

LOCAL MEN DENY THEY'D BEEN DRINKING

CIDER THE ONLY BEVERAGE THEY HAD TAKEN AS THEIR STORY.

CIDER WAS SWEET AND NOT HARD

Reputation of Jake Biever, Roll Baker and Ed Boylen for Sobriety Good—Judge Finn States the Law of Personal Liberty and of Resistance to Unlawful Arrest.

The trial of Jake Biever, Roll Baker and Ed Boylen, charged with drunkenness was continued last night in the Municipal Court.

Frank Lilly, local hardware merchant, the first witness to be called, testified that Boylen had been in his employ for a period of about five years and that during that time he had never seen Boylen under the influence of liquor or had even seen him take a drink. Mr. Lilly stated that he had been driving in his car and on returning to town somewhere near 5 o'clock was told that the three defendants were in jail. He went at once to the jail to bail them out, but was told by Policeman Christensen that Rayburn had gone to dinner and had told him (Christensen) to leave the prisoners there until he returned. Mr. Lilly then hunted up Chief Rayburn but chief refused to let the men out on bail at that time. At 10 o'clock Mr. Lilly went back and secured the release of the men on bail. The men appeared to be sober.

Wright was then called and Attorney spent 15 minutes endeavoring to prove that the cider was intoxicating. Whether the cider was sweet or hard called for a lengthy discussion despite the fact that the defense produced an analysis of the cider which showed it to be sweet.

Marcellus Roesch, son of Julius Roesch, who is engaged in the bottling business was next called. He testified that the cider was sweet.

A. V. Andrews was next called and he testified that he had known Roll Baker for a number of years and had never known him to become intoxicated nor had ever seen him indulge in intoxicating liquor.

Jake Biever was then called and he related the story as it appears on this page.

He was followed by Ed Boylen, who corroborated his statements. Both men stated emphatically that they were not drunk and had not taken a drink of any kind of intoxicating liquor whatever during the day. Boylen further stated that Christensen, when asked if they could use the phone, intimated that if he allowed them to he would lose his job.

Rayburn was again called to the stand and testified that he had seen Baker on at least one occasion intoxicated in the store of William Ash where he was employed.

Mr. Ash on being called stated that he (Ash) had never seen Baker intoxicated in his store or any place else and that if Baker had been in that condition he had never been aware of it.

In presenting the case, Judge C. H. Finn, attorney for the defense, made the following points: No one but the police officers said the men were disorderly; no one but the officers said they were intoxicated; no one but the officers saw Biever hit the chief; no one but the officers heard the chief tell the men they were drunk. On the other hand many reliable citizens stated emphatically that the men were not drunk; that they were not disorderly; that they were men of good habits.

"The law states," said Judge Finn, "that the right of personal liberty is a fundamental law and that it is lawful to resist unlawful arrest. It further states that the right to resist unlawful arrest is unlimited. As no misdemeanor was committed this officer committed a crime in arresting these men unlawfully."

"This officer," he said, "is a man who sees everything wrong and no good. He attempted to be officer, court and jailer all at once. There has been too much of this sort of thing in this town. It is time to call a halt, it is time that this officer should learn his duty. I venture to say that there is no other officer in the state so brutal as he."

"I submit the following ruling: In the absence of a governing statute a police officer may not make an ar-

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ALBERT SPALDING



Albert Spalding, the world-renowned American violinist, has canceled his entire concert tour of the United States and Canada for the coming season and joined the foreign department of the aviation corps at Mineola, Long Island, as an interpreter. Mr. Spalding is an accomplished linguist, speaking five languages, and has made extensive concert tours of France, Germany, Austria, Russia and Italy.

UNION MAN IS SUICIDE; GIVES NO EXPLANATION

FRANK ALLEN, 50 SHOTS SELF IN THE HEAD WITH A REVOLVER.

Leaving a note bequeathing his money to his mother but giving no explanation of his action, Frank Allen, 50 years old, of Union, placed the muzzle of a 32 revolver in his mouth and killed himself at about 4:30 yesterday afternoon.

Mr. Allen was in La Grande Thursday and people saw him then say that he seemed to be in his normal condition at that time.

Mr. Allen leaves a mother and sister in La Grande, and a son Vernon, age 22, in Union.

The Justice of the Peace who investigated the affair, stated that he would hold no inquest as the evidence of suicide was so conclusive.

First Lyceum Number Is Tonight

Tonight at the High School building, the first number of the Y. M. C. A. High School Lyceum Course will be held. This attraction, The Hampton Court Singers is considered one of the strongest number of the course and the Ellison & White Bureau assures the local management that no one will go away disappointed. The sale of tickets is already beyond the expectation of the local committee. The Hampton Court Singers will give a varied program, somewhat different to the regular programs given by lyceum companies. The local committee will have season tickets for sale at the door so that any who wish may buy the entire course.

Tagliamento Battle Starts Today, Report

LONDON, Nov. 3.—The Tagliamento battle apparently started today with local attacks, patriotic skirmishes, intermittent shelling and jockeying for strategic advantages. It may be several days before the full force is battling on either side. Sallies dispatches indicate that the Germans are transporting great numbers of men and guns to Trentino, apparently aiming to outflank Cadorno.

ROME, Nov. 3.—Increasing German pressure on the Italian left wing apparently foreshadowed an enemy attempt to envelop the Tagliamento positions, is stated. All German activities failed.

German Planes Raid Many English Towns

BERLIN, Nov. 3.—The Germans air-raided London, Chatman, Gravesend, Ramsgate, Margat and Dunkirk, is officially announced today. A big fire was observed.

WILL HAMMER AT GERMANS ON WESTERN FRONT

FRENCH AND BRITISH WILL ENDEAVOR TO KEEP ENEMY BUSY AT THIS POINT

HOPE TO ENGAGE ALL AVAILABLE FORCES

Plan to Prevent German Aid Reaching Austrians on Italian Front Until Situation Relieved.

(United Press.)

WASHINGTON, Nov. 3.—French and British will ceaselessly hammer at the German western front lines preventing further German aid to Austria against Italy, is officially announced. Officials hope the great allied offensive will engage all available German forces until the Italian situation is relieved.

NUMBER OF OREGON CORPORATIONS DECREASING

SALEM, Ore., Nov. 3.—The number of corporations in Oregon is steadily decreasing according to the annual report of H. J. Schulerdeman, corporation commissioner.

During the year ending June 30, 1917, 682 companies were incorporated. In the same period of time 825 were dissolved. At the close of the fiscal year, state records showed there were 9174 corporations in the state. Fifteen shipbuilding corporations were organized during the year with a total capital of \$5,952,000.

SEVENTY MACHINES STOLEN IN PORTLAND IN MONTH

PORTLAND, Ore., Nov. 3.—October has been a prosperous month for Portland automobile thieves, according to police statistics compiled today.

Seventy machines were stolen during the month in Portland, exceeding by a wide margin any previous month.

THE TESTIMONY IN MUNICIPAL COURT

JAKE BIEVER'S STORY.

"We left at 5:30 A. M. on a hunting trip, returning at about 4 P. M. The first place we stopped at in town was Chris Wright's where I purchased a package of cigarettes. We were about five minutes and then drove to Lilly's hardware store where Boylen left his dog, gun and coat. Then we went back to Wright's to get warm as we were wet and cold. Boylen asked us to have something and we all ordered cider. I stepped out of the room for a moment and while I was out Mr. Rayburn and Mr. Dye came in. I came back and we were standing at the counter drinking cider. I did not dancing when Rayburn stepped up to me and said, 'Is that your car, Jake?'"

"I said that it was. 'Come on get in, he said, and we will take a ride to the station.' 'What for,' I said, 'Never mind what for,' Rayburn said, 'come on.' 'I won't go,' I said, 'what have I done?' why should I go? It makes no difference what for, he said, 'you're going with me all three of you.'"

"I refused again and he struck me with his club. In order to protect myself I grabbed him and we wrestled around a little. During the mix-up he struck me twice more. I did not strike him at any time.

"At the very first the man that came in with Rayburn grabbed Baker and Boylen and held them. They never touched Rayburn. After I got go of Rayburn he stepped back and took off his overcoat. 'Now, he said, 'you're going dead or alive.' Chris Wright spoke up then and told me I had better go along and see what the chief wanted so we got in the machine and went to the station. Rayburn did not give us any reason for arresting us.

"At the police station we tried to get Rayburn to let us give bail or let us phone some of our friends but he refused. We talked about going into the jail and he reached for his gun and said, 'You will either go to jail or to the undertaker's.' We went in and were locked up.

"All our attempts to get word to our friends or to give bail ourselves were of no avail. Boylen offered him a check but he refused.

GERMANY TRIES DESPERATELY TO MEET U.S. PLAN

DOCUMENTS TAKEN FROM PRISONERS SHOW PRUSSIAN WORKING AT TOP SPEED

FACTORIES TURNED INTO AIRPLANE PLANTS

Twenty-Nine War Material Plants Now Make Planes Only; Old Factories Modernized.

(United Press.)

FRENCH HEADQUARTERS, Nov. 3.—Documents taken from prisoners show that Germany is desperately endeavoring to meet the Americans' program.

Twenty-nine huge German factories, formerly engaged in the production of general war material, have been made airplane factories.

All old factories are being modernized and re-equipped.

WITHYCOMBE WILL LEAD GRAND MARCH AT DANCE

PORTLAND, Ore., Nov. 3.—Governor Withycombe is scheduled to lead the grand march of the Jitney Jazz dance to be given by the Travelers Protective association here today.

Although the dance will include such dances as the turkey trot, the honk honk walk, and the fuzzy wuzzy walk, it is given in the name of patriotism. Proceeds will buy liberty bonds.

RAILWAY TRAINMEN WILL ASK FOR WAGE ADVANCE.

(United Press.)

CHICAGO, Nov. 3.—The Brotherhood of Railway Trainmen, an order of Railway Conductors, will ask for a wage increase averaging 30 per cent. The increase would affect all employees engaged in the actual operation of trains, except firemen and engineers.

DR. WILLIAM F. DURAND



Dr. William F. Durand, noted mechanical engineer, is chairman of the national advisory committee for aeronautics. For several years he has been professor of mechanical engineering at Leland Stanford university in California and before that time was a member of other university faculties. He is a specialist in marine engineering, and has written a number of books on the subject.

PLAN RECEPTION FOR MARSHALL AT M. E. CHURCH

VICE-PRESIDENT TO MEET LA GRANDE PEOPLE FOLLOWING LECTURE.

If the plans meet the approval of the Vice-President, a very informal reception will be held at the Methodist Church Monday evening after the Marshall lecture there, under auspices of the Chautauqua Association. It is not at all certain that the Vice-President will be able, on account of physical stress during a prolonged lecture tour, to undergo the ordeal of a handshaking session, but if such is possible that opportunity will be afforded.

The Vice-President, his secretary and Mrs. Marshall will arrive on the midnight train tomorrow and be quartered at the Foley during Monday.

A great deal of interest is manifested in the weekly merchants businessmen's luncheon which begins for the current year next Monday. The tickets are now on sale at the Y. M. C. A. and should be reserved at once as sale stops Sunday evening in order that there be no waste of food preparation. The luncheon is set for noon sharp at the Methodist Church basement. Several four-minute speeches will be delivered on the occasion and Mr. Marshall will probably offer a few informal remarks.

German Retirement Forced By French

(United Press.)

PARIS, Nov. 3.—The recent successful French offensive forced the German retirement from Chemin Des Dames. The French are advancing over a 13 mile front to the Ailette River, it is officially stated.

The French occupied Courtecon, Cerny, Ailles and Chevreux. The French advanced to a depth of two-thirds of a mile. The German withdrawal is believed to forecast a general western front German strategic retreat.

Will Wage War On Useless Xmas Buying

(United Press.)

WASHINGTON, D. C., Nov. 3.—The Treasury Department is planning a concerted assault on extravagant and useless Christmas buying as part of the gigantic war thrift campaign.

MANUFACTURERS' AND LAND PRODUCTS SHOW NOW ON

PORTLAND, Ore., Nov. 3.—Products of farm and factory were on display here today at the opening of the annual Manufacturers' and Land Products show at the new Municipal auditorium.

Programs and special features are planned for practically every day of the big exposition. The show ends November 24.

BRITISH SHIPS DESTROY ENEMY PATROL BOATS

ELEVEN SHIPS DESTROYED BY ENGLISH FLEET IN KATTEGAT, ANNOUNCED.

GERMAN LOSS OF LIFE VERY GREAT

British Fire So Intense That Guns Could Not Be Manned; Thirty Are Killed Outright.

(By United Press.)

LONDON, Nov. 3.—British warships in Kattegat destroyed 10 armed enemy patrol boats and one cruiser in a sea battle, the Admiralty announced today. The British were undamaged.

Copenhagen dispatches declared that the German auxiliary cruiser, Marie, of Flensburg, sank aflame 10 minutes after the British opened fire. The British fire was deadly accurate.

The German commander, Lauderbach, and seven German survivors were taken to Copenhagen unwounded. It is declared that the British fire was so intense that the cruiser couldn't work its guns. It is believed that the German loss of life was very great. Thirty aboard the cruiser were killed outright. Admiralty reported 64 Germans were made prisoners.

MODERN WOODMEN TO HAVE BIG INITIATION

At the business meeting, held last evening at the Y. M. C. A., and attended by representatives from the various camps of the county, it was decided to hold a big district initiation in La Grande on Saturday, December 15th. From the spirit shown, there is promised a lively contest between the various camps as to who will have the largest class ready at that time.

The executive committee, in charge of arrangements for the round up, consists of H. E. Dixon, state consul, as chairman, and H. C. Ball, H. C. Vinacke, E. J. Brown and A. W. Nelson, all of La Grande.

The booster committee, composed of one member from each camp, who is to be Chief Booster in his local camp, consists of J. L. Munhall, La Grande; J. H. Booher, Island City; H. V. Gilkison, Wolf Creek; H. E. Blevins, Cove; George W. South, Medical Springs, with members still to be appointed from North Powder, Summerville and Elgin. District Deputy, J. F. Dowell, in charge of District No. 4, being all of Oregon, East of the Cascade Mountains, will be in active charge of the field work throughout the entire campaign.

After the business meeting, an open meeting was held, attended by Modern Woodmen, and Royal Neighbors. At this meeting, Hed Auditor J. G. Tate, of Hood River, delivered a wonderful address on Woodcraft. He brought out the beautiful philosophy that man cannot live unto himself alone, nor can he die unto himself alone, tracing this down through the formation of the tribes and of nations, and then to the great fraternal orders, and finally to the fraternal insurance orders that are the last exponent of the same. He sent his hearers away with a new outlook upon the duties of mankind, to those that are dear, and inspired with renewed zeal, to work for the interests of Woodcraft.

Strikers Ordered To Resume Work

(United Press.)

WASHINGTON, B. C., Nov. 3.—President F. J. McNulty, of the Electrical Workers' Union, wired the striking locals to resume work or their charters would be evoked. McNulty stated that he opposed Government ownership, but promised to co-operate with the Government if the Government commandeered the Pacific Telephone and Telegraph Company.

PORTLAND, Ore., Nov. 3.—Portland and Seattle striking operators refused to return to work despite the threats of high union officials.

Helix—Concrete work has been begun on the Helix mill.