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CITY ACCEPTS O-W PROPOSAL FOR VIADUCT

LONG NEGOTIATION-PERIOD IS
APPARENTLY OVER—MCKEN-
NON STEADFASTLY OP-
POSES

LIGHT QUESTION NOW
UP FOR FINAL ACTION

By Terms of Proposals Company Will
Build Entire Structure and City
Must Take Care of Property Dam-
age at the Approaches and Main-
tain the Approaches.

La Grande's City commission has accepted the offer of the O-W. concerning the North Second street viaduct. By the terms in the proposal the company will build the entire structure, details and dimensions of which have often been explained in the Observer, and the city will pay for property damage for right of way to the approaches, and maintain the approaches while the company maintains the bridge which spans O-W. The acceptance of the company's offer allows the company to increase its yard trackage, a very pressing necessity.

The matter was turned down flatly by the commission a few weeks ago, but now a majority have voted in favor of acceptance. These were Commissioners Vincent Palmer and S. R. Haworth. J. D. McKennon continued to oppose acceptance and voted against it at the final vote.

It is not definitely known if the company will be able to build this fall or not. It stood ready to do so earlier in the fall, but the commission's turnaround prevented construction at a suitable season. Final announcement in this matter is expected in a day or two.

Light Question Up Next.
With one question that has aroused a great deal of discussion among citizens for several years—more especially wide-spread discussion since the company made its offer to erect the whole structure at its own expense—now finally and for all time settled the renewal of the light contract looms up as the next important municipal question.

An informal conference between General Manager Harmon and the city officials was held last evening preliminary to taking final action thereon next Wednesday night.

When the commission ordered numerous arcs taken out recently and smaller and cheaper lights installed in the residence district, it had in mind that it was better to have smaller lights and more of them, than fewer big arcs. But the changes ordered amounted to about \$600 in expense money. A bill for this work has been with the city officials for some little time.

Last evening a definite proposition was made. The Eastern Oregon Light & Power company will shoulder this account itself if given a five-year contract for lighting the city. It also proposes to accept a three-year contract and the city pay the \$600 or approximately that amount. Commissioner Haworth opposes the long-time contract and said today he would continue to oppose it.

The contract is virtually the same in amount as the expiring contract, but the city has more small lights and fewer big lights than before.

It is reported that the appropriation for the project expires December 31 this year and the work must begin ere that date to enable the company to retain the funds long ago set aside by budget for the purpose.

Senior Gym Classes Resume Activities

After two weeks of delay brought about by Halloween and election affairs, the senior class at the Y. M. C. A. took up its regular schedule last evening. Some new paraphernalia has been added and circus stunts are now regular features of the apparatus work. This class jumped into big numbers from the start and when winter really comes on this will be one of the best-attended classes of the whole gym course.

District Attorney Answers Mr. Newlin

Calls Attention to Yesterday Evening's Communication and Answers Criticism Made Therein.

La Grande, Nov. 10.—(To the Editor)—I note in your issue of last evening an article, signed by Adolph Newlin, wherein certain alleged actions of mine, as public prosecutor, are held up to adverse criticism, although the text of and excuse for the article seems to be a complaint that the Observer from time to time has placed on the first page articles giving particulars of transactions in the criminal courts, with some of which Mr. Newlin seems to have been connected. It follows, without even the statement of it on my part, that I have had and could have had no authority or power to say whether the Observer placed such matters on the first page, the back page, an inside page, or completely omitted to mention them at all. And I do not believe that Mr. Newlin's complaint will have the effect of forcing the Observer to adopt the latter course for the special benefit of him or anyone else.

Respecting the circumstances of the publication of the facts in connection with the issuance of the bench warrant on Thursday morning for the absent witness of the state, who had been subpoenaed for more than two weeks before the trial, and who is said to have been in La Grande without the knowledge of the officers, and for a short time, two days before the trial, I can state that the reporter for the Observer got his facts from a court official about the proceedings had in court, and came to me with an inquiry regarding the same just as I was filing with the clerk the document published. The reporter secured the copy then. County clerk-elect McCormick heard and saw all that transpired.

Mr. Newlin refers to what he terms case after case brought against him, at my instance, for the alleged illegal sale of alcohol. He then proceeds to tell what happened at the trial which was to have taken place on the tenth day of October, 1916.

Mr. Newlin quoted.
The article then goes on to say: "McDonald was in court then. It was found that there was a defect in the indictment. My attorney offered to waive the technicalities and asked that the trial proceed. No, that wouldn't do. The matter must be submitted to the grand jury, and then, again, 'the Newlin trial was postponed.' It was through no fault of mine."

The facts are that, prior to the formation of the jury and to the time it was sworn to try the case, I notified the attorney for the defendant, during a whispered conversation, that there was a slight error in the name of the person to whom the liquor was alleged to have been sold, in the indictment, and that I would ask to make an amendment in the body of the indictment so as to make it read "H. D." instead of "J. H." McDonald, as erroneously stated therein. He assured me that would be all right. Later, and after the jury had been sworn, the matter came up, and when I asked authority to make the amendment, Newlin's attorney then stated he had misunderstood me and that he objected to the amendment to make the amendment without the consent of defendant and stated the matter would have to be returned to the grand jury, as it appeared to him. Defendant's attorney then remarked he did not see that anyone had authority to make the amendment on a material matter, and all then agreed the name of the alleged buyer was a material allegation. I assert that no one for Newlin offered to waive the technicalities. The finding of the court, as contained in its journal, (Vol. Y, p. 242) says:

Court Records Quoted.
"And that by reason of the same there is a fatal variance and that defendant objects to the amendment of the indictment to show the sale to have been made to H. D. McDonald, etc."

Thus it is seen that the quoted statement of Adolph Newlin in his said article relating to his action over the technicalities is false, and since he was there at the trial there seems little escape from the conclusion that he knew it to be false when he published it. It is a rule of law that where a witness is shown to have testified willfully falsely to a material matter, the jury is authorized to disregard his whole testimony, unless such witness is otherwise corroborated.

The first indictment found against Adolph Newlin for violation of the prohibition law, through alleged illegal sale of alcohol, was filed February 25, 1916, and charged an alleged offense on February 7th, 1916, by selling to Grant Lyman. Lyman was gone when the time for trial came, and a continuance was secured.

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REPUBLICAN LEADERS STILL REFUSE TO CONCEDE DEFEAT

Fraud Charges Revived: Count Shows Little Change Over Yesterday's Figures.

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New York, Nov. 11.—(United Press)—Gov. Hughes withholds his congratulatory telegram to Pres. Wilson until the official count of votes is made in California, New Mexico, North Dakota and New Hampshire. If the official count confirms the Democratic victory, Hughes won't sanction court proceedings, or vote contests.

Republicans are not willing to concede defeat because a change of 8000 votes in a close state might make Hughes a winner. Unofficial returns show Wilson's lead in California is 4000, and New Mexico 2300, North Dakota 1500, and New Hampshire 100. Hughes' lead in Minnesota is 600, but the soldier vote is still uncounted.

Republicans figure Hughes carried Minnesota, making a total of 255 electoral votes. If the recount shows New Hampshire, North Dakota and New Mexico Republican, and Hughes gains a portion of the California votes through a split there he may be elected yet.

Republican Chairman Wilcox has refused to concede defeat. He said: "We are getting many charges and suggestions of fraud, a stream of letters and telegrams is coming. We turned all over to the state chairman, asking investigation. The national committee itself is making no investigation, but simply awaiting the final returns."

Wilcox especially emphasized mistakes in counting, rather than laying stress on fraud charges. He cited the fact that Democrats in 1912 claimed California by 3000, when the official returns made a split vote. Wilcox confers with Hughes late this afternoon.

Mr. Hughes arrived by auto this morning.

Concord, Nov. 11.—(United Press)—Late returns including all districts show Hughes 43,724, Wilson 43,468. Hughes' plurality 256.

Soldiers Ballots Arrive.

St. Paul, Nov. 11.—(United Press)—Two thousand one hundred and fifty-six Minnesota militiamen's ballots have reached St. Paul and were immediately rushed to the state house and packages were handed the state secretary. They were forwarded unopened to county auditors throughout the state.

Wilson's Lead Under 2000.

Bismark, N. D., Nov. 11.—(United Press)—With 15 precincts missing, the North Dakota vote is Wilson 54,279, Hughes 53,164; Wilson's lead 1115. The 15 missing precincts are small and it is believed they will increase Wilson's lead.

Enormous Vote Suspicious.

New York, Nov. 11.—(United Press)—Hughes outwardly reveals no feelings but neither Hughes nor his personal staff conceded defeat. It is reported they are quietly investigating the enormous increase in California's total vote.

Church Tag Day Is Set For Saturday

Plan Is To Get Enormous Audience Into All Places of Worship a Week From Tomorrow.

Next Sunday is go-to-church Sunday. A week from today every church in the city, Protestant, Catholic or otherwise, will be asked to send out taggers with little placards saying: "I am going to church tomorrow, are you?" These will cost nothing but are reminders of the day to be celebrated.

Proselyting in taboo. When workers for the movement ask anyone to attend church it will be understood that no specific church is to be mentioned. The aim of the prime movers is to get people into some church Sunday of next week, who do not make a regular practice of being in a house of worship on the Lord's day.

Road Bonds Carry in Wasco.
The Dalles, Ore., Nov. 11.—(Special)—The Good Roads Bond issue carried by 300 votes.

FOOTBALL SCORES.

Cambridge, Nov. 11.—(U. P.)—Harvard today kicked a field goal against Princeton and won by that margin.

At New Haven Yale was defeated by Brown 21 to 6.

At Portland—End of 3rd quarter Oregon 3, Washington State 3.

At Seattle—3rd quarter O. A. C. 0, U. of W. 7.

At Elgin—Elgin high 13, Wallowa high 12.

At Baker—First half, Baker 14, La Grande 0.

ARABIAN COURT CREATED

America Hears New Government Has Been Established at Mecca.

Washington, Nov. 11.—(United Press)—The state department has received a Mecca cablegram announcing the independent Kingdom of Arabia has been established.

GOVERNOR GENERAL SEATED

Duke of Devonshire Takes His Office in Canada as Governor.

Halifax, Nov. 11.—(United Press)—Duke of Devonshire has arrived and was sworn in as Canada's governor general today.

Mackenzies Forced To Leave Cernavoda

Before Evacuating Germans Apparently Fired the City—Heavy Conflicts Proceeding at various Points.

Petrograd, Nov. 11.—(United Press)—The Russian fleet has shelled the Roumanian Seaport of Constanza, aiding the Russian Dobrudja armies. Great damage was done. Mackenzies' left rests on the Danube near Cernavoda, right in Constanza.

Confagration at Cernavoda.

Rome, Nov. 11.—(United Press)—Bucharest has wireless that Mackenzies is retreating from Cernavoda positions. A great fire is raging near Cernavoda. It is believed the Germans fired the city before evacuating. The Bulgarian population is fleeing toward the border.

British Make Advances.

London, Nov. 11.—(United Press)—Gen. Haig has reported British, despite a terrific fire, stormed, and captured the eastern portion of an important Regina trench last night. They took the western portion earlier. British consolidated their positions.

Aviator Hero Scores 21.

Paris, Nov. 11.—(United Press)—Germans sustained serious losses in attacking the French near Denicourt. French maintained all their ground. There is heavy cannonading at Lesboeufs, Sully and Sailly. Five German aeroplanes were destroyed. Aviator Guyemer wrecked two, making his total 21.

Mother And Wife Suddenly Taken Away

Mrs. Dan French Dies Suddenly After Very Brief Illness—Four Little Tots Survive Her.

Four little children were left motherless and a husband wifeless when Mrs. Dan French was suddenly called by death about 4 o'clock this morning.

Mrs. French was indisposed last week but was better up to last night. Early this morning her heart failed and she passed away. Four children, Arthur, Louise, Ida and Jean, and the bereaved husband survive.

Mr. and Mrs. French came to La Grande from Dodge City about three years ago and Mr. French has been employed in the O-W yards here. He is a son of Mrs. Idaho French.

The sudden death has been a terrific shock to the family and their many close friends.

The funeral will be held Monday afternoon from the home at 904 Third street at 2 o'clock.

Genial Dave Missed By Fellow Citizens

Untimely Death of La Grande Merchant Grieved At—Long-time Affiliation With Business Made Him Well Known.

Few men in Union county have longer business careers in this county and yet be comparatively young in age than the late D. M. Clark whose untimely death shocked the city and county a week ago tomorrow morning. As a boy of 13 or 14 he came to this valley with his parents, having been born in Middleton, Orange county, N. Y., Dec. 25, 1867. When a boy his parents moved to Texas and lived there nearly three years and then came to the Umpqua valley and soon after to the Grande Ronde. In the year 1892 he was married in La Grande to Sadie Bates and for 24 years the two lived a happy contented and honorable life. Two children, Frankie, a student in Spokane, and Adelaide, a grade student here, were born to Mr. and Mrs. Clark.

For 13 years Mr. Clark was employed with J. M. Berry, now of Portland but for many years in business in this city. At the expiration of that period Mr. and Mrs. Clark went to Cove and for 11 years Mr. Clark was in business for himself there, in a general mercantile line. A vacancy in the assessor's office at La Grande was filled by Mr. Clark through appointment and he moved to this city and made his home continuously here since. Politically he was a consistent and whole-hearted Democrat and took active part in guiding the destinies of that political faith in the county and state.

After retiring from the court house office, he opened a grain and produce brokerage office and was also secretary of the Commercial club for a time. About two years ago he formed a partnership with Will Sawyer and did a produce and fuel business which was in a flourishing condition when diabetes made a victim of Mr. Clark.

Aside from the widow and children named, several close relatives survive. They are: The mother, Mrs. Fanny A. Jeffries, who is here from her home in Palouse; a brother, Ben, of Palouse, and a sister, Katherine Baird of Clarkston, Wn. His sisters-in-law include Mrs. A. L. Richardson of La Grande, Mrs. G. B. Foreman and Mrs. H. D. Mapes of Los Angeles, and a brother-in-law, O. G. Bates of Ely, Nev.

Seymour Manning an uncle, of Colfax, Wn., was also in attendance at the funeral which was held Thursday from the Episcopal church, Rev. Up-ton H. Gibbs, the rector, officiating with the assistance of Rev. G. L. Clark of the Presbyterian church where the deceased was a regular worshiper. Interment took place in the Masonic cemetery. The floral tributes at the church and the grave were banded in great profusion and gave silent testimony of the high esteem the deceased was held in his home town.

Fraternally the deceased was a Modern Woodman and a Woodman of the World, having been an officer for several years in the latter order.

Dave Clark was all that an exemplary citizen should be. He held dearest and nearest his home and loved ones; his city and county were to him a big factor and to them he was always loyal. Industrious, always busy; joining the mad rush after the dollar which characterizes the age in which he lived, he came to know and be known as a man with quality and character, and wherever Genial Dave was met, there was always a smile and cheery word. No day so hot or so cold or so clouded with the cares of life but that there was time for Dave to say, "Hello" heartily.

Of late years retail merchants came to know his step well and now that he no more delivers produce early in the day ere the shoppers begin to call at the stores, merchants miss him and miss him much. Of him much more might be said and deservedly, but briefly, Dave Clark's personality will long live and The Observer can leave the fact with his loved ones as a mission of comfort that the whole community partakes in the grief of the untimely demise.

MINERS RUSHING RESCUE WORK

Peculiar Seismic Disturbances Cause Cave-ins in B. C. Mines.

Fernie, B. C., Nov. 11.—(U. P.)—Relief gangs are working feverishly, especially in number one East mine, in attempting to reach John Janiak, the only victim of several cave-ins, following a remarkable series of seismic disturbances. Janiak is probably dead. If living it is not expected he will survive the days which may elapse before relief reaches him. Chief Inspector Graham has arrived at Victoria, and is examining the damaged workings. Mine work has practically ceased. Few men are willing to enter the mines after the accident.

BONE DRY LAW AROUSES MUCH DEEP THOUGHT

MANNER OF IMMEDIATE EN-
FORCEMENT OR DATE THERE-
OF, ARE MOOTED TOPICS.

COMMON CARRIERS ARE THEMSELVES UNDECIDED

District Attorney Thinks Safest Way
Is to Deliver No Shipments Not En-
Route on Tuesday—Salem Mandate
Date May Be Accepted as Moment
of Effectiveness.

With the bone-dry amendment seemingly a matter of law now, Oregon authorities face a dilemma as to when the citizen-made measure becomes effective. All agree that rulings of the Supreme court make such measures operative the moment the last vote is counted, but it has been found impractical to enforce laws on such a theory and it has been the custom to await the proclamation of the governor which is usually made before Dec. 10th. In this particular case district attorneys disagree. As for Union county, District Attorney Eberhard expresses the belief that to be on the safe side, carriers should not make deliveries of liquor sent from point of origination after last Tuesday. Shipments en route by Tuesday can be delivered.

Some authorities contend that it is safe to receive the usual 28-day drought pacifier up to the time the governor makes proclamation. Common carriers are today investigating the matter and may themselves refuse to make deliveries hereafter, or, on the other hand, may decide that it is safe to await the mandate from Salem. In the meantime, the matter is more or less uncertain but a very vital matter. Scores of La Grande people are awfully anxious to know if they can get "just one more consignment" ere this new state of affairs in Oregon becomes operative.

In case the bone-dry measure does go through, there are questions as to its constitutionality. There is little doubt that this question would be put up to the courts for decision. Moreover those who favor the present prohibition law assert that the absolute dry measure opens a way for wholesale importations of wet goods, which can be closed only by additional legislation by the legislature.

The amendment as it stands says this: "No intoxicating liquors shall be imported into this state for beverage purposes."

The phrase, "for beverage purposes," makes it necessary to show that each importation of liquor is for beverage purposes to prove a violation of law, it is declared.

Likewise the legislature may enact more stringent legislation concerning the legal effect of possession of intoxicating liquors, thus obviating any deficiency there may be in the bone-dry amendment whereby it may not be sufficiently far-reaching in its terms to satisfy the federal mandates.

Proclamation Deemed Necessary.
At Salem, press dispatches say, authorities believe a gubernatorial proclamation is necessary because the measure in discussion is a constitutional amendment.

Dental Association Will Convene Here

Dr. Mossman has just returned from Baker where he interviewed the officers of the Eastern Oregon Dental society and secured their promise to call a meeting of that society in La Grande for some date early in December.

Dr. Brownson will go to Pendleton to see the dentists there and urge their attendance in this convention. It is hoped to have in attendance all the dentists of Baker, Pendleton, on the Joseph branch and any others who may be induced to come.

The purposes of this convention are: To discuss new methods of practice; exchange views on all matters pertaining to the profession, that the members may keep up with all advances that are being made and to promote good fellowship.