

## Appeal In Mandamus Case Not Yet Certain; Judge Knowles Decision Given

The La Grande Evening Observer this morning notified Mayor Joseph Trippier, of Cove, first mentioned plaintiff in the mandamus proceedings, of the decision made by Judge J. W. Knowles.

In reply to the query of whether they would appeal the case to the Oregon Supreme Court, Mr. Trippier stated that he was not in a position to answer positively until he could confer with his associates. "If we believe the decision is reasonable we will let the matter stand," he stated, "but if not, we may appeal."

Mr. Trippier further stated that he and his associates would be able to make a positive statement as to whether the case would or would not be appealed, tomorrow.

In connection with Judge J. W. Knowles' decision, reached late yesterday afternoon, in favor of the County Court, consisting of County Judge E. G. Couch, of Island City and County Commissioners John Wells, of Alsea, and J. F. Hutchison, of Union, in the mandamus proceedings brought before the circuit court by Mayor Joseph Trippier, of Cove, and others, demanding that the county court construct and build a paved hard surface highway between Island City and Cove and that they expend on said road the full sum of \$276,000, the following decision by Judge Knowles, in full, is given:

The mandamus proceedings in question were brought before the circuit court several weeks ago. At the first hearing, following the plaintiffs' and defendants' testimony, the defendants moved that the case be dismissed, giving as their reasons that the alternative writ of mandamus "did not state facts sufficient to constitute such an action and that the question as to whether or not a hard surface paved road shall be constructed or a substantially constructed mandamus road be built is a matter for a court judgment and discretion of the county court, which the circuit court cannot control or interfere with." They also advanced, as further grounds for asking a dismissal that the alternative writ of mandamus commanded the construction of a paved hard surface road and the expenditures in such construction of the full sum of \$276,000, and "that it is clear that the circuit court could not compel the county court to spend that sum or any other sum over and above what is necessary to construct a permanent road and that, as the circuit court cannot grant all that is requested, it must deny the issuing of a peremptory writ of mandamus and dismiss the proceedings."

Judge J. W. Knowles denied the motion of the defendants asking for a dismissal of the proceedings, permitting it to come to trial. The defendants were represented by Attorneys Crawford & Eakin, Ed Wright, of La Grande, and Assistant Attorney General of Oregon J. M. Devers, and the plaintiffs were represented by Jno. S. Hodgins, of La Grande, and A. A. Smith, of Baker.

### Judge Knowles' Decision.

"In the circuit court of the state of Oregon for Union County, in the mandamus case, brought by Joseph Trippier, Earl J. Stackland, A. H. Hartley and John Dean, plaintiffs, vs. U. G. Couch, county judge, and J. F. Hutchison and John Wells, county commissioners, of Union county, Oregon, defendants:

"This is a proceeding brought by the plaintiffs by way of mandamus, to compel the defendants, constituting the county court of Union County, Oregon, for the transaction of county business, to construct a permanent road between Island City and Cove, by grading and completing the grading thereof and paving the same with concrete, asphalt, bitulithic, or some other hard surface pavement, and that they expend thereon the full sum of \$276,000.00. The facts leading up to this controversy cannot be more clearly stated by me than to quote from the brief of counsel for the defendants.

"At a special election held in Union County, under chapter 103 of the laws of 1913, on the 11th day of October, 1919, the county court was authorized to issue bonds in the sum of \$1,498,000.00 for the purpose of raising money to be used for the construction of permanent roads in that county. In the order of the county court following this election the court among other things specified that any named what particular roads were to be built and improved by the money so raised; the minimum amount to be expended on each road and where located in the county, giving the beginning and terminus thereof, and the order specified the county road between Island City and the Cove, as one of the roads to be built and improved, and the minimum amount to be expended thereon at the sum of \$276,000.00. The county court has had plans and specifications prepared for the construction of a modern standard macadam and crushed rock and gravel road, to be constructed between these points, and has advertised for and received bids therefor. The last bid for the construction of the same, not including the grading, culverts, drains and ditches being the sum of \$75,000.00. The county court has already had this road surveyed and laid out and the grade partly constructed at a cost of about \$7000.00. The plaintiffs claim that a macadam road constructed in accordance with these plans and specifications, is not 'a permanent' road within the meaning of the law, and the vote of the people authorizing this bond issue."

"While County Judge Couch testified, that so far as he is concerned, he was in favor of the macadam road, yet he is only one of three members of the county court, and it is not shown that the court intends to accept any of the bids for the construction of such a road. Yet conceding that the county court does intend to accept one of the bids for construction of a macadam road, and let a contract for the construction of the same and conceding further that what constitutes a permanent road is a question of law, that this court can pass upon, instead of a question of fact for the county court to pass upon exclusively, I will con-

(Continued on Page Four)

### TRAMP BURNS HOUSE.

(By Associated Press.) PORTLAND, May 1.—The police today charged a tramp, seeking revenge, with firing a lodging house last night, causing three of the fifteen occupants to be burned or injured in fleeing from the fire. It is said that a hole to whom Mrs. L. Hayes, land lady, refused food last Friday. Firemen found three separate fires burning in the house. Kerosene was used in one place.

## Will Seek to Maintain a "Bone-Dry" State On All Federal Owned Vessels

WASHINGTON, May 1.—Definite indication was given by Chairman Laaker, of the shipping board, after a conference today with President Harding, that government owned ships would be kept "bone dry" some of the time at least, although under yesterday's supreme court decision they legally could carry and serve liquor on the high seas.

## MAIER SPEAKS TO AD CLUB

Tells of Benefits of B. of L. F. & E. In Brief Talk; Excellent Musical Program Arranged.

With Charles W. Maier, special representative of the La Grande lodge of the Brotherhood of Locomotive Firemen and Engineers, as the main speaker, the Union County Ad Club held their regular weekly luncheon today at noon in the K. of P. hall with John Clifford as chairman of the day. Mr. Maier spoke on the benefits derived from the organization of which he represented. His speech proved very interesting and carried a message worth while. G. L. Larison, president of the Ad club, spoke briefly on the Oro Dell overhead, indicating that at present conditions appeared favorable. He stated that the result of the hearing would probably be announced sometime late this month.

G. S. Birnie reported on the selecting of a site for the coming Old Oregon Trail Pageant.

In addition to the talks and business handled, the members were treated to a delightful musical program, featuring the Ad club quartette, accompanied by John Stoddard on the piano, and several numbers by Bud Lynch, an accomplished pianist.

## CASE IS ABANDONED, STRIKING SHOPMEN

CHICAGO, May 1.—Leaders of the strike of railroad shopmen today abandoned their case in defense against the federal injunction obtained by Attorney General Daugherty last September.

## SKELTON OF BOY, SAID KILLED IN A CLASS RUSH, FOUND

CHICAGO, May 1.—Leighton Mount, Northwestern student, missing since the September 1921 class rush, whose skeleton was found on Evanston lake front last night, was killed in the class rush and buried beneath heavy stones, Chief of Police Liggett of Evanston declared today.

He said that it was likely that Mount was accidentally killed and that his body had then been hidden by frightened students.

## I. W. W. STILL WALKING OUT WASHINGTON

(By Associated Press.)

PORTLAND, May 1.—While the police are prepared for any development in connection with the Industrial Workers of the World strike and I. W. W. activities in closing bootleg and gambling resorts, I. W. W. headquarters announced today that orders had been issued to their men against disorders.

An I. W. W. picnic in the park here is the principal feature of their program for the day.

Reports from logging districts show little change with the exception that several are returning to work.

## More Camps Closed.

SEATTLE, May 1.—Hundreds of I. W. W. gathered at a picnic near here. Peace officers reported the gathering orderly. A number of additional logging camps in Washington are reported closed as the result of May Day activities of the I. W. W.

## AMERICAN CLAIM GIVEN PRIORITY

(By Associated Press.)

PARIS, May 1.—The United States is accorded preferential treatment in the reimbursement of her reparations army costs under an agreement reached by the allied delegates at Monday's conference here, and if the remaining points concerning American's legal position toward Germany can be satisfactorily settled, a complete agreement will be reached at the next meeting.

Exactly what this legal point is has not been stated but Mr. Wadsworth, the American representative, has adopted a firm stand on it and the delegates of the allies are taking up the question with their governments with the reasonable expectation that an agreement will be reached.

Mr. Wadsworth's insistence on priority for the American claim which has been the chief obstacle to a settlement, finally won, and a complete agreement was reached Monday.

This will give American reimbursement partial priority over the allies in the distribution of the German reparations fund to cover the costs of the armies of occupation.

All the delegates are agreed that much progress was made Monday and unless the allied governments take an unfavorable view of the remaining legal point the delegates hope speedily to conclude the negotiations, possibly with another session.

## WHEAT QUOTATIONS.

PORTLAND, May 1.—Hard White, \$1.33; Western Red, \$1.20.

## Merrymakers Reserved Seat Sale Is On Wednesday Eve

Plans continue advancing for the presentation of the "Merrymakers" by the boy students of the La Grande high school in the high school auditorium Friday evening. Rehearsals are following thick and fast and the program is rapidly being perfected, being made ready to give to the public in a finished form.

Reserved seat sale will open tomorrow morning at Glass Drugs and as a large number are expecting to attend the presentation, the best seats may be had by applying early.

## SUGAR BOYCOTT NOW ENDORSED

Secretary Hoover Says that Women Organizing Boycotts "On Right Track," Harding Thinks Likewise.

(By Associated Press.)

WASHINGTON, May 1.—American women organizing boycotts against the use of sugar are "on the right track," said Secretary Hoover today.

"The way to control the prices of food commodities, is to bring about spontaneous control of consumption," he concluded.

President Harding also endorsed the sugar boycott.

NEW YORK, May 1.—Mrs. Louise Reed Walz, deputy commissioner of public markets, started the nucleus of a proposed army of 5000 women out Monday, in a drive designed to hammer sugar prices back to 7 cents a pound, which she declared a fair price.

(By Associated Press.)

WASHINGTON, May 1.—It was added, however, that the president does not believe it is the business of the government to command boycotts of any kind. His views are to be set forth in a telegram to some of those who have urged him to appeal for reduced sugar consumption.

## Closed Cars Form 71 Per Cent of Franklin Output

"Closed cars formed 71 per cent of our shipments during the first quarter," states S. E. Ackerman, sales manager of the Franklin Automobile Company. "The wide-spread use of Franklin closed cars dating back to 1913, is one of the outstanding successes of the industry. In 1921 over half of our output consisted of closed cars, while last year the percentage had increased to 68 per cent; so far as we can learn, no other manufacturer is turning out such a large percentage as is Franklin.

"The Franklin line at present consists of six types and five of this number are of the closed variety. The sedan continues to be our biggest seller, as it has been in the past."

## TENNIS CLUBS ORGANIZED

(By Associated Press.) LEWISTOWN, Mont., May 1.—Tennis clubs of 27 Montana cities have been invited by Paul E. Meyer of this city to organize a permanent state tennis association, which will provide cups for annual tournaments.

## Actual Shortage of Workers Felt in 23 States in the Union

### May Day Is Sentimental Summer Opening; Warm Weather Style Now Won

May Day, which is today, originated in England many centuries ago, when the inhabitants of Britain observed the day as one of revelry, the chief event being the crowning of a May Queen and the wrapping of a Maypole.

Although the ancient custom is still in use in many places all over the world, in general May Day is now considered as the sentimental opening of the summer season—the worst summer used in general and not applying to the three months that strictly form the season.

May Day heralds in the new spring sartorial effects, both in the male and female sex. The man buys himself a straw hat and dons his palm-leaf suit, and the woman has absolutely no fear thereafter of creating any unwarranted notice by appearing in public in the lightest and flimsiest of summer apparel.

May Day opens the glad season of the year.

## Unemployment Exists in 4

Statistics on United States Labor Situation Are Given.

## WORKERS SHORTAGE SMALL IN OREGON

Lumbering and Agricultural Industries Feel Need In Inland Empire.

(By Associated Press.) An actual shortage of workers in some class of labor, including farm help, exists in 23 states of the Union, while in 21 other states the unemployment, so prevalent in 1920-21, has been completely absorbed and in only four states does general unemployment exist, according to figures, statistics and reports gathered from labor leaders, industrial commissions and state and federal employment agencies from all of the 48 states of this country.

Increases in wages are noted in so many states and in so many different trades and occupations that they point to a general trend in that direction. These include an 11 per cent increase to 200,000 jacking house employees; a 15 per cent increase to carpenters; a 12 per cent hour increase to common laborers and a general increase among steel workers, all in Chicago, and a 25 per cent increase to 300,000 packmen in the woolen and cotton mills of New England. The reports also show a general increase in wages in Michigan and an increase to the building trades, metal and machinery workers in New England. Increase in wages of ranch hands in the northwest; carpenters in Kentucky; farm labor in Iowa and Minnesota; bricklayers and plasterers in Montana and Miss-

(Continued on Page Eight)

## FOODSTUFFS HELD DETERIORATING TO HUMANITY'S TEETH

EUGENE, May 1.—Remarkable preservation of teeth in one of the skulls recently taken from the Albany, Oregon, mounds by University of Oregon geologists has led Dr. Edwin T. Hodge, professor of zoology, to express his belief that the aborigines interred in the cemetery of the ancients on the banks of the Santiam river were not eaters of warm foodstuffs. The molars in the jawbone examined by Dr. Hodge, who has recently made a detailed study of the ancient men of Oregon, are worn very low, indicating that the remains are those of an aged human, but no traces of decay are visible.

Dr. Hodge has the opinion of dental experts to the effect that hot foodstuffs has a deteriorating reaction on the teeth of man. According to the geologist, it is a well-known fact that Indians found in America by early explorers had teeth remarkably preserved. It is probable, believes Dr. Hodge, that the aborigines of the Albany mounds used fire in the preparation of food, but since all the cooking was done in the open, the roughly prepared food cooled off before being eaten.

Close examination of the teeth in the Albany skulls reveals that the enamel edges are not jagged, a fact, in the opinion of Dr. Hodge, which indicated that the early man of Oregon was careful to exclude gritty material from his dinner-dish.

## THE MARKET

(By Associated Press.) PORTLAND, May 1.—Livestock steady; eggs and butter firm.

## I. C. C. WOOL HEARINGS ON

Freight Traffic Manager of U. P. It First Witness to Testify.

(By Associated Press.) SALT LAKE, May 1.—Hearings by representatives of the Interstate Commerce commission on petitions for readjustment of rates on wool shipments in western states opened here Monday with a statement by E. W. Robinson, freight traffic manager of the Union Pacific railroad, that "the railroad's rates must be lowered in order to meet water competition."

Mr. Robinson, who was the first witness to testify, was still on the stand when the hearing closed late Monday. He declared that the rate on wool of \$2.70 a hundred pounds, which is under suspension pending the investigation, was announced before the latest reduction on water lines.

Proportionate rates by rail to the Pacific coast were opposed by Mr. Robinson during the examination, which was conducted by H. C. Paul, examiner of the commission, and H. A. Davis, manager of the Boston Wool Trade association.

"The commission," he said, "cannot fairly or reasonably attempt to establish proportionate rates to the ports unless it also has control over the port-to-port rates."

## SUGAR INQUIRY IS ADJOURNED

Hearing Is to Start Again May 7; Exchange Files Answer to Government.

(By Associated Press.) NEW YORK, May 1.—Hearing of the government's application for a temporary injunction to restrain raw sugar futures trading on the New York Coffee and Sugar exchange, was adjourned until May 7 Monday, after the government had presented arguments to sustain its petition and filed a mass of documents and affidavits. The exchange, its clearing association and the 23 past and present officers and members who have been subpoenaed, took no action in Monday's proceedings except to file an answer to the charge that the transactions on the exchange constitute a conspiracy in restraint of trade, in violation of the Sherman anti-trust law.

## Weather Forecast

(By Associated Press.) PORTLAND, May 1.—Rain tonight and Wednesday.

## THE GUIDING SPIRIT



## Old Oregon Trail Pageant Date Set for July 4th; Town of Meacham is Site

July 4th—America's Natal Day—is the day of the celebration on top of the Blue mountains.

The Old Oregon Trail pageant will be the chief feature of that celebration.

The town of Meacham on the O. W. railroad is the location and the country for several miles around is under lease for the occasion.

Briefly stated that is the work which the executive committee of the Old Oregon Trail association performed yesterday when the committee members from Baker, Union and La Grande met the members from Pendleton and spent the day looking over different sites for the celebration.

It was found Meacham was the ideal location. Not only is it on the railroad with plenty of sidetracks which will permit parking of special trains, but it is supplied abundantly with pure water, has several hundred acres of pasture land suitable for the Indian Potlach, the staging of western drama, and the formation of the pageant.

It has steep hills which will become natural amphitheatres for the occasion, capable of accommodating 50,000 persons to view the pageant as it winds its way through the canyons typifying the covered wagon of early days.

Committees on publicity, grounds and entertainment were ordered to pull open the throttle last evening and get busy. The big work of staging a drama that will go down in American history as one of the most remarkable reproductions of pioneer life, is now on.