

La Grande Evening Observer

AN INDEPENDENT NEWSPAPER PRINTS THE NEWS THE DAY IT HAPPENS

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GOVERNMENT WINS AGAINST PHONE TRUST

TELEPHONE-TELEGRAPH TRUST
ADMITS IT VIOLATED THE
ANTI-TRUST LAW.

UNSCRAMBLING COMES AFTER YEARS OF LAING

Strangulation of Long Distance Business of Independents is Admitted, and Defendants Negotiate With Attorney General Relative to Wording of Decree Which "Unscrambles" Combine.

Portland, March 26.—An admission that the American Telephone and Telegraph Company, through its subsidiaries in the Pacific Northwest, has been operating in violation of the Anti-trust law, through strangulation of long distance competition on the part of independent companies, is made in a decree signed by Judge Bean. The decree settles with every detail in favor of the government in its suit filed last July against the so called "Telephone trust."

The decree is the result of another famous "unscrambling" of an anti-trust suit, ending in settlements that have been made by the government since McReynolds became attorney general. It is learned that the attorneys for the forty-two defendants have been negotiating with McReynolds on the terms of the decree for some time.

The decree affects a large number of companies in the Northwest, some of them being in Oregon.

FIRE ASSOCIATION MEETS.

Last Year's Directors Elected, but Williamson Fills Stange's Place.

At the meeting of the Fire association of Union and Wallowa counties this afternoon, convened for the purpose of electing directors and officers for the ensuing year, the directors of last year were re-elected with the exception that, in the place of August Stange, J. T. Williamson was elected to fill the vacancy created by Mr. Stange's removal to Wisconsin. In addition to the members already mentioned the following men will serve as directors for the coming year. Geo. Palmer, Geo. Stoddard, J. Jacobs Sr., of Union and G. E. Hayden of Wallowa.

The directors then elected their officers. These are president Geo. Palmer, vice-president, Geo. Stoddard, secretary, A. Wenzel.

The object of this association is to provide protection for timber lands against the ravages of fire. The local association co-operates with both the state organization and the federal department. An assessment of one cent per acre is levied on timber land and one half cent on land that has been logged to defray the expense of maintaining fire patrol.

BUSINESS IS GOOD.

That the cement block is here to stay and that it will be used more and more each year is the view E. C. Davis of the marble works, takes of the situation. He is adding a greater capacity to his plant and admits that his firm is behind with its orders. The block made this season is superior to anything yet on the market and its use in foundation, porch and residence construction is growing, according to those who have watched this line of industry carefully.

Appurtenant Water Theory Held Unconstitutional in North Powder Decision

State laws governing the state water board—in so far as they declare that the board has power to make water appurtenant to certain property, that is, water assigned to a specified tract of land for irrigation, must perpetually be used on that tract and no other—were today declared unconstitutional by Circuit Judge Knowles. The opinion attacks the validity of the law, in deciding a very important series of riparian rights on North Powder river adjudicated by the water board and appealed to the judicial court. Judge Knowles held that water rights are property rights, and can be sold, diverted or exchanged and need not be used perpetually on the tract specified by the water board.

The determination of the board of control of the relative right of the numerous water users to the waters of North Powder River which has been pending in court for some time was decided by Judge Knowles in the decision.

In the first determination made by the Board the water users were limited to one half an inch of water to the acre of their lands irrigated. This determination was set aside by Judge Knowles some time ago and the matter was referred back to the board for certain surveys to be made and the taking of further testimony. When the second determination was made, the water users were allowed one inch of water per acre up to July 1 of each year and one half inch thereafter during the season, the priorities of the several users being fixed in the determination. But the board determined that the water used should be perpetually appurtenant to the land on which the same had been used thereby in effect prohibiting its use upon other lands. The Haines Pipe Line people contested the findings of the board claiming the right to over six hundred inches of water with a priority as of 1868, which was denied by the board. The North Powder Milling and Mercantile Company claimed the right to 1,000 inches of water for milling purposes during the months of July and August of each year with a priority as of 1870 and Dalton Smith and McPhee claim a right to four hundred inches of this mill appropriation for irrigation purposes with a priority as of 1870 by purchase in 1906 from the Milling Co., both of which was allowed by the board.

Some fifty seven water users

through their attorneys Crawford & Eakin filed exceptions to numerous features of this last determination. Judge Knowles' decision approves the determination of the Board allowing all water users in accordance with their respective priorities one inch of water per acre up to July 1 of each year and thereafter for the balance of the season one half inch; he overrules the board in its determination in so far as it attempts to make the water perpetually appurtenant to the land upon which the same has been used; the Haines Pipe Line people are allowed one hundred inches of water with priority as of 1868, and six hundred inches with priority as of 1907; the determination of the board is affirmed as to the water claimed by the North Powder Mercantile & Milling Co., and Dalton Smith and McPhee during the months of July and August of each year. The water users excepting to this determination obtained a favorable ruling upon most of the points insisted upon by them except as to the water allowed the Milling Company and Dalton Smith and McPhee during the months of July and August. This feature of the decree entered by the court will in all likelihood be appealed to the Supreme Court by the excepting water users. Charles E. Cochran represented the Milling Co., Dalton Smith and McPhee before the court, and Claude McCulloch of Portland the Haines Pipe people.

TRAIN CREW EXONERATED

DEATH OF MRS. SALGNAER WAS
ACCIDENTAL.

Coroner's Jury Finds Engineer Not to
Blame—Funeral Tomorrow.

O. W. Employees bringing No. 17 into La Grande yesterday, were exonerated by a coroner's jury last evening of any blame for the instantaneous death of Mrs. Mary Salgnaer yesterday morning. It was shown at the inquest that the whistle on the locomotive was blown repeatedly by Engineer Raechlin, but that Mrs. Salgnaer and her son Joseph became frightened and excited at the approach of the train.

Mrs. Salgnaer was 78 years old, according to verified authority on the question. For 15 years she lived in the same house in Baltimore that was occupied by Mrs. E. E. Monsell, and when the Monsell family came to Oregon, Mrs. Salgnaer and her son Joe followed. This was about nine years ago. Shortly after the death of her husband, Mrs. Salgnaer went to Brazil but didn't remain long and came to America in 1848. "Grandma was like a mother to me these many years" said Mrs. Monsell today. For nearly a quarter of a century I have known her and always have I found her a beautiful character."

The funeral will be held from the Catholic church tomorrow at 9 a. m.

Salina People Arrive.

Mr and Mrs. Fred Boulder of Salina, Kansas stopped off in the city a number of days on their western trip to visit with friends in the valley. Incidentally they made this a trip of inspection, as they are looking for a new location. From here they go to Portland, Tacoma and Aberdeen, Washington.

GEORGE E. ROBERTS.

Director of United States
Mint Native of Iowa.



Photo by American Press Association.

REBELS ARE REGAINING LOSSES; BATTERIES SILENT

Washington, March 26.—Word has been received that an unidentified man on the American side near the border was shot by a Mexican standing on the Mexican side. Evidently both of them must have been very near the border. Consul Garret, stationed at Luvu-Laredo, sent the report to Secretary Bryan who immediately began an investigation.

El Paso, March 26.—Fighting was still in progress at midnight, according to dispatches from Villa to General Chao at Juarez. The message was filed from El Ver Jel, the base of Villa's operations five miles north of Palacio Gomez. The message stated that the rebels had silenced several of the federal batteries, and that they expected to recapture the Palace today.

The fifty armored autos which came

to the rescue of the federals, when they retreated into the interior, and which pounced upon them unexpectedly from ambush, are said to have done the most damage to the rebels. Villa became too eager, when the supposedly defeated federals withdrew and led the eager rebels into the trap laid for them by General Curren.

Federals Routed at Matamoras.

Brownsville, Texas, March 26.—A force of rebels arrived at Matamoras from Guerrero and told of the overwhelming defeat last Monday of twelve hundred federals under General Guardiola, who was on his way from Nuevo Laredo to attack the garrison of Matamoras. They say that Guardiola lost many of his men and was put to an ignominious rout.

O-W EXAMINATION CAR IN CITY

The O. W. Inspection car under the management of J. D. Matheson assistant superintendent of that road, is in the city for the purpose of affording a place to hold the annual examination of all employees connected with the department of transportation. The examination is oral and all engineers and firemen, switchmen, yardmen, signal men and others in any way connected with the transportation of trains will have to come before the examiner and his assistants to show how much they know about the four or five hundred rules in the book of rules pertaining to the transportation of trains. This examination will likewise take in all the officials of the company charged with the proper directive work and duties pertaining to their departments. The car will be here a period of two weeks more.

Mr. Matheson is well known here. For many years he acted in the capacity of engineer on this division and through application to work and study promoted himself to the position which he now holds.

PORTLAND ROSE SHOW MAN HAS VISITED FORTY CITIES.

Says La Grande Was Often Spoken of
by Easterners.

Arriving from the east this morn-

ing Joe Rieg, one of the managers of the Portland Rose Show, stopped off today to visit N. K. West and other friends in La Grande. He is returning from an advertising tour of the Middle and Eastern states where he went to tell the people of the great Rose Festival to be held in Portland this spring, and incidentally to arrange for the aerial events during the Rose Show.

He brings back eight entries in the balloon race and an official sanction of the event from the Aerial club. The entries are Chicago; Akron, Ohio; Springfield, Ill., three from St. Louis, Los Angeles and Kansas City. "I am very much pleased with the trip," said Mr. Rieg to a reporter for the Observer this morning, "I find an intense desire all over the country visited on the part of the people to come to Oregon and I might also state that many, many inquiries were made about La Grande. For some reason La Grande has a reputation as one of the best towns of the northwest and that reputation extends clear back to Chicago."

Blight War Begins.

Today a crew of men was set to work to clean out blighted trees in the Hunter orchard of 55 acres, lying North of the city. Fruit Inspector Claude C. Cate inspected the orchard and found immediate eradication a necessity. Complaint was heard last year against that orchard.

LIGHT RATE HEARING SET

AUGUST 10 IS TIME SET FOR
HEARING.

Commission Will Sit at Baker to Take
Up Light Rate Issues.

Final hearing dates have been set in the La Grande Commercial club complaint against rates charged by the Eastern Oregon Light & Power Company. Attorney H. E. Dixon, counsel for the club in the case, received instructions today from the railroad commission to be prepared to present the case August 10. The hearing will be conducted at Baker, and the entire system is to be involved in the hearing.

The preliminary hearing was held here a few weeks ago, ending in postponement until the company could be prepared to have its entire system put into the case at issue.

LACK OF DEFECT CLAUSE ON OST IS NOT SERIOUS

UNPROTECTED STREET WILL BE
REPAIRED BY USE OF
OTHER FUNDS.

JEFFERSON PAVING BILL HELD UP BY COMMISSION

Lack of Protection on O Street Is to
Be Escaped by Commission Holding
Out Enough of Other Bill to
Warren People—Expected Company
will make its Word Good.

Echoes of the councilmanic form of government came up in the regular commission meeting last evening when the necessary action to repair the pavement on O street hill was discussed. The commission has held out enough funds on the final payment of amounts due on Jefferson avenue to the Warren Construction company, to cover the expenses on O street where there is no 10 percent holdout. Last year, when City Engineer Neal recommended that the final estimate be paid on O street, less 10 percent, the council after some discussion, decided that the surety bond was sufficient and that it might as well pay the whole amount due. This was done, but on that street only for the policy of the council changed with Jefferson street and other small job lots of paving, and the usual 10 percent was held out for six months. Efficacy of the surety bond is proven nul by supreme court decisions.

The O street hill is breaking away and immediate action is needed. The council last year not having held out 10 percent, the city now has nothing to compel the company to repair the defects, other than the sums on Jefferson. About \$2,800 are still due there, and the commission last evening decided to withhold about \$1,300 to cover the expense of repairing one or two minor defects on other streets and the serious defect on O street. The company officials have reiterated, time and again, that the firm would make its defects good and no trouble is anticipated, it is said, in obtaining correction of the defects noted. At any rate, the commission deems it expedient to keep out about \$1,300 of the amount due the company on Jefferson street.

The curfew ordinance was laid over another week.

Peter Kuhn was present to bring up the lower Jefferson avenue matter which is hanging fire since last year, regarding assessments and arrangement of the storm sewer in the wholesale district. The matter was laid over another week.

Sidewalk Work Begins.

The commission also accepted specifications for a cement walk on the South side of N from Fourth to Walnut. This is the first big municipal sidewalk job of the year, and will be let April 8.

Thinks War Not Needed.

Chas. Paxton of Reo, New Mexico, is in the city looking over the valley. He comes from a desert part of that state which is now being irrigated and which he claims in time will be one of the most fertile spots in the United States. Relative to the Mexican embroglio he states that most people of the state are not in favor of war with that country and that the United States is better off in keeping hands off. Much of the population of the state is composed of persons of Mexican extraction.



PRINCE HENRY.

Royal Prussian Who May
Visit United States Again.