

ALLEGED LACK OF EVIDENCE, APPEAL TAKEN

T. J. KEELAN'S CASE TAKEN TO HIGHER COURT.

Attorney Discusses Evidence in Case Involving Automobile Deal Last Fall.

In discussing the appeal to the supreme court taken in the case of the state vs. T. J. Keelan, in which a jury in circuit court found Keelan guilty of grand larceny in connection with an automobile alleged to have been stolen, John Hodgkin, who, with R. J. Green, defended Keelan, today said that the appeal was taken because the evidence did not justify the verdict.

"The only things proved were possession of the stolen car and the state's own witnesses showed that the defendant had come into its possession lawfully and that Keelan refused to assist in recovering the property. This latter was done under the advice of an attorney," Mr. Hodgkin said today. "The reason for receiving this advice from an attorney was that if Keelan had assisted in recovering the property he would have prejudiced a civil action then in the courts." The

attorney referred to was neither Mr. Hodgkin nor Mr. Green.

"Keelan may possibly have conspired to prevent recovery of the car but there was absolutely no proof presented to the court," Hodgkin continued. "His refusal to prejudice a civil case was used against him in the criminal action."

The case against Keelan grew out of the sale of a Ford car by Keelan to R. E. Teeters, the car having been placed in Keelan's hands by C. E. Dooley, Keelan acting only as a sales agent. Dooley had been driving the car for some time before asking Keelan to sell it.

Shortly after the sale of the car George Robertson, who claimed possession of the car, returned from spending the winter in Portland. It developed that the car, which had been placed in storage for Robertson by Dooley, had been stored in Dooley's name and taken out by him. After using it for a while, he had Keelan sell it for \$275. It was during the investigation that followed Robertson's return that Keelan sought advice of an attorney and was told not to give information regarding the car because it might prejudice the civil action that had been begun in circuit court.

The evidence produced in court showed that Robertson, known as "Kentuck," left here last fall in the car, which was under controversy in court, wanting to take "just one more ride in the car." He wanted to take the train at Hilgard but was forced to walk the last two miles because of the bad condition of the roads. Dooley brought the car back and placed it in storage. As witness for the prosecution "Kentuck" admitted that he had violated the law and had illicit liquor in his possession when he got out of the machine below Hilgard. Dooley, taking the car back to La Grande, later placed it in storage in his own name. Dooley alleged in court that he had an interest in the car. This was said to have been given for boarding "Kentuck" last summer.

Following his unexpected return in March and finding the car gone, Robertson began an investigation which revealed that the car had been sold to Teeters and later a civil action was started in circuit court for the recovery of the car. Shortly after this Keelan and Dooley were indicted by the grand jury and Keelan's trial resulted in conviction which was obtained, according to his attorneys, on insufficient evidence. Dooley was also convicted by a jury. Both men took an appeal to the supreme court. The sentence in each case was one year and following filing of an appeal bond, both were permitted to remain at liberty until the supreme court takes action on the appeal, which will be taken up at the fall term in Pendleton.

ALBANY IS TO HAVE NEW CREAMERY

ALBANY, July 19.—Work will commence Monday morning on one of the largest creamery plants in the state, J. W. Hammell, local contractor and builder, announced after signing the contract to construct of Albany Creamery building. The plant when complete with machinery installed will cost approximately \$20,000.

The output of the creamery when ready to operate will be 5000 pounds of butter daily on the average with a greater daily production possible in case it is needed.

OBSERVER WANT ADS PAY

Safety In Flying Is No Trick Says Lees

Walter E. Lees, pilot of the La Grande Aircraft company, is a believer in safety measures in flying. Lees, who is probably the most experienced active pilot in the state, has been flying for many years and was the first pilot to take a plane up the Patomac river to Washington. This was in 1916 and the cross currents met with in the valley of the Patomac and the lack of balancing devices that are now on all planes made the trip one of considerable difficulty on those days. During a storm several months ago seven lives were lost in an accident to a plane making this trip; so even today it is not a trip to be made in stormy weather.

"We learn much from every accident for every time a tragedy occurs in the air we see that some things can or should be better controlled," Lees said. "One thing that is certain is that we need a unified government department controlling aeronautics and have all aeronautic enterprises placed in the hands of experts in the science of active aviators. Uniform aerial laws are also needed for the country. The loss of lives in accidents shows that one of the most important measures of prevention that can be taken is to forbid flights during violent electrical storms. Construction of airplanes should also be regulated so that only machines satisfying standards based upon experience are allowed to go up."

Civilian stunting is another factor that enters into the safety problem, Lees stated. In this respect he pointed to an editorial in a recent issue of the Aviation and Aircraft Journal on this subject. The editorial said, in part:

"It is practically impossible to draw a line between what is safe and what is unsafe in stunting. Con-

sequently the only sensible measure that will prevent a repetition of accidents is the absolute prevention of civilian stunting, be it over air-dromes or elsewhere.

"Pursuit pilots have to be trained in stunting because aerial fighting requires it; but commercial pilots need not and should not stunt transport planes, for the temptation is too strong to do it needlessly. Nor are masters or aeronautics of necessity the most desirable commercial pilots. Judging from European experience, the contrary seems rather to be the case. The British and French air lines employ former bombardment pilots in preference to pursuit pilots because the former's staying power is of greater importance for commercial aviation than brief flashes of brilliancy.

"What American commercial aviation needs in order to gain the confidence of the public is safe and sane flying; not stunting. Hence stunting of civilian aircraft should be prohibited, as it is in Canada and Great Britain."

Once safety measures are more widely adopted in aviation Lees believes that great strides will be made in flying as conditions are favorable in many respects for rapid development. As an example of the economy of using airplanes, where more cumbersome methods now prevail to a large extent he called attention to the storm this spring on the Olympic peninsula. Following the storm a survey was made by using planes and the storm-swept area was surveyed in a little over six days. The cost of the survey was only \$2,524. An estimate was made of the time and money that would be required for a ground survey. This estimate was for from two to three years time for the survey and an expenditure of \$125,000.

Hank Davis Could Move Mt. Emily Under Proper Orders

The state highway from Hot Lake to Union was surveyed and strange to relate though there are several hundred acres of open ground where the uneducated eye of those who are not educated in civil engineering could run the highway, the official survey struck straight through a residence building at Hot Lake and ran so closely to the two large chicken houses that it was deemed best by Dr. Phy to move the buildings.

Union county is obligated to move buildings when it becomes necessary to locate the state highway. Consequently Judge Couch cast around for a man to do the moving. Quite naturally Henry (Hank) Davis, the old county bridge builder who has built bridges from Paola, Kansas, to the Grande Ronde valley, was pressed into service to do the moving.

He tackled the residence and found to his chagrin that the water from Hot Lake had moistened the ground until it was a marsh. After driving piling and false work into the earth several feet Hank began to wonder if there was any bottom to be found. Perseverence always wins and finally he struck solid earth and built his falsework raising the building high in the air after which his house rollers put it in the proper place.

But the chicken houses were different. Hank is not much for fooling around chickens, anyway. That day he passed, if he ever had such a day. But he finally mustered the courage and moved each of the buildings containing a thousand chickens with little difficulty. This gives the highway a clear sweep without obstructions. It will pass in front of the Sanatorium where workmen now have built a steel track to convey rock from the hill to the low land, then it will turn and cross the railroad on an overhead crossing on the official route to Union.

Got the Moving Habit

When Hank gets a habit he is much like other men—he works at it. After getting his hand in at Hot Lake on the moving game he took a contract in Elgin to move the Guy Patton residence in that city.

Upon his return from Elgin the old bridge builder announced that he was in moving form once more and if they wanted Mt. Emily moved all they had to do was to get orders from County Judge Couch and he would guarantee the mountain would be placed in any locality desired.

LABOR PLENTIFUL FOR WASCO HARVEST

THE DALLIES, July 19.—In contrast to the situation of a year ago, when farmers were offering \$6, \$8 and even \$10 a day for harvest labor, Wasco county ranchers are this year able to get all of the help they need at wages ranging from \$2.50 to \$5 a day, according to County Agent E. R. Jackman, who has just completed a county-wide survey of the wheat crop.

The main difficulty this year is in getting experienced farm labor. Jackman declares. Thousands of men are working in the harvest this year, who have never before handled a pitchfork and their work is naturally not as satisfactory as that of men who have been brought up

on a farm and are accustomed to farm work.

The closing of big factories in the cities is sending many men into the harvest who are skilled in their own particular line but who have a lot to learn about the cutting and threshing of wheat.

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READ THE OBSERVER WANT ADS.

UNION COUNTY LIBRARY REPORT

THREE BRANCH LIBRARIES NOW IN OPERATION.

Based on the Population of Union, that City Has 24 Per Cent of Those Using Library.

Since this is the end of the first six months period a general summary is made. There are three branch libraries in operation, aside from the central one in La Grande. The one in Union has a deposit of 350 books, in Elgin 285, and at Cove 120, with a monthly exchange of a certain proportion, so that there is a constant change in the reading collection at these places. These libraries have loaned a total of 8,772 volumes, divided as follows: Union 3907; Elgin 2554; Cove 2311. At these branches from 50 to 75 per cent of the books loaned out are County Library books.

There are four book stations, located at Hilgard, Perry, Hot Lake, and Grange Hall. The Perry and Hilgard books have been returned as the school houses are closed at present. Hilgard records show a circulation of 110 volumes and Perry 81 for the past three months the books were there. Because of the early closing of the rural schools, we have not pushed the establishment of book stations with them, preferring to wait until fall with its impetus toward winter reading.

During this six months 2187 people have registered as borrowers. This represents 13 per cent of the total population of the county. This does not take into account the people who have used the book stations and one must also remember that often but one member of a family registers, while others read the books taken home.

Union has 380 borrowers, 54 of whom live outside the town; Elgin 179, with 63 of them living outside the town limits, and Cove 170 borrowers, but no separate count has been made as yet to show how many are strictly Cove people. La Grande has 223 borrowers in the rural districts.

Based on the population, Union has 24 per cent of her population using her library; Elgin 11 per cent; Cove 42 per cent (not all here are just Cove people); La Grande 18 per cent. The general average in libraries is 20-25 per cent on a registration covering a 2-3 year period. Our has been but six months.

The county now owns 751 books, and, of course, has free use of the 6500 volumes belonging to the La Grande Public Library. From the central library in La Grande 245 books have been mailed out to fill special requests. They have been sent widely over the county, from Kamela to North Powder, as well as Palmer Junction, and to those on rural routes from the towns. They have ranged from drama to economics, biography history and home-making, and automobiles to "some good story, please."

ONEGON ELKS WIN HONORS

LOS ANGELES, July 19.—The Or-

gon entry in the great floral parade of the Elks which took second prize over many contenders, while the project involving establishment of an Elks national playground at the head of the Metolius river, in the Deschutes national forest, was endorsed by the grand lodge, and ordered submitted to state organizations of the Elks for action. Publicity given to Oregon by the Beaver state delegation here was conceded to have exceeded ten-fold the advertising gained by any other state, and the Oregon Elks were satisfied that the publicity would prove of inestimable value to the state.

LEG CRUSHED IN CATERPILLAR ACCIDENT

PENDLETON, July 19.—A narrow escape from death, which resulted in a crushed leg, was the experience of Harry Shick, an employee of Sim Cully at Blue Mountain station on Wednesday afternoon, according to reports which reached here yesterday. Shick is at present in Walla Walla where he was rushed for treatment soon after the accident. Shick was driving a caterpillar, which tipped over as he attempted to drive down a steep grade from a dirt road to the highway near Blue Mountain station. As the machine reached the highway, it turned completely over, with Shick pinned underneath. The engine landed wrong side up and the machine caught fire.

Had it not been that a crew of workers nearby saw the accident, Shick might have been burned to death as a result of the accident. These men rushed to the scene and helped extinguish the fire, and rushed the injured one to the Walla Walla for medical aid.



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