

WEATHER REPORT
Snow tonight or Tuesday.



COUNTY OFFICIAL PAPER.

Calling cards, wedding stationery, commercial stationery and job printing to order at the East Oregonian.

VOL. 22.

PENDLETON, OREGON, MONDAY, JANUARY 10, 1910.

NO 6794

COURT BEGINS LONG SESSION

January Session will Probably Consume Five or Six Weeks. Many Cases on Docket.

CASES RANGE FROM PETTY LARCENY TO MURDER

Regular Term of Circuit Court Convened This Morning—Cases to Be Tried Include All Crimes in Catalogue—Old Grand Jury Makes Final Report and Is Discharged—New Grand Jury Is Selected—Minor Cases Today.

- NEW GRAND JURY. James S. Bell, Athena foreman. L. C. Rothrock, Pendleton. James Hill, Helix. Arthur Haasall, Pilot Rock. W. S. Misner, Weston. J. H. Welker, Holdman. J. W. Pinkerton, Athena.

With almost all the crimes in the catalogue from petty larceny to murder included in the docket the regular January term of the circuit court which was convened this morning at 10 o'clock. The list of cases to be tried, not only contains a number of important cases, but it is a long one and it is estimated that at least five weeks will probably be consumed in clearing the docket. At that it is expected that some of the cases will be carried over.

The old grand jury made its final report Saturday evening and was discharged from further duty, while a new one was drawn this morning and immediately took up the investigation of some matters which were left uncompleted by the old body. District Attorney Phelps is directing the investigations before this body.

These cases were set for trial today. The first of these was the Citizens National Bank against Robert Coppock. The attorneys for the defense confessed judgment and the case was wiped from the docket. The second case called was one against the Queen Insurance company and it was continued to the next term of court. The third case called was that of Jack Winnumshuff (an Indian) against Mark Butler. As the Indians were not in court the case was continued until this afternoon.

The next case to be called will be that of The State of Oregon versus Frank J. Ely. This will come up tomorrow. Ely is the transcontinental freight inspector who is accused by Charles Dickens with complicity in the freight depot thefts in this city. He is the only man remaining to be tried.

Another railroad case will follow this one. It is the case of Joseph Bowlin against the O. R. & N. company and is the one in which Bowlin, a former brakeman, is suing the company for \$15,000 damages for injuries received in an accident near Gibbon, a couple of years ago. The Morse horsestealing case which is coming up for its second trial, will probably be the next one on the docket.

The Tracy or Arnold murder case was set tentatively for Monday, January 24. Attorney Will M. Peterson will appear with H. I. Wattle for the defendant.

Final Grand Jury Report. The following is the final report of the September grand jury which ended its labors Saturday: To the Hon. H. J. Bean, Judge of the Court of the State of Oregon, for Umatilla County:

We, your grand jury, beg leave to report to you the work done by this grand jury during its sessions. We have investigated all cases presented to us by the district attorney

in as thorough manner as possible. We have reported true bills in a large number of cases and not true bills in other cases. We have investigated them separately and have used our best endeavors to get every part of each case presented to us that we might reach a just and intelligent decision. We have endeavored to render a decision in every case without fear or favor.

We have investigated and inspected the court house and all of the offices and we find the building in good repair and the several offices in good condition. We find the books of the different departments in excellent shape and the records are kept in a thorough manner, showing expertise and detail in every department, showing that the officers and clerks are doing their work in a most satisfactory manner.

We visited the poor farm and inspected every department of that institution. We found everything in the very best shape; the rooms clean, the bedding was not in the best repair but was clean, the rooms were comfortable, being warm, light, well ventilated and heated, the heating plant is in good condition and the dining room and kitchen clean and inviting. The inmates made no complaint, but stated that they were well treated and given good care.

We found a large part of the county machinery stored in a building for that purpose, showing that good care is taken of it. We found the stock in excellent condition, showing good care. There was an abundance of feed and produce on the farm, everything indicated careful and painstaking judgment on the part of the superintendent and his wife. We find there is in the culinary department too much work devolves upon the superintendent's wife, entirely too much for her to attend to all this work alone, and we recommend that additional help be employed in this department, as it is an injustice to the superintendent's wife to have to do all this work without help.

We extend our thanks to the district attorney and sheriff and compliment them for their diligence in getting witnesses before the grand jury promptly, facilitating our work and saving the county unnecessary expense. We thank the court for the consideration shown us during our session and beg to be discharged. Respectfully submitted, R. H. WILCOX, Foreman.

- M. R. YATES, J. W. KEEN, DELL DAVIS, SAM BANISTER, J. C. NEIL, SWANTY ANDERSON.

SMALL BOY, LOADED PISTOL, DEAD WOMAN

OFFICERS PERPLEXED OVER ENSUING PROBLEM

California Town Scene of Tragedy Which Puzzles Officials—Boy Warned Woman in Spirit of Fun That He Would Shoot Her—Bullet Sent Crashing Through Her Head

Port Costa, Calif., Jan. 10.—Joe Crowley, aged 10, charged with the murder of Mrs. Patrick Sullivan, the mother of six children, presents a most perplexing problem in the country's history to local officers. "Look out, Mrs. Sullivan, I'm going to shoot you," cried the little boy as he pointed a rusty revolver at the woman as she stood upon the railway platform. Mrs. Sullivan, half smiling, half frightened, started toward the boy to seize the weapon. The little fellow tightened his grasp on the pistol, there was a loud report and a flash as the woman lunged forward with a bullet in her brain. In a few minutes she was dead.

The boy was frightened nearly to death. He had been playing with the revolver along with half a dozen other boys all yesterday afternoon. Toward dusk when Mrs. Sullivan appeared the little fellow conceived the fatal plan of pretending to shoot her. Officers are trying to learn who is responsible for leaving a loaded revolver where it could be found by children.

Dorando to Run Hayes. San Francisco, Jan. 9.—Pietro Dorando, the Italian long distance runner, arrived from the east today to prepare for the marathon race which he is scheduled to run against John Hayes, February 23. Henry St. Yves, the Canadian runner who holds the world's championship for the classic distance, is in the city and will race the winner of the Dorando-Hayes contest.

Rioters Must Die. El Paso, Texas, Jan. 9.—News was received by the authorities in Juarez today that the court of last resort had affirmed the sentence of death passed upon Jose Lugo, formerly of Juarez, and 15 others who engaged in a riot at the town of Vesica in the state of Chihuahua last June, killing and wounding several persons and looting the postoffice, telegraph and revenue offices.

HERMANN TRIAL IS UNDER WAY

Jury Being Selected to Try Pendleton Man is Chosen Former Congressman for Conspiracy.

EXPECTED THAT MONTH WILL BE CONSUMED

105 of 301 Jurymen Fail to Put in Appearance at Drawing of Jury—Twelve Men Will Not Be Picked for Day or So—Trial Will Be Long and Tedious—Evidence of Washington Trial Will Be Read in Records.

Portland, Jan. 10.—Binger Hermann faced the opening of his trial for conspiracy to defraud the government of public lands before Judge Wolverson at 10 o'clock this morning. Up to 12:30 the court was busy hearing excuses of jurymen called to form a jury to try the case. This afternoon attorneys will begin the task of selecting twelve men out of the remainder left from the original 301 men called to form a petit jury. When Clerk Marsh finished calling the long list of names he found 105 of the number had failed to put in an appearance before the court. Forty-five more were excused for reasons of illness or business.

This afternoon at 2 o'clock work of selecting the trial jury will be begun and it is expected that a day or more will be filled in this work, though attorneys hope the box may be filled out of the first few names called. It is evident the trial will be a long and tedious one.

Arrangements have been made before the prosecution and the defense by which a portion of the evidence given in the Hermann trial at Washington, when he was accused of having destroyed public records of the land office, will be read in the records here. This is done to save expense and the delay of bringing witnesses from Washington. How much of this transcript will be read is not determined, and may depend upon the course of the trial as it develops. It is expected, however, that a month will be consumed in getting the case to the jury.

BOY SHOOTS STEPFATHER FOR STRIKING HIS MOTHER

San Francisco, Jan. 10.—Leonard Smith, motor man in the employ of the United Railroads, lies in the St. Francis hospital today with a severe bullet wound in his back, alleged to be the result of a domestic quarrel. The shot was fired by Merrill Smith, the victim's 18 year old stepson. According to the story told by young Smith who did the shooting, his mother and step father quarreled over a few dollars which Mrs. Smith was requested to give her husband. When Smith attacked the woman the lad without hesitation seized a small caliber rifle from the corner of the room and fired at his stepfather.

POTTER WOULD WORK IN WESTERN FIELD

Cheyenne, Wyo., Jan. 9.—A. F. Potter, on his way to Washington to succeed Gifford Pinchot as head of the forest service, stated today that his experience and personal knowledge of western conditions undoubtedly would bring the forest service and the west into closer harmony and that his policy would be more favorable to western industries. "I expect my relations with the western interests to be most congenial," he said. "I desire to work in harmony with the live stock associations, to protect the full use of the national forest ranges, to foster the stock interests and promote the general welfare of the west."

E. D. Ward and wife of Echo, are Pendleton visitors today.

SMYTHE HEADS ASSOCIATION

Pendleton Man is Chosen President of Inter-state Sheep Sanitary Association.

ORGANIZATION COMPRISES ALL WESTERN STATES

Formed at Instance of Oregon Board of Sheep Commissioners to Secure Regulations for Interstate Movements of Sheep—Sheepmen Return—Meet in Portland Next Year—Pinchot's Successor Approved.

Attorney Dan P. Smythe of this city, is president of the Interstate Sheep Sanitary association which was organized in Ogden, Utah, January 7. This was the news brought back to Pendleton this morning by the returning delegation, for though it was one of the most prominent features in connection with the convention of the National Wool Growers' association it missed getting into the press reports. The association was formed with a membership of 14 states and one other, Oklahoma, will be taken in. The movement which resulted in the formation of the organization was started by the Oregon board of sheep commissioners through its secretary, Dan P. Smythe. His selection for the head office was therefore generally considered as merited.

The purpose of the association is to secure uniform quarantine laws, uniform bounty laws and uniform legislation which may affect in general the sheep interests of the west. In the past there has been a spirit of retaliation among the different states and many of the quarantine laws have been passed for the purpose of keeping out foreign sheep altogether instead of endeavoring to control and prevent diseases. Some states have required only inspection of sheep coming across their borders, while others have required inspection, quarantining and dipping, regardless of whether the animals were diseased, exposed or clean. Through the efforts of the association this condition of affairs will not be permitted to continue longer.

Approved by Bureau.

Dr. A. D. Melvin, chief of the bureau of animal industry of Washington, D. C., in charge of the western field work of the department; Dr. Steadman, assistant to the chief and all the western chiefs, including Dr. S. W. McClure of Pendleton, were present and participated in the organization. They all approved of the plan and Dr. Melvin declared it to be the best meeting of its kind he ever attended. The bureau will be a member of the association and the chief of the bureau will be a member of the executive committee.

In addition to President Smythe, the other officers are W. H. Philbrick of Shoshone, Idaho; secretary-treasurer, and one vice president from each state in the association. Charles Cleveland of Gresham, is the Oregon vice president. S. B. Nelson, state veterinarian of Washington, represents his state. Dr. Charles Keane, state veterinarian of California, represents his, while L. R. Webster is the Idaho member. All states west of the Mississippi belong to the association.

Meet in Portland Next.

The 1911 meeting of the national association of woolgrowers and also the meeting of the sheep sanitary association, will be held in Portland, Oregon. The selection of Portland is considered a victory for all of Oregon.

Pleased With Potter.

According to Mr. Smythe, who returned this morning, with the other growers of wool, the selection of A. F. Potter to succeed Gifford Pinchot of the forest service, is regarded favorably by the sheepmen of Oregon. While he will probably follow the policies of Pinchot to a great extent and

he has always showed a spirit of fairness in the adjustment of Oregon difficulties which have been brought before him.

TRIAL OF CALHOUN IS POSTPONED AGAIN

San Francisco, Jan. 10.—Upon the motion of Charles M. Flickert, the new district attorney, the trial of Patrick Calhoun, the millionaire traction magnate, charged with bribery, was postponed today until January 21. Flickert asked for the postponement on the ground that he is not familiar with the case's records. Attorney Stanley Moore, for Calhoun, asked that the trial be set for the earliest possible date. The second trial of Calhoun began last summer by Special Prosecutor Francis J. Heney, but only a few temporary jurors were obtained before the election drew near and as the case was the main issue in the campaign for the district attorneyship, it was postponed by agreement until November.

OLGA NETHERSOLE PLEADS FOR FREEDOM OF "SUPE"

Sacramento, Jan. 10.—Olga Nethersole, the actress, today petitioned for the release from the San Quentin penitentiary of Percy Pembroke, a former "supe" in her company, who is sentenced to serve ten years. Pembroke was convicted of a burglary charge, and prior to that "supe" in the Oakland theatre during Miss Nethersole's last engagement in that city. Upon her return to the Pacific coast she heard of his predicament and yesterday appealed to Governor Gillette for clemency in his behalf.

MADRIZ NOT SINCERE IN PROBING EXECUTIONS

Panama, Jan. 10.—Information received from Managua today by American residents in Panama caused them to believe that the investigation into the execution of Leroy Cannon and Leonard Groce in Nicaragua, ordered by President Madriz will result only in an official whitewash to the incident. They say Madriz consented to the investigation only to satisfy the demands of American residents in Nicaragua and to place his administration upon a firmer Washington footing. That the affair will result in no definite findings, or at best that some minor officers will be made scapegoats they say is inevitable.

CARNIVAL OF HIGH FLYING IS OPENED

LOS ANGELES AVIATION MEET FORMALLY BEGUN

Ascension of Two Spherical Balloons Marks Inauguration of Congress of Air Navigators—Managers Wife in Basket.

Los Angeles, Jan. 10.—The big aviation meet was officially begun at noon when the balloon "New York" piloted by Clifford Harmon the New York millionaire aeronaut, shot up from its mooring at Huntington Park while thousands cheered. Besides Harmon, the basket was occupied by Mrs. Dick Ferris, wife of the general manager of the aviation meet, John Off, Mrs. Off, George Dressler and George B. Harrison. A few seconds after the "New York" had been loosed, the "Peoria" piloted by F. J. Kana, of Peoria, Illinois, followed the "New York." Both spheres rose rapidly after attaining an altitude of about 300 feet they were borne toward the northwest by the breeze.

Taft Nominates Postmaster.

Washington, Jan. 10.—The nomination of John P. McGlynn, as postmaster of Laconner, Wash., was made today by President Taft.

Steamer Runs Aground.

Kingston, Jamaica, Jan. 9.—The Hamburg-American steamer Prinz Joachim, which sailed at 5 o'clock this morning for Colton, ran aground in the eastern passage. The steamer is not considered in danger, as the weather is calm. The German cruiser Bertha has gone to her assistance.

OREGON DELEGATION FIGHTS NEW APPLE BILL

Washington, Jan. 9.—The Oregon delegation has taken notice of the bill introduced by Representative Lofgren of Pennsylvania, to establish standard packages and grades for apples, and will oppose its passage, believing its provisions inimical to western fruit growers. The bill fixes the standard box for apples at a capacity not less than 2542 cubic inches, and standard grades, size A, two and one-half inches in diameter, size B, two and a fourth inches, and size C two inches. The bill provides restrictions upon packing and penalties for deviations from standards and grades. It is likely to prove onerous to western growers.

L. R. Mitchell of Freewater, is among the large number of Pendleton visitors today from the East end of the county.

PINCHOT EAGER FOR THE FRAY

Deposed Chief Forester Prepares Statement to Public Justifying Course.

ADMINISTRATION PARTY FEELS UNCOMFORTABLE

Pinchot Prepares to Vindicate Action Which Led to His Dismissal—Will be Couched in no Uncertain Language—Pinchot and Roosevelt in Communication—Deposed Chief Flooded by Visitors and Mail.

Washington, Jan. 10.—Gifford Pinchot is preparing a statement which will be designated to vindicate his position in the controversy which led to his dismissal as chief forester by President Taft. Stories that Pinchot has been in communication with Col. Roosevelt since the former president went to Africa are not denied by Pinchot's friends today. The Taft administration supporters appear to be much concerned over the possible contents of Pinchot's statement. It is expected it will point out in strong terms what Pinchot considers the dangerous attitude of the Taft administration toward the conservation of natural resources.

Pinchot is preparing the statement in his capacity as a private citizen. The work so far has been slow as he has been constantly interrupted by a stream of sympathetic visitors who called to express their regret that he has left the government service. He is being almost buried under an avalanche of mail, and telegrams from sympathizers throughout the country.

Pinchot Knows His Business.

Washington, Jan. 10.—Pinchot's friends declare he is sure of the position he has taken and that he has not acted without careful consideration of results. The former chief forester spent most of the day with former Associate Forester Price, and former Associate Law Officer Shaw, who were dismissed at the same time as Pinchot. They are busily engaged in going over papers when not interrupted by visitors.

Glavis is Silent.

Portland, Jan. 10.—Louis R. Glavis, ex-special agent of the interior department arrived at Portland at 2 this afternoon. He refused to discuss the removal of Gifford Pinchot as chief forester of the United States.

COUNTRY IS FOR PINCHOT BE HE RIGHT OR WRONG

Chicago, Jan. 10.—This country will stand by Gifford Pinchot, right or wrong, according to the Tribune which says editorially: "Without enquiring into the technical justice of the discharge of Pinchot, the Tribune must repeat that this country will stand by Pinchot, right or wrong. It will not understand the legal or technical test, and is prepared to accept the president's statement that Ballinger was within the law, but long since the country has been able to distinguish between men who are 'law honest' and those who are moved by moral zeal for the public interest against private privileges."

APPOINTMENT OR ELECTION OF COMMITTEE—WHICH?

Washington, Jan. 10.—Senator Nelson of Minnesota, chairman of the public lands committee today reported to the senate the house resolution calling for an investigation of the Ballinger-Pinchot controversy. The resolution provides for the election of an investigation committee in accordance with the action, but taking the power of appointment from the hands of Speaker Cannon, and vice president Sherman. Another resolution providing for the appointment of a committee as originally drawn is also before the senate.

LIBRARY CLASSES COOK'S BOOKS AMONG FICTION

Boston, Jan. 10.—Discredited at home and abroad because of the adverse findings of the University of Copenhagen's committee that examined his polar records, Dr. E. A. Cook may not feel the thrust made at him by the board of directors of the Boston public library. Pursuant with orders issued by the directors, library attendants today transferred Dr. Cook's books from "travel shelves to the 'fiction' section of the library. These books are "Through the First Antarctic Night" and "The Top of the Continent."

TAX LEVY FOR COUNTY WILL BE SEVEN MILLS

Umatilla county's tax levy for this year is to be seven mills. This was the decision reached by the county court late Saturday afternoon.

The county levy for the city of Pendleton will only be 5.1 mills, however, as the city is exempt from payment of the road tax, which this year is 1.9 mills.

The seven mill levy is divided as follows: State and county general fund, 3 34-40 mills. County school fund, 1 31-60. School library, 1-60. Road, 1.9.

This levy will bring in a total of \$284,473.

It had been hoped that the county might escape with a levy of six mills on this year's full value assessment, but the increase in the amount of the school levy from seven to ten dollars per capita, and the increased amount demanded from the county by the state, made it necessary to raise \$30,000 more than was counted on. Each tenth of a mill will bring in about \$4,000.

The amount of the road fund is \$70,696.