

# UNION COUNTY'S DRI, COURT SAYS

## Defective Notices in One Precinct Do Not Invalidate Decisive Majority Vote.

### SLATER AND KING DIFFER

#### Two Justices Dissent and Insist That Case Should Be Reversed Because of Careless Work of Officials in One Precinct.

SALEM, Or., July 13.—(Special.)—The Supreme Court today affirmed the decision of the Circuit Court of Union County in the case of Julius Roesch vs. J. C. Henry and others, owners of Union County. The opinion of the appellate court is written by Chief Justice Moore, concurred in by Justices McBride and Eakin and dissented from by Justices Slater and King. As a result of the opinion Union County will remain dry while the vote of Kamela precinct will be thrown out.

The case was an appeal by Julius Roesch, a brewer at La Grande, from a decree dismissing a suit instituted to restrain the County from declaring the county "dry" as the result of an election held on June 1, 1908, when the county was voted into the prohibition column by a majority of 630. One of the principal grounds on which the brewer and saloonkeepers of the county asked to have the result of the election set aside was that in Kamela precinct only three notices of the election instead of five were posted. In the precinct in which the notices were posted, the number of registered voters was 38, and at the election therein 3 votes were cast for prohibition and 23 against it.

**Majority Shall Rule, Says Moore.**

Justice Moore declares that "no system of calculation can so change a registration of 39 voters as to overcome a majority of 630 votes in favor of prohibition. We think the rule of law should be that no precinct was affected by the want of sufficient notice but Kamela, and that such defect could not by any possibility have changed the result of the election if the required number of notices had been posted."

While the opinion apparently conflicts with that of the Supreme Court in a similar case from Grant County, this apparent conflict is explained by Chief Justice Moore in the following language, referring to the Grant County case: "In one precinct no election notices were posted, in another precinct only three notices were posted, and were so posted only eight days before election; and in two other precincts five notices were put up in each, but on 17 days, respectively, before election. Based upon such showing it was held that the failure of the Sheriff strictly to comply with the requirements of the election law rendered the election nugatory."

**McBride Has New Argument.**

Justice McBride concurs in the conclusions of the Chief Justice, but not entirely upon the same grounds. Justice McBride holds that the case rests upon one proposition, viz: That the election law requires notice of a special election, in the manner required by law, is a jurisdictional compliance, requiring the same strictness of compliance as public notice, and that whether a substantial compliance will be sufficient. McBride continues: "It does not suppose that the election law requires whether thirty citizens of Union County get their supplies at licensed saloons, as they have been wont to do these many years, and that it is to adopt the inconvenient methods frequently practiced in the so-called 'dry' counties. The principle involved is far-reaching. The objection that we would hesitate to adopt a rule which will say that the citizens or any voting district may be disfranchised by the failure of a careless or fraudulent officer to post a single notice."

**Other Cases Decided.**

James Ferrari, a minor, respondent vs. Belle H. O'Connell, appellant, appeal from Coos County. J. W. Hamilton, Justice. Reversed and remanded. Opinion by Chief Justice.

Albert Abel, respondent vs. Coos Bay Company, appellant, appeal from Coos County. J. W. Hamilton, Justice. Reversed and remanded. Opinion by Chief Justice.

The Oregon Railroad & Navigation Company, appellant vs. John Eastwood, appellee, appeal from Clatsop County. J. W. Hamilton, Justice. Reversed and remanded. Opinion by Chief Justice.

J. E. Laughlin, appellant vs. L. Connors, appellee, appeal from Baker County. William Smith, Justice. Affirmed. Opinion by Eakin, Justice.

Floyd L. O'Brien, appellant vs. F. W. Morrison and C. C. Guernsey, respondents, appeal from Grant County. George E. Davis, Justice. Reversed and remanded. Opinion by Moore, Chief Justice.

George W. Anderson, respondent vs. Theodore McCallan, Arizona McCallan and George Bowman, defendants, appeal from Grant County. George E. Davis, Justice. Affirmed. Opinion by McBride, Justice.

Mrs. W. Byrneson and Bart Owsley, respondents vs. Union County, Oregon, appellant, appeal from Union County. H. J. Head, Judge. Affirmed. Opinion by Moore, Chief Justice.

J. E. Johnson, respondent vs. Sam Iankovetz, appellant, appeal from Union County. John H. Cleveland, Judge. Reversed and remanded. Opinion by Moore, Chief Justice.

E. H. Beabrook, respondent vs. Coos Bay and Cold Storage Company, appellant, appeal from Coos County. J. W. Hamilton, Judge. Affirmed. Opinion by Eakin, Justice.

McCabe Dupuy Tanning Company, respondent vs. the Justice Court of Grant County, H. K. Hanks, Judge. Motion to dismiss appeal denied. Opinion by Moore, Chief Justice.

**LEGISLATOR IS VERY ILL**

Guy P. Halferty May Not Survive Attack of Typhoid.

ABERDEEN, Wash., July 13.—(Special.)—The condition of Guy P. Halferty, representative in the Legislature from the 23rd district, who has been ill at St. Joseph Hospital, of typhoid fever for some ten days, was reported as serious today, and fears are now entertained for his recovery.

Mr. Halferty was taken ill while in attendance at the special session of the Legislature. He was brought here, taken to the hospital and has grown steadily worse.

**Mill Will Remove to Kalama.**

RAINIER, Or., July 13.—(Special.)—The big plant of the Willard Case Lumber Company closed this morning, and as soon as a small lot of planing is finished the custom of moving the plant to Kalama will begin. The company had intended to finish cutting out their timber at this place, but, owing to some legal tangle with local parties, here to Kalama to raft their logs from here to Kalama.

**Brick Plant Machinery Arrives.**

RAINIER, Or., July 13.—(Special.)—The task of unloading the machinery for the big brick plant of the Rainier Face Brick & Clay Company was begun this morning and the work of getting out the clay for the manufacture of white pressed brick will begin at once.

**BIG GROWTH IN RECEIPTS**

Business of White Salmon Offices Increases 60 Per Cent.

WHITE SALMON, Wash., July 13.—(Special.)—The growth and development of the White Salmon Valley is evidenced by the growth of the postoffice at this place.

Guy C. Crow, postmaster, states that his report for the quarter ending July 1, 1909, shows an increase of 60 per cent over the same quarter in 1908, while the report for the year ending July 1, 1909, shows an increase of 49 per cent over the year ending July 1, 1908.

# BRANCH LINES INTO IDAHO

## Plans of Oregon Short Line Insure Big Irrigation Project.

### CLUBWOMEN ARE TO MEET

#### National Council Will Hold Session in Seattle.

BOISE, Idaho, July 13.—(Special.)—The determination to extend the Mindoka & Southwestern, a branch of the Oregon Short Line, practically insures building of the great Twin Falls-Bureau irrigation project to reclaim eventually half a million acres of land.

The line will be extended from the present terminus, Buhl, to Nyssa, Or., to connect there with the main line of the Oregon Short Line. There will be branch lines from Buhl to Glenn's Ferry and from Burley to Caldwell.

**PROMINENT DELEGATES TO NATIONAL COUNCIL OF WOMEN OF SEATTLE.**

The delegates to the national convention of the National Council of Women was scheduled to meet in Seattle today, scarcely a quorum was present, owing to a change in time over the Canadian Pacific Railroad.

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# VAST TRACTS IN IDAHO RECLAIMED

## Twin Falls Citizen Tells of Great Projects That Are Under Way.

### WILL SAVE 660,000 ACRES

#### R. M. McCollum Says That This Area in Southern Part of State Alone Is Being Made Fertile Under Carey Act.

"Irrigation certainly pays in Idaho," said R. M. McCollum, of Twin Falls, yesterday. "In the last five years irrigation projects under the Carey act have been launched for the reclamation of 660,000 acres in the southern part of the state with the result that the greater part of that area has been converted from a desert into productive fields. In the same period that section of Southern Idaho has grown until it has a population of 25,000, with 12 good towns and 26 established banking institutions. Another project on Lost River, including 75,000 acres, will be thrown open to settlers some time next month."

Mr. McCollum is in the employ of the Clinton-Hurtz Company, of Boise, which has handled the various projects for the reclamation of this vast tract. C. B. Hurtz, of Boise, is president and general manager of the firm which is regarded as the largest irrigation concern in the United States. This company has one ditch 59 miles in length. It is 80 feet wide on the bottom 120 feet at the top and carries 10 feet of water. The project was originally financed by F. H. Buhl and P. W. Kamberly, of Sharon, Pa., and S. B. Milner, of Salt Lake.

Irrigation is one of the pioneer projects of the Twin Falls Investment Company. Mr. McCollum is an enthusiastic irrigator and is loud in his praise of the Government's policy of reclaiming lands that have been regarded as worthless for agricultural pursuits. He said yesterday:

"Twin Falls is located in the heart of this large irrigation district, and when the townsite for this new prosperous town was opened five years ago, the site of the town and the surrounding country were nothing but a desert. Today Twin Falls is a thriving city with a population of 8000. The irrigation district borders on the Snake River valley and is located entirely in the counties of Lincoln and Twin Falls. Originally the lands included in the district were placed on the market for sale at from \$25 to \$50 an acre, including water. Today none of the land can be bought for less than \$100 an acre and some commanding as high as \$1000 an acre. While fruit is the principal crop grown, all kinds of grains and grasses are being produced. In fact, this irrigated district by reason of its particular adaptability to all kinds of fruit, has become the largest fruit producing tract in the West, and is being settled on the irrigated lands surrounding Twin Falls came from Oregon and Washington. The large peach growers of Grand Junction, Colo., attracted by the possibilities of Southern Idaho for producing this fruit, have invested largely in land and are setting out immense orchards. The same is true of the orchardists from Washington and Yakima, Wash., and from various points in Oregon.

"We have unlimited water power available for all uses. The Shoshone Falls, 1500 feet wide with a perpendicular fall of 220 feet, has been harnessed and furnish light and power for all of the surrounding towns and there is an abundance of this energy to spare. We have a reserve source of water power in Twin Falls, which have a fall of 187 feet. This power has not been developed.

"The district is well supplied with transportation facilities. An electric railroad extends from Gooding, on the main line of the Oregon Short Line, to Jerome, Idaho, and an extension of 45 miles to this system into the very heart of the irrigated district is projected. The Oregon Short Line also is building from Twin Falls south, 114 miles, to Wells, Nev., where connections will be made with the Southern Pacific and the West coast facilities. These facilities of outlet in all directions for our products. With the completion of the roads now building, we will have highly satisfactory communication with the markets of Portland, San Francisco and the East, via Salt Lake."

**MILLMEN GO TO FUNERAL**

Lumber Convention Adjourns Out of Respect to Cushman.

SEATTLE, July 13.—The National Lumber Manufacturers' Association convention met this morning and after transacting a little business adjourned to attend the funeral of the late Congressman Cushman, the lumbermen's spokesman on the ways and means committee of the House, who died at the age of 60 after long illness. The convention was also adjourned.

"It is the sense of this meeting that in the manufacture of all lumber, odd as well as even lengths, be the standard in flooring, ceiling, partitions, finishing, molding, drop and bevel siding and the National Lumber Manufacturers' Association hereby approves this action and urges its adoption by its affiliated associations."

It is estimated that the delegates attending the convention represent \$250,000,000 of wealth.

**ACCEPTS LOCAL POSITION**

Professor French, of Weston, Secures Place With Y. M. C. A.

WESTON, Or., July 13.—(Special.)—Robert C. French, retiring president of the Weston Normal, left today for Portland, where he will have charge of the educational department in the new Y. M. C. A. building. Paul H. Wyman and J. O. Russell, late of the Normal faculty, will succeed Mr. French, who has planned for vocational work at Portland in plumbing, carpentry and machinery, as well as a preparatory school for college.

**Funeral Rites Said Over Body of Dead Congressman.**

Funeral services for the late Congressman Cushman were held at the City of Tacoma, where he died, on Saturday night, July 10. The event will be held on the club's athletic grounds, and will close Saturday, July 24, with a brilliant Mardi Gras.

**FLORAL TRIBUTES LAVISH**

In Common With Many Others, President Now Lives Alone.

WASHINGTON, July 13.—President Taft, the Summer "bachelor" of the White House, is sharing the fate of many other Washington residents whose families have gone away to the mountains or seashore. The President, however, is taking the situation philosophically.

Living bachelor fashion at the White House is not fraught with the same gloom as it is in the case of the man who has his home "closed up" when his wife has gone away. President and Mrs. Taft divided the White House between them, and the Beverly cottage was begun, so the President is well taken care of. The White House, at which here and there while he makes himself content with the "second cook," a negro girl named Mary, who hails from Virginia, and whose sway over the White House kitchen is complete.

The President has solved the question of disposing of the long evenings by taking automobile rides about the city and suburbs.

Arising about 7 o'clock the President devotes nearly an hour to dumbbells, pulley weights and other forms of exercise prescribed for him. He breakfasts slowly, and usually alone. Between 9:30 and 10 he begins his duties of the day in the executive office. At 1:30 comes luncheon at the White House, at which he has some invited guest for company. Up to afternoon is devoted to golf.

Dinner always finds guests assembled at once in the Executive dining room, which begins a little after 7 o'clock and continues for an hour and a half.

**REFORMERS MEET DEFEAT**

Jury in Liquor-Selling Case at Salem Refuses to Convict.

SALEM, Or., July 13.—(Special.)—Tonight in the Police Court the jury in the case of the City of Salem vs. Rose Leibel of Southern Idaho.

Fifty 48 per cent of the people who have settled on the irrigated lands surrounding Twin Falls came from Oregon and Washington. The large peach growers of Grand Junction, Colo., attracted by the possibilities of Southern Idaho for producing this fruit, have invested largely in land and are setting out immense orchards. The same is true of the orchardists from Washington and Yakima, Wash., and from various points in Oregon.

"We have unlimited water power available for all uses. The Shoshone Falls, 1500 feet wide with a perpendicular fall of 220 feet, has been harnessed and furnish light and power for all of the surrounding towns and there is an abundance of this energy to spare. We have a reserve source of water power in Twin Falls, which have a fall of 187 feet. This power has not been developed.

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"The district is well supplied with transportation facilities. An electric railroad extends from Gooding, on the main line of the Oregon Short Line, to Jerome, Idaho, and an extension of 45 miles to this system into the very heart of the irrigated district is projected. The Oregon Short Line also is building from Twin Falls south, 114 miles, to Wells, Nev., where connections will be made with the Southern Pacific and the West coast facilities. These facilities of outlet in all directions for our products. With the completion of the roads now building, we will have highly satisfactory communication with the markets of Portland, San Francisco and the East, via Salt Lake."

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