



JUDGE GILLILAND ISSUES PROHIBITION PROCLAMATION

Circuit Judge Bean Refuses to Grant Temporary Restraining Order at Request of Liquor Interests.

To Make Matter Doubly Sure, Two Decrees Are Issued, One Being Signed By Judge Gilliland and One by Judge and Commissioner—Sale of Intoxicating Liquors As a Beverage in Umatilla County Entirely Prohibited — Lawyers Have Strenuous Trip to Heppner in Vain—Unable to Present Their Case Until Late in the Afternoon and Then Are Denied—Bean Agrees to Hear Their Complaint Before July 1, If They Have One to Present—Prohibitionists Rejoice and Judge Bean Is Commended—Court House Officials Feel Relieved—Generally Believed in Official Circles That Fight Will Be Dropped, for Case Is Declared to Have No Merits.

Be it remembered, That at a special session of the county court of the state of Oregon, for Umatilla county, begun and held at the county court house, in Pendleton, in said county and state at 10 o'clock a. m., on June 12th, 1908, pursuant to law, there were present

HON. T. P. GILLILAND, County Judge.
FRANK SALING, County Clerk.
T. D. TAYLOR, Sheriff.
G. W. PHELPS, Dist. Atty.

Whereupon, the following proceedings were had:

In the matter of an election held on the 1st day of June, 1908, to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in the county of Umatilla, as a whole.

Now, on this 12th day of June, 1908, it appearing to the court that at the election duly petitioned for, and notices of which were duly given, and posted as provided by law, and held on the 1st day of June, 1908, to determine whether the sale of intoxicating liquors as a beverage should be prohibited in Umatilla county, Oregon, as a whole.

And it duly appearing to the court from the abstract of votes made by Frank Saling, county clerk of Umatilla county, J. F. Wallan, justice of the peace for Adams district, and Abe Miller, justice of the peace for Alta district, in the said county; that in said Umatilla county, Oregon, at said election the votes for and against such prohibition were as follows: For prohibition, 2334 votes, against prohibition 1640 votes. It therefore appearing to the court that at said election, in Umatilla county, a majority of the votes cast were for the prohibition of the sale of intoxicating liquors, as a beverage, within said county, it is therefore hereby ordered by the court that the result of said vote in Umatilla, be, and the same is hereby declared to be in favor of prohibition of the sale of intoxicating liquors, as a beverage in the whole of said Umatilla county. And it is hereby ordered, adjudged and decreed by the court that the sale of intoxicating liquors as a beverage, within the limits of Umatilla county, state of Oregon, be and the same is hereby entirely prohibited, except for the purposes and under the regulations prescribed by law, on and after July 1, 1908, and until such time as the qualified voters therein at a legal election held for the purpose, by majority votes decide otherwise.

Dated this 12th day of June, 1908.

T. P. GILLILAND, County Judge.

By the above decree shortly after 10 o'clock this forenoon the fate of the liquor business in this county is sealed, for the proclamation was issued after attorneys for the saloonmen had tried in vain to secure a restraining order from Circuit Judge H. J. Bean.

At 5 o'clock yesterday afternoon Attorneys Winter and Richards appeared before Judge Bean at Heppner and asked for the temporary restraining order prayed for in the complaint filed for Anton Nolte yesterday.

After listening to the arguments of the attorneys, Judge Bean held that a restraining order was not necessary and he declined to issue the same. The court held that it would be possible to try the case upon its merits before July 1, at which time the prohibition law is to go into effect.

Falling in their efforts, the two lawyers left Heppner by auto at 7 o'clock last evening and they arrived here at 11 o'clock last night.

Whether or not the Nolte case will now be tried upon its merits the attorneys do not say.

Prohibitionists Rejoice.

Among those who voted for prohibition, and among many others also, there is much commendation for the action taken by Judge Bean. The move of the saloonmen was regarded by most people as purely a play to gain time and if possible to block prohibition by technical quibbling.

1000 EXTRA PASSENGERS PASS THROUGH

It is estimated that 1000 extra passengers have passed through Pendleton, east and west, during the past week on account of the tie up of the Northern Pacific lines in Montana. Three full trains passed through here in the early part of the week, while one and two coaches have been attached to a number of O. R. & N. trains in addition to the full trains.

The tie up is still on and it is probable that it will be several days before through tickets will be sold over the Northern Pacific. The company is making heroic efforts to clear

CRAZY; MUST SING FOR HIM.

Insane Captor Makes Life Miserable for Minister.

Seattle, Wash., June 12.—The Rev. E. L. Benedict, pastor of the Green Lake Methodist Episcopal church of this city, was this morning at 4 o'clock compelled to accompany a lunatic to the church and there pray and sing for him continuously for more than three hours, while at the same time the crazy captor, who is one of the minister's parishioners, occupied the pulpit and delivered an incoherent harangue.

The lunatic, whose name is Van Houten, lured the pastor to his church on the plea that he needed prayer. The minister appreciated the mental condition of the man, and before going with him telephoned to police headquarters. As his church is far from the center of the city three hours of captivity elapsed before the rescue. When the police arrived at 7 o'clock they found both men silently eying each other and showing complete exhaustion. Van Houten will be committed to the insane asylum at Stellacoom.

TEMPORARY REPRIEVE.

Fortune Teller Given a Few More Days of Life.

Chicago, June 12.—Federal Judge Landis today granted Herman Bilek, the condemned murderer, a temporary reprieve, as a result of the heroic measures adopted by his friends.

Landis will decide whether Bilek's appeal is in the state or supreme court.

Governor Densen and the pardon board took up the case at 1 this morning after refusing to grant the pardon.

Bilek's two daughters accompanied father O'Callaghan on a speaking tour of the city in the interest of Bilek.

DESTROYING HISTORIC HOUSE.

Former Home of Edwin Booth Being Shaken Down.

San Francisco, June 12.—Although it survived the fire and earthquake, the former home of Edwin Booth, the great actor, situated on Telegraph Hill, in this city, is threatened with destruction by dynamite in blasting operations for the location of a cottage on the very point of the hill. One more charge of dynamite will send it to destruction.

Booth lived here from 1852 to 1856. At that time Telegraph Hill was the center of San Francisco's social life.

FIRE DESTROYS PACKING PLANT

DAMAGE AMOUNTS TO HUNDREDS OF THOUSANDS.

Big Kansas City Establishment Burns While Firemen Are Shut Off by Flood and Are Powerless to Render Assistance—Explosion in Sausage Factory Starts Conflagration, Which Spreads Rapidly.

Kansas City, Mo., June 12.—The big Nelson Morris packing plant is burning and is apparently doomed to destruction.

The property is in the flooded district and it is impossible for the fire department to reach it.

The fire is spreading rapidly, thousands witnessing it but helpless to combat it.

It is estimated the loss to Morris will be hundreds of thousands of dollars, two buildings are entirely destroyed.

Fire started from an explosion in the sausage factory. At noon the fire was still raging.

The firemen finally got near enough to prevent the fire from spreading further. The company's plant is valued at \$1,500,000.

CURRENCY REGULATIONS.

National Banks Told What They May Do to Secure Issue.

Washington, June 12.—Secretary Cortelyou today issued a circular to all national banks setting forth the regulations which must be followed in forming the National Currency associations.

In part it says: "National banks occupying continuous territory may organize national currency associations. There must be at least 10 banks in each association and the aggregate capital and surplus of the banks must be at least \$5,000,000. No bank may join an association unless it has an unimpaired capital and surplus of not less than 20 per cent."

The circular then explains the provisions of the currency law.

Expressman Arrested.

Oakland, June 12.—James O'Connell, an expressman from St. Paul, was arrested last night, suspected of complicity in the recent dynamiting of safes at the Southern Pacific station at Melrose and San Leandro.

ATTORNEYS MAKE AN EXPLANATION

Say Injunction Suit Was Not Brought as Attack Upon County Officials.

TWO POINTS AT ISSUE ELUCIDATED

Grounds Upon Which Attorneys Base Their Hopes of Having Prohibition Vote Declared Illegal Are Two in Number—Declare Court Was Not in Session and That Notices Were Not Posted As By Law Required—Signed Statement by Lawyers Employed by Liquor Interests in Fight for Self Preservation.

Pendleton, Ore., June 12.—To the Editor—Since the suit instituted on yesterday to test the legality of the recent local option election is one of public interest, there ought to be a clear understanding of the issues involved.

In the first place it should be remembered that the result of such election, if valid, is to practically confiscate the property of many men by the destruction of their business, and the law provides no compensation. It is no answer to say that the business so destroyed is questionable in morals. The law for centuries has recognized it as legitimate.

Under such circumstances, therefore, considerate men will recognize the right of men whose entire property is so jeopardized to insist that if destruction is to come it must come legally. With them it is not a question of ethics, social or moral, at this time. It is the cold, hard question of self protection, which sometime or other may touch us all.

These men employed lawyers whom they regarded competent, therefore, to examine the record of the election, to ascertain whether or not the proceedings were legal, not for the purpose of any attack upon public officials or individuals. Nobody questions the entire good faith of the men upon whom the law imposes the duty of superintending the various steps necessary in an election. Such examination disclosed two things which seem to invalidate the vote on local option in this county, and relying upon these especially the suit has been instituted.

They are these: The record shows that a few days before the date of the order of court directing the election upon the local option petitions the county court adjourned, not to any future time, but adjourned. If the language of such record is true, then in law it adjourned for the term. Such has been the decision of the courts of other states clearly. If a final adjournment was thus had the order made by the judge directing the election was void because an individual cannot make such order, and the court having been adjourned for the term there was no court to make such order. Such situation is no reflection upon either judge or clerk. That method of adjournment seems to have been long the custom here, and does not relate to that month or to this case. The question involved is purely a legal one; the suit is based upon the decisions of other states, and the decision of the Oregon supreme court. Our court has rendered several decisions construing the local option law and in every instance where the subject has been before it, it was held that an order made by the county judge or commissioners, when the court is not in regular session is void.

The other vital question is the place of posting the notices of election. The law directs that there shall be five notices posted in each precinct, posted in the VICINITY OF THE POLLING PLACE OR PLACES. The return of such posting indicates that there is at least some question whether that portion of the law was complied with. This, too, is a legal question and involves the reasonable construction of the term vicinity as used in the statute. No election can be valid without the notice thereof which the law of the state requires.

There are other matters pleaded, but these are the things especially relied upon. Courts always are reluctant to declare an election void, except for fraud, but they sit to construe and administer the law, and when an election is clearly invalid, they have invariably so declared it. The supreme court of Oregon has already declared that the local option election is special in character, and that every provision of the statute must be strictly followed. If in this case the court should find that there was no county court sitting in this county when the order authorizing the election upon local option was made, or that there was a non-compliance with the law as to notices, there clearly was no election.

This statement is made that the public may understand the issues in-

WOMAN SUICIDES RATHER THAN MURDER.
Ravel, June 12.—It leaked out today that a woman school teacher thwarted a plot to kill the czar just after the ceremonies in the Gulf of Finland on the occasion of King Edward's visit. The woman was picked upon by nihilists to throw bombs to kill the czar and end the family. She committed suicide rather than throw the bomb.

involved, and that no injustice may be done the public officials. They have performed their duty as they understood it, and the questions presented the court are legal ones.

The preliminary injunction was sought only as an incident to the proceeding in the hope that the questions at issue might be tried out in a civil suit before the final order upon the election was made and before July 1, and in the belief that thus possible future criminal trials involving the validity of the election might be avoided.

Respectfully,
RALEY, RICHARDS & RALEY,
LOWELL & WINTER.

SHOOTS WOMAN AND HIMSELF.

Sacramento, June 12.—Because Eva Williams, a beautiful woman, refused to forsake her wayward life and marry him, Charles Stevens, a prosperous liquor man, today shot and wounded here while she was sleeping in a lodging house. As the police approached Stevens shot himself through the brain and dropped dead. The woman will recover. Four bullets took effect in her body.

EIGHT ACCUSED MEN GIVE BONDS

APPEAR BEFORE U. S. COMMISSIONER HAILEY

Amount for Each Count Is \$2000—Colonel J. H. Rahey Compelled to Put Up \$12,000 to Insure His Appearance in Portland on First Day of Court—Rahey Says He Will Not Plead Guilty and Spurns Offer of Light Fine.

Eight of the Umatilla county men indicted for conspiracy to defraud the government out of land, appeared before John Hailey, Jr., U. S. commissioner Hailey, Jr., today and gave bonds to appear before the federal court on the first day of the next term.

For each indictment a bond of \$2,000 was set by Commissioner Hailey and those who have more than one indictment standing against them were required to give that amount for each case.

Those to give bonds today and the number of indictments standing against them were as follows: Col. J. H. Rahey, six; William Rahe, two; William Slusher, two; John Vert, one; C. W. Mathews, one; John M. Wynne, one; John W. Crow, one, and S. N. Olmstead, one.

The bonds were given to insure the appearance of the various defendants at the times which will later be set for their arraignment.

This morning Col. J. H. Rahey stated to the East Oregonian that he will plead not guilty to the indictments against him and he understands that all the other Umatilla county men will do likewise.

Asked if the report was true that the Umatilla county men had been told that they would be allowed to go with a fine if they would plead guilty, Col. Rahey stated that such had been intimated to them, but that they choose to disregard the offer. He says that even if he knew he would be given but a slight fine he would prefer to fight the case in hopes of showing his innocence.

There are a hundred "successful" men for one that is contented.

PUBLICITY BALL CALLING ON

More Than \$3,000 Subscribed by Pendleton People and More to Come.

COMMITTEE CANVASSING IN WEST END TODAY.

Bureau Meeting With Encouragement and There Is No Longer Any Doubt That the Necessary Funds Will Be Forthcoming—Six Thousand Dollars Is the Minimum Sum to Be Raised and Outside Towns in the County Will Easily Make Up This Amount—Returns for Work Will Come in Future—List of Those Who Have Subscribed.

With \$3420 already subscribed towards the fund for the publicity bureau and more money being secured each day, prospects for the advertising bureau are bright. That a fund of at least \$6000 can be secured is now believed by the committee and the members are working hard to raise that amount.

Every cent of the money subscribed up to this time is being given by Pendleton people or business concerns and much more money will yet be raised here. Then a considerable amount is expected from the other towns of the county all of which will likewise share in the benefits of the advertising to be done.

This morning T. C. Taylor, R. Alexander and A. L. Knight, three members of the committee, left for Echo and Hermiston to meet with the people of these two towns. As the west end more than any other section of the county, is now ready for development it is believed that heavy contributions will be made by the people of that section.

The following is a detailed list of the subscriptions to date:

Twenty-five dollars a month—Pendleton Savings bank, Commercial National bank, First National bank.

Fifteen dollars a month—Masonic Hall association, Columbia Bridge company, Peoples Warehouse, R. Alexander and the Northwestern Gas & Electric company.

Ten dollars a month—E. J. Murphy, Koeppe Bros., R. H. Wilcox & Co., T. C. Taylor, Tailman & Co., Jack Huston, Pendleton Drug company.

Five dollars a month—Schwartz & Greulich, C. E. Roosevelt, C. J. Smith, Gray Bros., G. R. Demott & Co., Bond Bros., V. Strohle, Hamley & Co., Balfour-Guthrie company.

For the Future.

In soliciting funds for the bureau the committee argues that in order for Umatilla county and Pendleton to keep even with other sections in the matter of development it is necessary for good systematic publicity work to be carried on. From this advertising they do not claim that results will be forthcoming within a week nor even within a few months. On the other hand, the bureau is put forth as an investment for which returns in the form of settlers and new enterprises, will be forthcoming for years.

In soliciting subscriptions each man or business concern is asked for a certain amount scheduled by the committee and in most cases the amounts asked for have been given. Business men have been especially good in contributing. Later on the committee hopes to enlist more property owners in the movement and the professional men of the city will also be asked to contribute.

Ice Crushes Whaler.

Nome, Alaska, June 12.—A report received here, says the whaler William Bailey, of San Francisco, has crushed in the ice at Lawrence Island. Captain H. H. Bedford was picked up by the Bowhead. The rest of the crew are on the Jeanette. All had narrow escapes.

TWO WOMEN PULL HAIR ON STREET

Two women fighting will never fail to draw a crowd and an episode of that kind which occurred on Court street this morning was no exception to the rule. About the middle of the forenoon today business men and travelers in the region of the corner of Court and Cottonwood streets were startled at a noise like a female fight. The participants were Mrs. Mary Coffey, well known resident of East Court, and Mrs. Harry Gibson, whose husband won fame a year or more ago by unfortunately impersonating a federal officer. What the fuss was about is a matter which concerns the ladies involved.

Eye witnesses who saw the contest differ in their accounts of the same and to attempt an estimate of the work done on either side would be unjust. Fortunately the battle ended without serious disaster to either side.

Immediately after the combat one of the participants sought out Sheriff Taylor, while the other asked success of Chief of Police Gurdane. However, no official action was taken at this time by either officer.

Later in the forenoon the affair was placed up to C. J. Ferguson, new deputy district attorney, and he set 2 o'clock this afternoon as a time for listening to the evidence in the case.