

THE OBSERVER

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LAW BUT NOT JUSTICE.

As a beautiful example of the extent to which legal technicalities may be carried in the defeat of the ends of justice, a recent decision by the supreme court of Illinois stands out with particular prominence. A new trial has been ordered for a man charged with a brutal murder because his two lawyers were "overmatched" by four attorneys for the prosecution. The evidence discloses no really damaging error committed, but the whole trial must be repeated and probably carried to the supreme court again—all because the lawyers for the defense were "overmatched."

Was there ever such a travesty as is here disclosed? It is no wonder that the United States has attained such an evil eminence in crime when verdicts of guilty in murder cases are set aside on such trifling grounds. There is going to be a revolt by the people some day against a judicial system which permits such outrages on all the principles of justice. This technical business will be wiped out together with a number of those who contribute to its continued success by following the practice of permitting technicality to overcome the plain intent of the law.

The law passed by the California legislature that the courts shall not have authority to set aside the verdict of a jury for technical reasons, where the facts are apparent, looked decidedly radical at first, but it is evident that the people of California have had some experience along the lines to which the people of Illinois are now being treated. Their action was based upon sound knowledge rather than a desire to introduce legislation of a faddish nature.

It is somewhat of a contradiction in terms to say that twelve men shall pass upon the question of fact, namely whether the accused really committed the crime with which he is charged, or not, and then allow silly appeals for no sane reason at all, save that some alleged newly discovered evidence has come to light. A local attorney some time ago made the pertinent remark that it ought to read "newly brewed" evidence. There is more than a grain of truth in the remark. The law says that a man shall be punished if he commits a certain crime. What is the object of a jury if the defeated attorney can appeal to a higher court just because his vanity may have been wounded? In too many instances much of this misery comes from attorneys who have not displayed any great amount of conscience, and are therefore a drag on justice.

The aspect of defense is much to blame for this lamentable status. Most every attorney considers it his duty to screen his client from justice, irrespective of the fact whether he is guilty or innocent. This aspect is false. That he must be diligent for his client's welfare all will concede but it is not the object of the law

to allow an attorney to defeat the plain intent of the statutes or the common law by making a mountain out of a mole hill, and requesting the court to allow delays for the purpose of really defeating the object of the suit in the first place. In this respect the California law has done much to bring court procedure back to the intent of the law.

In England the barrister who pleads a case in court, has not seen his client. His solicitor has done all of the preliminary work. There is no display of sympathy and the barrister has the utmost regard for the judgment of the court. His speech is tempered and his sole aim is justice. If the client has a good defense he is allowed to plead it, but jockeying for time and delays would soon reduce the barrister to bad repute with the court and remove his influence.

Many of our lawyers have not the preliminary training for this task of conscience and have done the cause of justice immeasurable harm. They have no sense of economy and will often bleed a client of thousands of dollars in appeals when the original sum sued for is paltry. Somehow they seem to be impressed with a weighty sense of their own importance when they can plead before the bar and cite cases that are hundreds of years old and have no real bearing on the case. It looks dignified but is not always practicable.

Many of our judges have these advanced ideas but know that any departure from the precedent-ridden custom will mean reversal of their opinions or the sending back to the trial court for retrial.

GIVE UP WORK GRADUALLY

Man Accustomed to Regular Duties Makes Mistake When He Suddenly Ceases All Labor.

Many business men at the age of fifty or fifty-five work eight hours a day and enjoy it. They will tell you they feel as young as they did ten years before.

Then some of them conclude they have enough of this world's goods and retire.

It is a well-known fact that brain or muscle work forms in the system a poison, and if we keep on working a condition which doctors call auto intoxication is produced. Which means that the antitoxin nature has produced in our bodies has not been enough to offset the poison of our burned up energy.

Rest and deep sleep are supposed to clear the body of all poisons and waste. But it has been proved in the cases of persons who use drugs that after they have taken into their system a certain drug in increased amounts for some months they can stand an amount which would kill a dozen persons not accustomed to the drug.

From the minute the drug was in their system nature started to work to produce in that body an antitoxin to fight the poison they were taking. Nature gets many habits of her own, and she gets into the habit of expecting to form an antitoxin to battle with that poison or drug which that body has been taking daily, and she produces it daily.

Now suddenly let that same body stop taking into it the drug it was used to; nature does not stop forming the antitoxin. No indeed; she goes right on for weeks and months forming the antitoxin she has been accustomed to form, and the little fighting army to fight and being of a poisonous nature themselves, turn from little workers, when they have their own work to do, to bad workers, with no work, and start fighting the good cells of the body, producing a self-poisoning which is likely to cause death.

If a man has been working daily for years and the energy used up by work has produced a sort of poisonous waste, enough to cause auto intoxication if not cleared out by rest and sleep, would it not seem reasonable that nature had daily in that man's system been forming an antitoxin to offset the poisonous waste and that when he suddenly stops work the same condition takes place as with a person who takes poison? The antitoxin cells, finding no poisonous waste to work on, turn and work on the good cells of the body, causing auto intoxication and sickness and many times death.

It would seem that a man giving up work should do so gradually.

WHY WIDOW WAS ANNOYED

Bandmaster's Tune as Funeral Passed Was, to Say the Least, Somewhat Inappropriate.

Two or three years ago, says Charles Harrell, bandmaster of the Irish Guards, in the London Strand, we were engaged to play on the occasion of some athletic sports at a public school near London, the grounds of which overlooked a high road close to a cemetery.

It was a glorious day, a hot Saturday afternoon. The sun shone, and everyone was in the highest spirits, but there was one thorn in what was otherwise a bed of roses.

That afternoon seemed to have been selected for an extraordinary number of funerals!

To suit the occasion we naturally played a light class of music, the program including, for instance, a selection of the popular airs of the day, and I had the greatest difficulty in timing our performance so as not to clash with the mournful processions that kept passing. Again and again, just as we were about to launch out into the "Merry Widow," or something as embarrassingly appropriate, I would spy another hearse turning the corner, and would have to hurriedly change the tune or wait until the mourners were safely out of earshot.

It was a little disconcerting and distinctly trying, but I managed things all right, I thought, and congratulated myself upon having come through a difficult situation with flying colors.

But, alas, my self-satisfaction was short-lived! Three days later I received a letter from an indignant widow complaining that, of all tunes the band had played "Put Me Among the Girls" while her dear husband's funeral was passing the grounds!

Strength of the Stubborn.

How much perfectly good, serviceable will-power people waste in mere obstinacy! Martha Malone, after working three years for Mrs. Bixby, appeared one morning at Mrs. Wilson's back door, and applied for a place.

"Why," said the surprised Mrs. Wilson, "I thought you were working for Mrs. Bixby!"

"I was, mum. But I've quit."

"Is that so?" Mrs. Wilson could not conceal her surprise. "I thought you liked her."

"Indeed I do, mum."

"And I'm sure she liked you."

"I believe she did, mum. Leastwise she always seemed to."

"Well—" Mrs. Wilson was still wondering what the trouble had been.

"Well," said Martha, seeing that some explanation was expected, "you see it was like this, mum. I always put the blue china plates on the right-hand side of the cupboard, and this morning the missus comes along, and moves 'em, and says, 'Martha, every mornin' for three years you've put the plates on the wrong side, and I've had to come along and move them—and I can't stand it any longer.'"

"And," said Martha, "I says to her, 'Mrs. Bixby, every mornin' for three years I've put them plates in the right place, and you come along and moved them, and then I had to come along and move them back, and I can't stand it any longer, either.'"

"And so I quit."—Youth's Companion.

French-Canadian Birth Rate.

When France is perturbed by that ever-present specter, the falling birth rate, there is the example of French fertility in Canada to which students of the problem may point from their editorial stools in Paris. The results of the Canadian census of 1911 have recently been published and show 2,054,000 French out of a total population of 7,206,000, as compared with 3,878,000 of English, Irish, and Scotch combined. In 1901 the French were 31 per cent. of the whole; in 1911 only 29 per cent., but in the same period the Britanic preponderance had fallen from 57 to 54 per cent. with the introduction of other races. In the ten years the French-Canadians had added 495,519 to their number, a strictly numerical increase of nearly 25 per cent.—a rate the half of which would make France delirious with joy could she accomplish it.

Lost Feet and Watch.

While surgeons of the Methodist hospital, in this city, were amputating the feet of John Guest, who was run over by a train at Bangor, Pa., his gold watch was stolen from his pocket. When he recovered consciousness from the anesthetic he missed the timepiece, and the loss caused a hurried search, but nothing could be found to explain the loss.

Suspicion fell on Paul Reiker, an orderly at the institution. He was arrested, confessed, and was held for trial in the night court. This led to the discovery that another patient, Frank Price, was robbed of a diamond stickpin while under the influence of ether in the surgical ward, and Reiker also confessed that theft. —Philadelphia Dispatch to the New York Tribune.

WHEN THE SEA TAKES TOLL

Lone Survivor of Gallant Crew All That the Life Savers Might Bring Through the Breakers.

The vessel fought in that last half hour as it had fought all day—gamely, but without hope. Those who watched from the lee shore saw the wheelhouse, like a smashed match box; saw the crazed, demented movements in the cauldron, drifting here and there, but always terribly shoreward. Sea followed sea in wild confusion, a great jungle of mad monsters, foaming white at the mouth, roaring, snarling, snapping with vicious teeth. It was nearer now. Only a few minutes to live. A great, shaggy brute, bigger and wilder than the rest, charged it, caught it as it were on the tusks and threw it high to where it struck, beaten at last, with its nose on the outer rocks.

The first rocket was true, but as the line fell across the deck a great green monster sprang forward and downward. Only two men remained where there had been seven. The second line fell clear, but the third landed, and the survivors made it fast to a winch. The chair was half way out to them when the next cruel charge came. It beat one of them for, when the shining cataracts rolled from the deck it was a solitary figure that clung with arms and legs to the slippery metal. The buoy was waiting for him, but he dared not move. He chose his chance well, toppled across the perilous deck and got himself into the seat. Blinded and stung, he gripped the rope and was dragged through the welter of waters. His look was the look of a drowned man and his chilled hands held the rope with what seemed a death grip. It was only by force that the rescuers could unloosen the stiffened fingers and carry him to the station.

He gave no sign for a long while, and even when he breathed again an hour passed before he found his tongue. He lay there with blank eyes, his mouth half open, his jaw loose, no look of comprehension on his face. Not a word did he speak until, outside in the shed, the station mascot set to barking at the wind.

The man moved uneasily. "On de ship," he said, very slowly, each word apart. "On de ship I haf had von little dog."

And he wept, unrestrainedly, as a young girl weeps.—San Francisco Chronicle.

ALL PRAISE TO MARMALADE

Remarkably Capable Woman Satisfied She Owed Her Position to That Sweet Dish.

Two women—Queen Maud of Norway and Queen Alexandra of England—are geographically commemorated in the new south polar region so lately placed upon the map. Like honors were accorded several women in the far north many years ago. Lady Franklin bay, named after the heroic wife of Sir John Franklin, is well known through its association with the tragic story of the "Lady Franklin Bay Expedition," under General Greely, thirty years ago.

Another distinguished woman, Lady Franklin's friend, Mary Somerville, the famous astronomer and mathematician, gave her name to a tiny, frozen, desolate dot in the Arctic seas. The daughter of a fine old fighting admiral, Mrs. Somerville was always keenly interested in ships, sailors and explorations. So when her friend, Sir Edward Parry, was preparing for his third arctic voyage, she laid in a large supply of oranges, betook herself to her kitchen, and made an amazing number of jars of delicious orange marmalade, which she sent to him as her contribution to the ship's stores.

Three years later, when the expedition returned, Sir Edward informed her that an island had been named in her honor.

"Because of fame and friendship, he says," she wrote, merrily. "But I believe in my heart because of something quite different—less sweet than friendship, perhaps, but certainly, as a woman's achievement, preferred by most men to fame. My mathematics—no! my marmalade!"

If she did not so far outrank the rest of her sex in marmalade as in mathematics, Mary Somerville was none the less a very capable housewife. She was an economical manager, an exquisite needle-woman, and an excellent cook. As a young bride, she won the approbation of Doctor Somerville's family, who shared the contemporary prejudice against learned ladies, by making, under the grave difficulties presented by an ill-equipped, ramshackle country inn, the clear and delicious currant jelly that the fancy of a sick traveler craved.

"I never can forget," she recorded in her journal, "the astonishment expressed at my being able to be so useful."

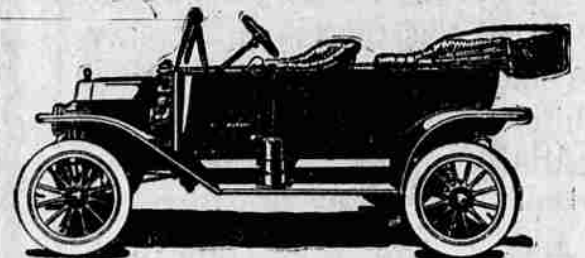
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