn't know just how. Deputy Sheriff Kneer told a story similar to that of the others but, like them, could not swear any rocks had hit Burleigh.

Chief of Police Walden gave preliminary evidence showing the dispute occurred in city limits. With him the city rested its case, and the defense commenced by recalling Burleigh for a short time and then placed Edward Evans on the stand. He was asked to explain what took place at the round house after admitting he was one of the crowd. The men had been taking pictures when they saw Burleigh go to the shops but swore he saw no

stones thrown and heard only the words "scab" applied to Burleigh. On cross examination by City Attorney Cochran he did but little good either way.

Rickett was arrested during the forenoon and was released on his own recognizance. Judge Humphrey set the trial for 2:30 this afternoon and the first actual trial growing out of petty squabbles and numerous arrests, was commenced shortly after that hour.

This is another of the several incidents growing out of the strike. Others have either been thrown out of court or ended with the defendants pleading guilty.

## LINNELL'S BODY CUT TO PIECES

### CYANIDE VIAL NOT FOUND ON AVIS' BODY IN GRAVE.

#### A Second Autopsy Ordered but the Grounds Not Made Known Yet.

Boston, Oct. 25.—Failure to provide either the vial or the paper containing cyanide in the bath robe of Avis Linnell, who was exhumed yesterday, caused the police to insist on a second autopsy, which was done today. It is unknown what the second autopsy is expected to develop. All internal organs have been removed and sent to a Harvard laboratory for analysis.

How the girl got the poison, if she did, is a weak link in evidence against Rev. Richeson, and they are advancing the gelatine capsule theory.

The casket was opened at midnight to prevent the defense getting an injunction which they meant to apply for today.

#### Body Carefully Examined.

District Attorney Pellater has engaged four medical experts to assist Examiner Leary at the second autopsy. The body afterward will be resealed and returned to Hyannis for re-interment.

#### MANY EMPLOYEES COMING.

### Southern Pacific Claims to Have Many Machinists Coming.

Sacramento, Cal., Oct. 25.—Southern Pacific officials allege they have made arrangements to place a full working force in the boiler and machine shops here next Monday when the first carload of strikebreakers from Kansas City and Omaha is expected to arrive.

The company refuses to talk. One of the car shops is filled up as a dining room to accommodate 500 men. At present the strikebreakers are employed and fed there.

#### Postmasters Meet in Washington.

Washington, Oct. 25.—A large attendance marked the opening here today of the annual meeting of the National association of Second and Third Class Postmasters. The convention will last three days and will be addressed by a number of prominent officials of the postoffice department.

## 1 EXTRA INNING FATAL TO MACK

### DOYLE RAPS OUT THE NINING HIT IN THE 10TH CANTO

#### LEADING SCORES THREE WITH OVER-THRE-FENCE CLOUT

Philadelphia Loses to New York in Tenth Inning of Bttaniggh-N N Tenth Inning of aBtting Frane—Many Pitchers Used by New York—Coombs Removed but Plank Is Touched for the Deciding Score of Hard game.

#### SCORE BY INNINGS.

R.H.E.  
Gians. ... 0 0 0 0 0 1 0 2 1—4 9 3  
Athletics . 0 0 3 0 0 0 0 0 0—3 7 1

#### BATTERIES.

New York—Marquard, Ames, Crandall and Meyers.  
Philadelphia—Coombs, Plank and Lapp.

Polo Grounds, New York, Oct. 25.—Fighting to the last minute, New York today plucked victory from defeat in the ninth when the score was three to one, by getting two men over the plate. In the last half of the tenth they scored another, winning the game.

Doyle was the Giants' batting sensation. He was the first man up in the tenth, he doubled, and then Snodgrass bunted Doyle to third. Murray filed and the Merkle filed to Murphy and Doyle raced over.

Five pitchers were used. Marquard lasted three innings, and then Ames held on until the seventh when Crandall went in for the Giants. The Athletics did not score after the third inning.

Coombs was pulled out in the ninth when Fletcher, Crandall and Devore hit and the latter two scored. Then Plank went in and was solved by Doyle.

Philadelphia has now won three and New York two games. The game tomorrow will be played at Shibe park, Philadelphia.

#### Olding Raps Homer.

In the third Philadelphia started it Barry was out; Lapp and Coombs were on first and second when Olding hit a homer, scoring three.

#### Anti-Horse Thief Convention.

Tulsa, Okla., Oct. 25.—The annual convention of the Anti-Horse Thief association of Oklahoma was opened here today with a mounted parade in which several hundred members from all over the state took part. The convention will continue over tomorrow.

## SCOLDED BOY LEAVES HOME

### MARSHALL BOY, AGED 13, RUNS AWAY FROM HOME.

#### Police Unable to Locate Little Fellow —Act Follow'd Scolding.

Smarting under a reprimand given him by his mother, Mrs. Marshall, a local lodging house manager, a boy 13 years of age has left home and is mysteriously missing. Police search along the main line of the O.-W. in both directions fails to disclose his whereabouts and the distracted mother and the police officials are forced to believe that he has fallen in with a boy known as "Tex" with whom he chummed a good deal and who has a horse, and with the animal as a means of transportation are making for the

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