

La Grande Evening Observer

MEMBER OF THE ASSOCIATED PRESS

VOLUME XXIV

LA GRANDE, OREGON, SATURDAY, JULY 16, 1921

SECTION ONE

NUMBER 243

COMMISSION IS PARTY TO COURT ACTION

Wasco County Man Appeals to Supreme Court to Prevent Location of Route

POLK CONTROVERSY IS ANOTHER COURT CASE

Condemnation and Damage Cases are Pending in Addition to Well-Known Warren Brothers' Patent Litigation; Judge Wolverton Overrules Motion for Change to Other Court.

(Observer Salem Bureau.) SALEM, July 16.—(Special).—Half a dozen cases of litigation to which the state highway commission is party are now pending in the courts.

Aside from the Warren Brothers' patent cases, probably the most important of these is the controversy in Polk county, which has grown out of routing of the West Side Pacific highway.

Two contracts were entered into by the commission and the Polk county court. One involves the construction of the road from Monmouth south to a point near Luckiamute river. This is being graded by the commission for the county and is being paid for by the county with market road funds, the road being designated as a market road. The plaintiffs, Earnest Zilisch and others, seek to enjoin this and challenge the contract as illegal and void. They claim the road must be built by the county court.

Challenge Contract.

The other contract is grading from the end of the above-mentioned road to connect with the Benton county line, grading of the road from Rickiwell to Holmes Gap and the finishing of grading on the Salem-Dallas highway. The county has the money to complete the grading on the Salem-Dallas road and part of the money for the other two roads.

The county court is borrowing money from the state under a recent legislative act to complete the work. The plaintiffs challenge this contract as illegal and void on grounds that it involves the contracting of a debt by the county in excess of \$5000, which it is claimed is a violation of the state constitution.

Also the plaintiffs challenge the authority of the highway commission to build that road or a market road on grounds that it is part of the Pacific highway and that the route selected is different from the route designated by the legislature. It is asserted that the commission is without authority to change the route.

Moody Takes Appeal. Another important case is that of the highway commission against Malcolm Moody, of Wasco county, which Mr. Moody has appealed to the supreme court. Moody seeks to enjoin the commission from locating and improving on his land a connecting road to give access to the new bridge across the Deschutes river which was opened last September.

The opening of the road makes it unnecessary for travelers to pay tolls to cross a private bridge owned by Moody and his claim is that he will lose his tolls and that his land will be damaged. Judge Wilson held against Moody in the lower court and he appealed.

Damages Asked. A damage suit by J. W. Morton and children of Hood River was instituted in Multnomah county against A. D. Kern, a contractor, and the commission, but has been transferred to Hood River county. The plaintiffs claim damages of \$13,725 because earth and rock cut outside of the right of way along a portion of the Columbia River highway have damaged the property.

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FEDERAL PROCEEDINGS AGAINST TWO, DROPPED

Attorney General Daugherty Dismisses Charges Against Captain Robert Rosenblath of New York and Sergeant Roland Polsier of Rhode Island.

WASHINGTON, July 16.—All federal proceedings against Captain Robert Rosenblath of New York and Sergeant Roland Polsier of Rhode Island, in connection with the shooting of Major Alexander Cronkite at Camp Lewis in October, 1918, are to be dismissed. Attorney General Daugherty announced today after making a personal investigation. He said that all evidence gathered by the department shall be sent to the prosecuting attorney of Pierce county, Washington, for such action as he deems proper.

Is Not Convicted. TACOMA, July 16.—Prosecutor Selden said that all of the papers which he has in the case have not convinced him that Rosenblath and Polsier should be tried. He said, however, that he would examine all of the papers which the government will turn over.

DUBOIS HAS APPOINTMENT

FORMER LOCAL PRINCIPAL GOES TO ENTERPRISE

H. M. DuBois Will be Superintendent of Schools in Wallawa County Seat Next Year.

Henry M. DuBois, who resigned as principal of the La Grande high school several months ago, has received his appointment as superintendent of schools in Enterprise. Mr. DuBois succeeded D. W. Bortnick who resigned because his health necessitated removal to a lower altitude.

Du Bois came here several years ago as teacher in the science department of this high school and after being head of his department he was made principal. Upon resigning this spring, E. D. Towler was made principal for the coming year. DuBois expects to leave here next week for Enterprise.

WOOL MEN SUPPORT RATE ASSOCIATION'S FIGHT

Fight Against Low Pacific Coast Rates Supported by Boston Interests

C. R. Miller, secretary of the Ad club, has just received a bulletin from the Intermediate Rate association, of which the Ad club is a member, which set forth the attitude of the Boston Wool Trade association the matter of granting low rates to coast points without making corresponding reductions to intermediate points. Quoting H. A. Davis, manager of the Boston Wool trade association, the bulletin says:

"The writer has just returned from Washington and finds that Agent Comstock and the Union Pacific System have already filed a Fourth Section Application, and unnecessary for travelers to pay tolls to cross a private bridge owned by Moody and his claim is that he will lose his tolls and that his land will be damaged. Judge Wilson held against Moody in the lower court and he appealed.

The fire department was called out at 5:15 this morning to extinguish a fire along the Secon street viaduct that menaced the structure. The fire, which was of unknown origin but possibly caused by a cigar stub thrown into some straw and rubbish that has accumulated under the bridge, did no damage to the structure.

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WILL TAKE LAST YEAR'S WHEAT

OREGON COOPERATIVE ASSOCIATION AFTER 1920 CROP, TOO

While Working on 1920 Crop, J. E. Reynolds, Association Representative Will Take Memberships

Union county farmers who have 1920 wheat on their hands can dispose of it through the Oregon Cooperative Grain Growers' association. This is an important fact, as locally, the policy of the association has not been made public. Not only can the wheat be handled in this manner, but the association is advancing 55 cents per bushel on it as well, and when the final settlement of the wheat is made, the remittances to the farmers will be in accordance with the basic principles of the association.

J. E. Reynolds, association representative for Union county, today received definite information in this matter from headquarters, and announced that he is ready to discuss the matters with farmers who hold 1920 wheat, as he will be in and around La Grande for the next week. There has been a great deal of inquiry to the association on the two points mentioned above, and announcement of a definite policy on both of them will be of general interest.

The letter to Mr. Reynolds also gives the information that the association has some orders for delivery by July 20th and that the association officers are anxious to have a decision from the Union county farmers as soon as possible relative to their hold-over wheat.

While Mr. Reynolds is working on the 1920 crop he will also welcome new memberships to the association on the 1921 crop.

doubtedly other systems will do the same shortly, for relief in order to meet the water competition on wool in sacks.

"It is simply proposed to eliminate the water competition and not reduce the rates from interior points. We further understand it is the intention of the commission at the present time to hold hearings throughout the intermountain territory, and we are of the opinion, to day, that we will support the intermountain people's contention, namely that there should not be any higher rates from the intermountain territory than from the Pacific coast territory."

The bulletin also contains reports from various other sections of the country showing that the fight against the discriminatory rates proposed has aroused much opposition.

CHANGE IN MEETINGS

Notice has been given to members of the L. A. of N. of T. R. of the change in meetings from the first Tuesday and the third Wednesday, to the first and third Tuesday evenings of each month at 7:30 o'clock.

FISH DINNER ON JULY 25TH.

SPORTSMEN LOOK FORWARD TO BIG TIME

Annual Fish Feed of Wing, Fin and Fleetfoot Club to Be Given at the Foley Hotel.

The annual fish dinner of the Wing, Fin and Fleetfoot club will be held in the Foley hotel on Monday evening, July 25. All members are asked to have their fish at the hotel by six o'clock that evening. The dinner begins at seven thirty.

The annual dinner is one of the most popular events among sportsmen in La Grande and a large majority of the 250 members of the club look forward to this fish feed every year as one of the big events of the fishing season. The fish are supplied by members and Monday is selected for the dinner so as to give all an opportunity to get out and catch a string for the event.

REFERENDUM IS CALLED OFF

SEATTLE, July 16.—A proposed referendum for the settlement of the coal strike on the basis of a twenty per cent wage reduction suggested by the state coal commission was called off today.

VITAL TEST IN SUNDAY GAME

CAN COVE BE BEATEN IS QUERY THAT CONFRONTS.

Whole County Has a Great Deal of Interest in Tomorrow's Affair at the Ball Park.

Standing of the Clubs.	W	L	P. C.
Cove	11	1	.917
Union	8	4	.666
Elgin	6	3	.666
La Grande	6	6	.500
Haines	6	6	.500
Ingber	3	10	.230
North Powder	2	11	.153

Games may come and go, and, while tomorrow's set to will not change the leadership of the Intermountain League, there has not been the intense interest in any game anywhere in this part of the state in 1921 that has attached itself to tomorrow's clash. It is not a matter of unseating Cove as much as it is to determine if Cove can be beaten in any one game, or not. To that end there is going to be a migration of Cove and La Grande people to the ball park beginning at 2:30 tomorrow, with a liberal sprinkling from other sections of the county who are curious to know if Cove is beatable. The La Grande band will dispense the music.

KEEP COOL



MRS. EVA KABER IS FOUND GUILTY IN MURDER CASE

CLEAN-UP BEE IS POPULAR

FINE SUSPENSION BRIDGE IS SURPRISE TO ALL

Families are Already Staking Out Places for Summer Camps; Playgrounds are Cleaned.

Seventy-five men, women and children responded to the call for workers to the Country Club park last evening. Furthermore, many of the ladies and some of the youngsters worked shoulder to shoulder while it is doubtful if any body of men ever made a bigger showing at a like proposition. The millions of rocks on the place are largely in neat piles, "fairways" have been heaved through brush to new sandpiles; tables and benches have been constructed; fireplaces built, underbrush cut away and rubbish burned up. At 8 o'clock the men "fell to" the mess table with the same vigor that characterized their work. The ladies under the direction of Mrs. R. L. Pouch, had just heaps of food on hand—when the mess call sounded, and even some left over after all had their fill.

A systematic raking and some additional tree pruning remains to be done, additional fire places are to be built and some repairs done to the roadway before the job is finished.

Next Friday evening has been set for the next application of work.

Suspension Bridge Complete. A happy surprise was sprung on the club members when they arrived at the park last evening for a splendid suspension foot bridge, 200 feet long, has been swung across the river so that campers can get to and from the shaded camp grounds opposite the river. The Home Independent Telephone company workmen, headed by Fred Henning and S. D. Cove did a bit of engineering that is really clever. The bridge is made safe for children to cross, and will span the water at any stage.

Everyone who has seen the bridge has admired the engineering feat accomplished. The company furnished the cables and the workmen.

ROAD CLOSED FOR TWO WEEKS

John H. Birney, county roadmaster, announced this afternoon that the Catherine creek road would be closed for two weeks. This action has been made necessary, Mr. Birney said, because it is impossible for the contractors to make progress and maintain traffic at the same time. Mr. Birney said that he regrets very much having to close the road at this time of the year when so many tourists go up the creek every week, but it is impossible to build a temporary detour in many places.

Will be Sentenced to Life Imprisonment in the Ohio Reformatory. With no Hopes of Pardon; Verdict Comes as Result of Consistent Work of Kaber's Aged Father.

CLEVELAND, July 16.—Mrs. Eva Kaber was found guilty of murder in the first degree, but with recommendation of mercy, by the jury which tried her on the charge of plotting the killing of her husband, Daniel F. Kaber.

Mrs. Kaber will be sentenced to life imprisonment in the Ohio reformatory for women at Marysville. Under the Ohio law, there is no hope of pardon under the verdict.

Mrs. Kaber was in a stupor all night, after having been carried from the courtroom. The jury began balloting just two years from the time that Kaber was stabbed to death by the assassin, alleged to have been hired by his wife. For two years, Moses Kaber, aged father of the murdered man, doggedly set working on the mystery with the aid of paid detectives.

Finally, the father of Mrs. Kaber was brought in as a witness, and her mother, Mrs. Mary Brickie, who was suspected of knowing much about the murder, was led to believe that her son was to be charged with the crime. The race worked. Mrs. Brickie, to save her son, is alleged to have confessed, implicating her daughter, Mrs. Kaber, and Miss Marion McArville, Mrs. Kaber's daughter, herself and others.

STANDARDS OF EDUCATION TO BE UPHELD

BETTER AMERICANIZATION IS TALKED OF.

N. E. A. Convention Believes in Better Teacher Training and Higher Salaries.

A. C. Hampton, superintendent of the La Grande city schools, who returned several days ago from Des Moines, Iowa, where he attended the annual convention of the National Educational Association as one of the six delegates from this state, in an interview today said that one of the most noticeable features of the convention was the unity with which the thousands of educators assembled were in favor of doing everything possible to advance education in the United States and the efforts noticeable everywhere among educational leaders to get a broader view of education, departing entirely from the provincial view, which means such a wide variety of standards in different parts of the country.

"The reorganized N. E. A. was a greater success than its friends had anticipated and the representative assembly plan under which the meetings were held proved to be truly representative. The meetings were held in the coliseum and during the sessions the enormous hall resembled a great national political convention," Mr. Hampton said today. "The delegates sat by states and each state had its standards and there was much enthusiasm shown from time to time during the sessions."

Broader Americanism

"The delegates were unified in their support of greater unification of the educational systems of the various states in order to get away from the provincialism that results in such varied standards. The country can be no better than its average citizenship and therefore the educational leaders of the country believe that there should be an educational program that will give every boy and girl an equal opportunity to at least secure the same elementary education. This

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EVIDENCE IN MURDER IS AN ACCUSATION

Wide Search Is Made for Dr. Brumfield, Alleged Plotter of Death and Auto Wreck

CRIME BELIEVED DONE FOR MONEY FOR FAMILY

Brothers Declare Decapitated Body Is That of Their Brother, Dennis Russell; Gunshot Wound Is Found In Back to Further Substantiate Foul Play Theory.

ROSEBURG, July 16.—While a coast-wide search was continued today for Dr. R. M. Brumfield, local dentist, beneath whose wrecked automobile a headless body, identified as that of Dennis Russell, a laborer, was found near here Thursday morning, the officers have been gathering up the details of the circumstances of the evidence on which they base the charge that Brumfield murdered Russell.

Sheriff Sam Staner declared positively his belief that Russell was murdered and his body mutilated and placed in a carefully planned automobile wreck to make it possible for the family of the dentist to collect his insurance money which amounted to \$26,000.

Barber Accuses Dentist.

The headless and charred body in the morgue was yesterday identified as that of Dennis Russell by two brothers, J. T. Russell, of Boomer hill, and Ed Russell, of Dillard. Both men based their identification on the few scraps of hair remaining on his body, while Mr. Brumfield's barber testified that the hair on the torso scalp was not that of the dentist. Mrs. Brumfield still maintained that the body was that of her husband.

Place of Killing Found.

Blood stains on the pavement at Dillard showed where Russell was believed to have been killed, evidently by two shots which were heard by Ora and Kenneth Rink, who were near the spot when the murder was supposed to have occurred, 4 o'clock Wednesday evening. A bullet wound in the back of the charred body was discovered yesterday.

Mrs. Brumfield last night confidently asserted that her husband is not guilty of the murder of Russell and that subsequent evidence will prove that the dentist himself was killed in the wreck.

James Hunter, finger print expert of Portland, is here making a Bertillon examination. Coroner Ritter, of Douglas county, requested that Hunter be sent.

Identified With Schools.

EVANSVILLE, Ind., July 16.—Dr. Brumfield, the Roseburg dentist, was formerly superintendent of schools at Owensville, Ind. He is a graduate of the University of Indiana, and a 1909 graduate of the Illinois Dental College.

A telegram from Mrs. Brumfield to her father, Dr. G. B. Bersted, of Owensville, Thursday, said that Brumfield had been killed in an auto accident. He and his wife and three children left Indiana twelve years ago.

DANNY EDWARDS WINS

PORTLAND, July 16.—Danny Edwards won the decision over George Lee last night.

DYE EMBARGO MUST GO

WASHINGTON, July 16.—The house has refused to strike the dye embargo provision from the Fordney tariff bill.

WEATHER FORECAST

Tonight and Sunday fair, Warner Sunday, except near the coast.

Leaks in Water System Lower Reservoir Level

George Garrett, city manager, last night issued a warning against using water too freely because of repairs being made in the pipeline up Beaver creek. It is possible that these leaks will be repaired today and the water supply may be normal by Monday.

There are about eight or ten leaks in the pipe line, caused by blue vitrol having been placed in the water to get rid of the algae growing in the reservoir. A minute quantity of this in the water is sufficient to eat through steel pipes. Mr. Garrett declared, although there is no danger to human beings from these small quantities of vitrol carried in the water.

It is possible that some of the