

RECOUNT COST FALLS ON MEN

SENATE VOTES KIDDLE IS ELECTED SENATOR

Only a Few Votes Cast in Favor of Hodgkin.

Costs accrued by the recount of ballots in the Hodgkin-Kiddle controversy which has now been finally settled in Kiddle's favor, will be borne entirely by the contestant and contestant. The county is not called upon to meet a single item. While the circuit court here required Louis of Mr. Hodgkin in the court or county officials do not assume any liabilities and the cost of recount falls upon Mr. Hodgkin. There were no bills of costs filed, nor will there be with the result that Mr. Kiddle must pay for his defense and Mr. Hodgkin for his aggressiveness in asking a recount. The whole matter was in the hands of the two interested parties, so far as expense goes.

Local attorneys hold that the points of view advanced by Lair Thompson, in which he holds that the circuit court cannot act in an advisory capacity in recounting the votes, are indeed debatable, and fall to see where Judge Knowles didn't rule correctly in his decision in the case at the final vote taken.

A Salem dispatch of the 20th says: Ed E. Kiddle was formally seated as state senator from Union and Walla Walla counties by the state senate today and John S. Hodgkin lost in the effort that was made to unseat Kiddle.

The original count showed that Kiddle was elected by a vote of 2108 to 2104 votes for Hodgkin. A majority report sent in by Bean and Thompson showed that the appearance of findings of fact in a recount made on 23 precincts by Circuit Judge Knowles developed a tie instead of a lead of four votes as the original count showed.

It was contended that inasmuch as the contestant had appeared before the special committee to make a showing that he had been elected and that he failed to make this showing, Kiddle should be retained in his seat.

Minority Report Filed.
McColloch filed a minority report asking that Circuit Judge Knowles be asked to go into an examination of the ballots in all of the precincts and report to the senate his findings of fact.

McColloch, in an opening statement, moving that the minority report be substituted for the majority report.

SENATOR E. E. KIDDLE



Declared to be regularly elected senator from Union-Walla Walla counties.

admitted that the findings of fact of the circuit judge were only advisory to the senate and that the senate was the sole and final judge of the qualifications of its own members.

He called attention however, to a provision in the corrupt practices act which allowed such a recount or investigation to be made by the cir-

cuit judge in the senatorial district where such a contest occurred on the petition of an aggrieved party or an aggrieved elector.

No Authority Is Asserted.

Thompson, speaking for the majority, declared that the entire action of Judge Knowles in going into the ballots was without authority from the constitution and that the senate was the exclusive and sole judge of the qualifications of its members, that the contestant appeared with a showing before the committee and failed to show that he had been elected, that the law provides unless the contestant shows that he has been elected and that the contestee has lost, the contestee shall continue to hold his seat.

"The constitution of the state of Oregon precludes the courts from interfering in any way in a contest of this character," said Senator Thompson. "The judge counted these ballots without authority. When these ballots were opened in any other manner than with the authority of this senate the evidence was destroyed and there is no manner in which the contestant can appear before this body, even if all of the ballots are submitted before the senate, by which we can determine that Mr. Kiddle was not elected or that Mr. Hodgkin was elected."

Miller, Bean and Joseph all spoke on the question, Miller and Joseph supporting the proposition that the senate should count all of the ballots while Bean assumed the same attitude as Thompson that the ballots had been opened without proper authority that he did not know what had happened to the ballots since they were removed from the custody of the election clerks and judges and up to the present, and that no member of the senate knew where the ballots were at the time he was speaking and in what condition they might be.

Joseph attempted to have the entire matter referred to the committee with instruction that the committee secure all of the ballots and go over the matter thoroughly. This motion was lost after some more discussion by McCulloch, Calkins, Moser and Miller.

The minority report was defeated by a vote of 23 nays and four ayes, with Kiddle excused from voting, with Carson absent and President Malarky not voting.

Following was the vote on the majority report:

Ayes—Barret, Bean, Burgess, Butler, Day, Farrell, Hawley, Hollis, Hoskins, Lester, Moser, Patton, Perkins, Ragsdale, Smith, Stewart, Thompson, Von der Hellen, Wood, Ayes, 19.

Nays—Calkins, Dimick, Joseph, Kellaher, McCulloch, Miller, Neuner, Smith of Coos and Curry, Nays, 8.

MYELITIS VICTIM TREATED

MISS PEEBLER SEEKS AID IN PENDLETON.

Blind Physician There Hopeful of Curing Local Girl.

Ladd Canyon, Jan. 21.—(Special)—Mrs. Dick Peebler left yesterday for Pendleton where she goes to place her daughter, Helen, under the care of a blind physician. Friends will remember that she is the little girl who has been suffering so hard with spinal myelitis for three years. The doctor is confident that he can cure her and it is to be hoped that he will.

Mr. and Mrs. James Mutholland gave a party yesterday in honor of their little daughter Sybil's 11th birthday. Nearly all the younger people in the neighborhood were there to participate of the fun and tuck-
Coyote Chase Lively One.

Fred Grout was over at Ladd Canyon Sunday morning with his hounds and succeeded in catching and killing three coyotes and a jack rabbit in a short time. Those who saw the race

deemed it a slight worth seeing. Mrs. Frank Counsell visited a few days the latter part of last week in La Grande with her daughters, Misses Lulu and Katie Counsell who are keeping house and attending high school.

GAME TONIGHT INTERESTING

TWO TEAMS MEET THIS AT HIGH SCHOOL.

Y. M. C. A. to Introduce What It Is in Basketball Program.

A mere matter of snowstorm is not going to hinder the attendance at the Y. M. C. A. high school game at the high school gymnasium tonight, it is freely admitted, by fans who are anxious to see the new Y. M. C. A. five as well as the fast high school quintet in action. Though considerably outweighed, the scholastic adepts already have demonstrated their fitness to cope with almost any kind of a team, and the outcome will be a matter of doubt to the end very likely.

There will likely be no change in the lineup of the high school team over the last game played here, and the "Y" team introduces a new player or two, and sends old timers of starry careers back into the game.

CHANGE OF PICTURES AT ARCADE TODAY.

- 1—A DOUBLE REWARD, COMEDY DRAMA.
 - 2—HEARTS UNKNOWN, DRAMA.
 - 3—HALL & OBRENE, IN VAUDEVILLE.
 - 4—JOE'S REWARD, DRAMA.
 - 5—BRINGING HUSBAND TO TIME COMEDY.
- COMING MONDAY AND TUESDAY DR. GAR-EL-HAMA THREE REEL PRODUCTION.

FOR RENT—Furnished rooms. 1914 Third street. 1-22-1f

Odd Gotham Tract.

(Continued from Page 1.)

corner and is taxed by the city as such. According to the records of the tax department this tiny property has a frontage on one street of one foot and four inches; on the other of one foot and two inches and a rear line of just one foot. The mite of land which is within half a mile of the center of the world's greatest financial district, is what is left as the result of street tensions put through by the city. A search of the records of the tax department has revealed the fact that not far from this corner is another which is probably the second smallest and cheapest in the city. This chip of land, which is about twice the size of the title holder, is hardly noticeable to the passerby but it is valued for tax purposes at \$100 and has the distinction of being the only corner at that price in the city. Directly across from this corner is another on which is located what is probably the smallest building in the city, built on a lot eleven by fourteen feet, and capable of holding only two persons. The small est house in the city, as revealed by recent research, is three feet six inches wide, twenty-two feet long and two stories high, while the narrowest frontage is that of a downtown strip which while it is 94 feet deep is only two inches wide.

STARKEY NEWS ITEMS.

Starkey, Jan. 22.—(Special)—Henry Colvin of Ridgefield, Wash., is visiting his relatives Mr. and Mrs. E. McCoombs.

Mrs. Ella Mith visited with friends in Perry and La Grande last week.

Miss Elsa Burnett is visiting at Cove with his sisters, Mrs. Dick and Mrs. Leo Smith.

The stork paid a visit January 13 at the home of William Briggs and left a girl baby. Mother and baby are doing fine.

The family of Pres Burnett are all on the sick list.

Henry Hagey is busy for a few days at Mountain View ranch breaking a span of young horses that Mr. Col-

Announcement

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Is complete and such as used by the best city Dry Cleaners.

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Resigned as head cleaner in a leading Portland establishment to come to us.

Cherry's New Laundry, Inc.

GEO. GILBERT, MANAGER.

vin will purchase to ship to Ridgefield, Washington, his home.

James Briggs paid a business visit to La Grande this week.

Miss Ethel Burnett and Warren Burnett have returned to their school in Pendleton.

John Alden is spending a few days in La Grande.

Harness Makers Legislate.

Lewiston, Idaho, Jan. 20.—(Special) The Lewiston Commercial club, at its regular weekly meeting on Tuesday, passed the following resolution, jointly with the delegates from four states in attendance at the annual convention of the Retail Harness and Saddlery Manufacturers' association, which favors the granting of authority to the interstate commerce commission to establish a one-half rate on all pure-bred livestock and poultry shipped for breeding purposes.

"Whereas, the production of pure-bred livestock and poultry is one of the most important interests affecting the prosperity of a great number of people of the United States, and, "Whereas, the railroad freight rates applying to the general shipment of livestock seem to work as an embargo on the transportation of pure-bred stock for breeding purposes, and,

"Whereas, it is desired, in the promotion of this industry, to remove so far as possible all obstacles to the proper growth thereof.

"Therefore, resolved that we believe it to be in the interest of public economy for the interstate commerce commission of the United States to be given authority to modify livestock freight rates so as to provide for a rate of one-half applying to the shipment of pure bred livestock and poultry for breeding purposes.

"Resolved, that in furtherance of this object we request Senator W. E. Borah of Idaho to frame a bill for presentation to congress granting the interstate commerce commission such authority."

The New York maid servant who tried to commit suicide by the gas route and failed will now be obliged by her mistress to pay for the gas which was wasted. Yet they wonder why girls do not like domestic service.

Best Cough Medicine for Children.

"I am very glad to say a few words in praise of Chamberlain's Cough Remedy," writes Mrs. Lida Dewey, Milwaukee, Wis. "I have used it for years both for my children and myself and it never fails to relieve and cure a cough or cold. No family with children should be without it as it gives almost immediate relief in cases of croup." Chamberlain's Cough Remedy is pleasant and safe to take which is of great importance when a medicine must be given to young children. For sale by all dealers.

LOST, STRAYED OR STOLEN.

Two year old pointer dog, solid liver color, white muzzle, chest and paws. Small white tip on tail. Answers to name of Dick. Reward Aug. J. Stange. 1-21-1f

Lodge Notice.

All members of Rowena Temple No. 9, Pythian Sisters, are requested to be present at the next regular meeting Thursday evening, January 23rd, 1913. WINNIE C. OLIVER M. of R. & C. 1-20-1f

EARN SOMETHING DURING YOUR SPARE TIME.

The Observer has an attractive proposition for one person—either lady or man—in every school district in Union and Walla Walla counties outside of La Grande, to act as correspondent. Space rate will be paid for all news, provided at least one news letter each week is sent in. This work can be done during spare moments. Checks for services will be mailed each month. Remember, a correspondent is wanted at every postoffice and in every, as well as in each school district. No previous experience is necessary, as all that is required is telling the news of the community as it occurs. Write at once and be the person to represent the Observer in your community, thus making some extra money for yourself. THE OBSERVER, La Grande, Oregon.

WILL EXCHANGE—A 1912 model T Ford automobile in perfect condition for La Grande real estate. Address Drawer T, La Grande, 1-21-1f

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