

La Grande Evening Observer

AN INDEPENDENT NEWSPAPER -- PRINTS THE NEWS THE DAY IT HAPPENS

VOLUME XIV.

LA GRANDE, OREGON, WEDNESDAY, FEBRUARY 10, 1915.

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EXTRA SESSION WILL BE ORDER FROM WILSON

DECISION REACHED AFTER
CONFERENCE WITH UNDER-
WOOD AND OTHERS.

APPROPRIATION BILLS AND SHIP BILL ON TAP

President Will Not Give Way—Fill-
buster Has Now Been Under Way
for About 50 Hours Without Ad-
journing—Opposition Seems to Be
Weakening Under Great Physical
Stress.

Washington, Feb. 10.—The senate is
still filibustering this afternoon.

Washington, Feb. 10.—President
Wilson will call an extra session of
congress to convene March 5th, if
Republicans insist in their filibuster
against the ship purchase bill. This
decision has been reached by the ex-
ecutive, it is learned. The session
will be instructed to consider appro-
priation bills that fall during the reg-
ular session.

At the same time an effort will be
made to push the ship purchase bill
through, and those two items will
occupy the attention of congress when
the special session is held. There ap-
pears to be no chance of a break in
the filibuster today.

President Remains "Pat."

President Wilson's decision to call
the extra session was reached at a
conference with Speaker Underwood
and democratic leaders of both houses
of congress. The executive wouldn't
drop his ship purchase bill at this or
the extra session.

Fillbustering Weakening.

At noon the senate had been in con-
tinuous session for 48 hours with no
adjournment in sight. The filibuster-
ers are apparently weakening.

Road Valuation Wanted.

An amendment to the sundry civil
bill eliminating the appropriation of
\$8,000,000 to be used in obtaining the
physical valuation of railroads was
defeated in the house today.

CHARITY BALL TONIGHT.

Event Is to Be Social Function of
More Than Ordinary Importance

Tonight Rex hall will be a glare
of dazzling light and exquisite music
will fill the large auditorium, the oc-
casion being the Charity ball, pro-
ceeds of which will be given to the
Associated Charities of La Grande.

When the Wednesday Evening
Bridge club started this social event
it is hardly likely the membership
of that club realized what an im-
portant undertaking they planned.
Throughout the city it at once met
with general approval and doubtless
this evening will see the largest
crowd of dancers ever assembled in
Rex hall.

The motive for having the social
occasion is so highly commendable
that many who have not danced in
years intend to be present. The old
folks quadrille will be a special fea-
ture of the evening, thus giving a
program number for the ones who
have long since ceased attending
dances but who still have the "chang-
es" firmly fixed in their minds.

All are working with a will to
make tonight a date to be remem-
bered in La Grande.

LEGALITY OF FACTS APPEAR UNCERTAIN

MANY GUESSES AT OUTCOME OF
OFFICIAL ACTS.

Was Ivanhoe or Hodgins Prosecuting
Attorney During the Past Month
Is Query Raised.

Union county has been claiming at-
tention over the state because of her
two cases in the Supreme court effect-
ing two county offices. The one case
involving a constitutional question
determining the term of county judges,
and the other also a constitutional
question determining the right of a
governor to appoint an official im-
mediately following a general election
to fill a term of office that would
extend to the next general election.

From the time each case was filed
the legal minds of the state have been
very much interested. Crawford &
Eakin, of this city, were attorneys in
the county judgeship matter repre-
senting the newly elected judge, and
in the district attorney case repre-
senting Col. Ivanhoe, the attorney in
office which office the governor
sought to fill by appointment.

With both cases decided yesterday
now comes the aftermath. In the
judgeship matter procedure seems
reasonably clear to the layman and
within a short time Frank Phy will
doubtless be proclaimed judge of
Union county. In the district attorney
case the matter seems to be a closed
incident with the court's final deci-
sion and F. S. Ivanhoe will be district
attorney until January 1, 1917.

But the question now argued by
the court house lobby and other citi-
zens is whether the acts of Mr. Hodg-
ins, as prosecuting attorney for the
past month through appointment of
Governor West, will be legal; whether
there can be questions raised be-
cause the Supreme court has held that
Ivanhoe was the district attorney
during that time, and whether Mr.
Ivanhoe or Mr. Hodgins is entitled to
draw the salary of the office for the
past month.

Some contend that different Su-
preme courts have held in similar
cases that trials held during the time
of such contest are uncertain; that
there can be no defacto attorney and
de jure attorney at the same time.

It will be remembered that Mr.
Ivanhoe appeared in court and in-
sisted that he was prosecuting attor-
ney when Mr. Hodgins took the office
and that the court recognized Mr.
Hodgins as prosecuting attorney. Thus
the complication arises and the food
for speculation on what may follow
increases.

But one criminal case, that of State
vs. Wolf has been tried by Mr. Hodg-
ins during the short time he has acted
in the capacity of prosecuting attor-
ney.

THREE MEALS COST \$20

Twenty dollars for three
meals is some high cost of liv-
ing all right, at least Fred
Buck thinks so. Buck took a
couple of friends into the Mer-
chant's restaurant yesterday
evening and after ordering
"three squares" and doing jus-
tice to the same, refused to
pay for the service, although
he is said to have had plenty
of money in his pocket at the
time. Judge Eakin heard the
case this morning in Municipal
court and imposed the \$20 sen-
tence.

LOVE, WOMAN, AUTO, LEAD TO COURT HEARING

HEART-GRIPPING ROMANCE. A
LA POOR PAULINE IS COURT
ATTRACTION.

JOSEPH SHEEPHERDER AND LA GRANDE GIRL AT OUTS

Romantic Courtship Blissful; Then
Came Auto Rides, Then a Gift of
An Auto to the Girl—New Beer
Bottles and Fond Carasses Keep
Mr. Johnson Guessing—Witnesses
Grilled.

Woman plus affection plus an au-
tomobile have combined to make life
interesting and troublesome for one
Tom Johnson, sheepherder and cattle-
man from the Joseph country, and in-
cidentally form the ground work for
one of the most interesting cases to
come up in circuit court at the pre-
sent session.

Tom Johnson, sheepherder, toiling
among his flocks day after day,
wandering around over the hills and
valleys of Wallowa county, succeeds in
accumulating sufficient of this world's
goods to become the possessor of an
automobile. Tom Johnson, alone with
his flocks amid the peaceful surround-
ings of dame nature, was happy and
contented. Tom Johnson, automobile
owner, surrounded by the love and af-
fection of other dames, finds life an
altogether different problem.

The case which appears in court
under the title of Johnson vs. Brace,
is a replevin action brought by John-
son to recover possession of the au-
tomobile, which, according to testi-
mony adduced in court, he had given
to one May Pearce, and which she
in turn had turned over, for safe keep-
ing, to Parker & Brace, of this city,
in whose hands it was when the ac-
tion to recover was brought last Aug-
ust.

According to the testimony of John-
son, he had given the car to May
Pearce under a promise of marriage;
in fact, so infatuated with the woman
in the case was Johnson, at that
fateful time, that he was ready to
part with any or all of his possessions
at her command, so he claims. Late,
in the play, however, Johnson awakes
to the startling realization, he alleges,
that the woman in the case had al-
ready been claimed in marriage and
that any promise along that line which
he might hold took only second place.
And right there is where he decided
that he wanted the automobile back,
he says.

And, strange as it may seem, John-
son is as yet at a loss to understand
the woman in the case, who one mo-
ment caresses him with tender affec-
tion and the next with a beer bottle,
as he alleges and she denies. Joy
rides in which showers of affection
sprinkled down in copious quantities
upon Johnson's heart and in which he
was told that he was the prettiest
man in the world, also play an im-
portant part in the court's proceed-
ings.

On the other hand May Pearce
claims to hold a bill of sale giving to
her undisputed possession of the au-
tomobile, and the testimony intro-
duced shows, and Johnson admitted,
that she was given such an instrument,
and that she has had the car in her
possession since. Testimony was in-
troduced this morning showing that
Johnson had said to the several wit-
nesses produced, that he had given
the car to the woman, that it belong-
ed to her and that he knew all the
time what he was doing when he gave
the bill of sale.

The defense is claiming that the
transaction was an outright gift, while
the plaintiff claims that he was over-
come by persuasion and fraud to give
the car to the woman. Yesterday
afternoon, Colon R. Eberhard, who is
representing defendant, gave some of
the witnesses for the plaintiff a
gruelling cross-examination, while
this afternoon, R. J. Green, who with
Daniel Boyd, of Enterprise, is repre-
senting Johnson, returned the com-
pliment in his cross-examination of
the witness, Mrs. Pierce concerning
the situation under which she got the
car and bill of sale from Johnson.

Heart-grIPPING romance sparkles
throughout the whole proceedings, and
such spectators as have been follow-
ing the case emulate "Poor Pauline"
at the picture shows as they follow the
ups and downs, successes and defeats
that are clicked off with moving-
picture realism on the witness stand.

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Old-Time Democrats Bolt Party



SENATOR CLAPP.

dent Wilson had engaged with the
members of the upper house. The
feeling against him there, it has been
claimed by political enemies, has been

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WRIT AWAITED BY NEW JUDGE

ATTORNEYS FOR PHY, OUTLINE
PROCEDURE.

Certificate of Election Will Be Issued
When Writ Arrives.

Now that the Supreme court has
rendered a decision on the county
judgeship of Union county and has
determined that Frank Phy, who was
elected last fall, is entitled to the of-
fice, the question naturally arises at
what time will Frank Phy be trans-
ferred to Judge Phy.

In the court's decision Justice Moore
and Justice Burnett dissented.

A reporter for the Observer today
interviewed both Mr. Crawford and
Mr. Eakin on the matter and each
outlined the procedure, necessary to
follow before the office of county
judge would be transferred from Judge
J. C. Henry to Mr. Phy. Following
a supreme court decision of this na-
ture a peremptory writ of mandamus
is issued by the court. In many cases
this writ is not issued for several
days in order to give the losing litig-
ant time to file objections. However,
it is doubtful if this will apply in the
Union county case for it has a differ-
ent phase in that it is a decision of
a point where there is no question
about an official's election, but was
a question relative to the term of
office of his predecessor. In view of
this fact, both Mr. Crawford and Mr.
Eakin have reason to believe that the
writ may come from the supreme court
at once.

Upon the arrival of the writ, Coun-
ty Clerk Wright will at once issue an
election certificate to Mr. Phy who
will take the oath of office and as-
sume his duties.

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RUSSIANS AND GERMANS FORM FOR NEW FIGHT

BATTLE DESCRIBED AS MOST
DECISIVE OF ANY YET
FOUGHT, SHAPING.

CARPATHIAN HILLS STREWN WITH DEAD; SNOW DEEP

Berlin Admits Truth of Statement
From Petrograd that a New Battle
is Being Prepared for—Much Fight-
ing of a Preliminary Sort Has Been
Going on and Losses are Heavy.

Washington, Feb. 10.—The state de-
partment this evening declined to dis-
cuss the charge that the Canadian liner
Orduna had used the American flag
in the Irish sea, as charged by pas-
sengers at New York today.

Berlin, Feb. 10.—Germany's war
office has admitted an extensive and
general battle is developing in Prus-
sia, but declared the fighting has not
entered a decisive stage. Deep snow
is proving a great hindrance to op-
erations in the Carpathians and Rus-
sians are resisting stubbornly in the
Balka pass, and continuously bring-
ing fresh troops into action, the state-
ment added.

Petrograd, Feb. 10.—What prom-
ises to become one of the most sa-
guinary and decisive battles of the
war is developing from desperate
fighting for the possession of slopes
and passes in the Carpathians.

The mountain sides are strewn
with dead. Russians have confined
the Austro-German forces, which are
heavily reinforcing, to carry the
fight to a conclusion. Several re-
pulses of the Germans at Bartfeld,
Svidnik and Lupnow passes is an-
nounced by the war office. These en-
counters resulted in many prisoners
for the slavs, it is affirmed.

French Announce Victories.
Paris, Feb. 10.—Attempts by Ger-
mans to carry by a general infantry
assault the French positions North-
east of Maronville and Lorraine,
were repulsed with heavy losses. The
announcement made today. The
victory is believed to mark the re-
sumption of active operations in this
province.

The weather is moderating.

From the Aisne to Champagne
artillery duels command attention.

Other German Losses Noted

London, Feb. 10.—Germans sus-
tained enormous losses in fighting
along Borzhymow line in Poland dur-
ing the last week, according to the
Star's Petrograd correspondent. He
estimates not fewer than 50,000 Ger-
mans were killed and four times that
number wounded as a result of the
fighting. No information is given as
to Russian losses.

Official Text Received.

Washington, Feb. 10.—Official
text of the memorandum to the press
recently issued by the German govern-
ment explaining its recent order
in extending the war zone to British
and French waters, was submitted
to the state department by the Ger-
man embassy today. It will be
translated and compared with the
text published in American news-
papers. The state department will

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FAIR PROBLEMS WEIGHED

Filled with enthusiasm engendered
by a knowledge of adequate support
at home to make their efforts a suc-
cess, representatives of all of the
counties included in the Eastern Ore-
gon Fair Exhibit association met
with the Union county commissioners
in this city yesterday evening in an
effort to secure greater support for
the project from this county.

Among those represented at the
meeting were C. K. Cranston, of Pen-
dleton, secretary of the Pendleton
Commercial club; J. F. Weaver, of
Ontario, county commissioner of Mal-
heur county; Judge McKnight, of
Vale, County judge, of Malheur; J.
A. Lackey, of Ontario; J. Ross Leslie,
of Enterprise, representing Wal-
lowa county; Walter Meacham, of
Baker, secretary of the Baker Com-
mercial club; and Robert Withy-
combe, of Union, manager of the
Union experiment station and presi-
dent of the Exhibit association.

Considerable work has already
been done by this organization and
substantial support is being given
the project in practically every
county included in the Eastern Ore-
gon group. J. Ross Leslie stated
that the Wallowa county commis-
sioners had already appropriated

\$1500 to that county's share of the
expenses and that the people of the
county would donate further should
it be found necessary in order to
make the venture a complete success.
A feature of the Wallowa county ex-
hibit will be an immense picture
showing the beauties of the scenery
that abounds in that section of the
state together with its agricultural
resources.

Judge McKnight stated that Mal-
heur was already into the game \$1500
worth and ready to go deeper if
necessary. The judge is behind the
project with all that is in him and his
presence at a meeting such as was
held yesterday evening cannot but ef-
fect those with whom he comes in
contact.

Umatilla county has appropriated
\$1000 to the exhibit fund, and in
Baker county the farmers and stock
men have already subscribed \$500
to the fund, the Commercial club has
added another \$500 and the lists are
still open with more subscriptions to
be received so that it is altogether
probable that Baker county will con-
tribute \$1500 to the fund.

Union county so far has been

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MERCHANTS DINE AND PLAN

Electing directors for the coming
year, reviewing the work accom-
plished during the past year and
boosting for as large an attendance
as possible for La Grande to the
coming state meeting at Portland,
formed the greater part of the pro-
gram at the annual meeting of the
Merchants' Association at Honan
hall last night.

Over 50 members of the Associa-
tion sat down to the banquet served
by the ladies of the Episcopal Guild,
which preceded the business of the
evening and in which the noted cooks
of that organization exerted their
best knowledge of the culinary art
in preparing a spread that made the
merchants feel that the banquet
should be made a more frequent oc-
currence than annual.

In the election of directors Nor-
man Deilitt, Fred Geibel, Geo. Gil-
bert, F. L. Lilly, E. Polack, F. D.
Haisten and L. J. French were se-
lected to guide the destinies of the
organization for the coming twelve
months. From this group will be
selected the officers of the associa-
tion at an early date.

F. D. Haisten, president and Chas.
Albert Small, secretary of the asso-
ciation, briefly reviewed the work

accomplished by the organization
during the past year and Mr. Haisten
also took occasion to urge attendance
at the state convention which meets
in Portland Monday. Already ten
members of the association have sig-
nified their intention of attending
this meeting, and others will go if
business permits. The La Grande
delegation will leave here Sunday
evening and all who have not yet
signified their intention of attend-
ing, but who have decided to go,
should notify either J. G. Snodgrass
or E. Polack before Friday in order
that arrangements can be made for
proper accommodations.

CLIMATIC DATA.

Climatic data, based on read-
ings for 24 hours ending last
night at 6 o'clock:
Maximum, 55; Minimum, 48.
Lowest temperature last night
29.