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NEAR BEER MEN FOUND GUILTY

Supreme Court Holds Umatilla County Dealers Violated Local Option Law.

TWENTY-NINE DISPENSERS GUILTY BY ONE DECISION

Famous Test Case of State Versus Thomas Murrell Decided by Supreme Court—Ten Men May Face Jail Sentences—Cases Grow Out of Analysis of Near Beer.

Twenty-nine dispensers of near beer in Pendleton and other Umatilla county towns have been found guilty of selling intoxicating liquors in violation of the local option law according to a decision handed down yesterday by the supreme court in the case of the State of Oregon versus Thomas Murrell. The case against Murrell was taken for the test case and the other 28 defendants risked their chances on the outcome of the one case.

Ten of these 31 men were up under two separate offenses, having been indicted in April and again in September. Under the circumstances, however, the court may not interpret the decision to mean that these ten men have been found guilty of a second offense and must therefore be sentenced to jail. According to District Attorney Phelps the court may interpret it either way so there is a possibility that these ten men have a jail sentence coming as well as a fine.

Ten Are Unfortunate. The unfortunate ten are Martin Anderson, H. F. Peters, Paul Hemmelgarn, Harvey Taylor, William Hoch and Antone Nolte, all of this city; George Brisbois and Pete Murray of Athena; James Huggins and William Hard.

The other men who are decided to be guilty by yesterday's decision are A. Schmitter, Fred A. Gordon, William Bogart, Antone Kraft, John Estes, Henry Latourelle, Mel Norman, M. H. Gillette, Lou Bradburn, John Bradburn, A. G. Longnecker, Pete Tillson, V. O. Kelley, Al Zigman, Harvey Taylor, James Doty, Frank Cline, Herman Peters, J. N. Klein, and Thomas Murrell.

These are the famous near beer cases and the indictment of these men followed the bringing to this city of a chemist from the Oregon Agricultural college by District Attorney Phelps. Samples of the liquor being sold as "near beer" had been obtained from every saloon in the county and the tests made by the chemist disclosed the fact that the samples were all intoxicating.

All Near Beer Men in County. Every near beer dispenser in the county was accordingly indicted by the grand jury. A few of them pleaded guilty and were fined \$50 and costs each. The others decided to rest their fate upon a test case, Col. J. H. Raley having discovered what he thought was a fatal defect in the local option law as it applied to this county.

The facts were therefore stipulated in the case, it being admitted that the stuff being sold as "near beer" contained more than the allowed percentage of alcohol. The attorneys for the saloon men, however, contended that the local option law was defective for the reason that the county clerk had not made a valid order placing the law in force in this county. The defendants waived a jury trial and Judge Bean held the order was valid, that Murrell was therefore guilty and fined them \$100 and costs. The case was appealed to the supreme court, was argued on the first day of the recent term of the supreme court in this city and the decision was rendered yesterday, the opinion being written by Justice Eakin. This decision affirms the decision of the local court.

The defendants will now be compelled to appear before Judge Bean and receive sentence. What that sentence will be is only a matter for conjecture.

Other Decisions. Other cases decided yesterday were: A petition for a rendering in Keady vs. United Railways was denied and the case of Daly vs. F. W. Benson, contesting the payment of salary to

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PORTUGUESE SOLDIERS REBEL AGAINST REPUBLIC. Hong Kong, China, Nov. 30.—A number of soldiers and sailors of the Portuguese garrison at Macao are in revolt against the new Portuguese republic, according to advices received here today. It is reported they rioted and endangered many lives. Macao is a Portuguese dependency south of Canton.

'PHONE DIRECTORIES TO BE REPLACED

Pendleton people will not have to use the obnoxious telephone directories now scattered about the city. It was through a blunder that those directories were distributed here, for they were intended for use in Walla Walla. Within a few days the directories will be called in and they will be replaced with directories in which the towns of Umatilla county will occupy the first of the book.

This announcement was made the East Oregonian this morning by F. W. Wells, new local manager for the Pacific Telephone company, and he made the announcement upon the authority of C. P. Van Houtte, district manager for the company. Just how soon the new books will arrive Mr. Wells does not know but he has the impression they will be here within a few days.

CANADA WILL HAVE NAVY FOR THE PACIFIC COAST

Ottawa, Canada, Nov. 30.—Speaking on Canada's naval policy last night, Sir Wilfrid Laurier declared the new Canadian navy will be designed entirely for a coast defense. He said there was no fear of invasion of eastern Canada and an invasion only could be made by the United States, Russia or Japan on the Pacific coast, where the situation is different. Therefore the naval defense will be for the Pacific.

TAFT IS WRESTLING WITH HIS MESSAGE

Washington, D. C., Nov. 30.—President Taft is meeting with difficulties in endeavoring to complete his annual message to congress. The president, it is said, hoped to pass a number of important measures before the democrats took control of the house, but Cannon, Senator Hale and others told him there is no chance of success and probably only the appropriation bills can be passed.

During his recent visit to Panama Taft prepared a long program which included such measures as the ship subsidy bill, covering the licensing of corporations and the pensioning of superannuated government employees. Now it is believed the president won't try to force these lengthy bills.

The president spent the day working on his message. The cabinet meeting was again postponed to allow him further time.

PERSIAN WAR THREATENED.

Turkey Will Defend Persia Against England and Russia. Constantinople, Turkey, Nov. 30.—Turkish diplomats believe Russia and England are attempting to secure by underhand means what they feared to take by force, namely the partition of Persia. Many privately express the conviction that fighting over Persia cannot be averted.

Backed by a triple alliance, Turkey does not propose to see Persia divided. Turkish troops are already mobilized on the frontier, some of them in Persia near the positions occupied by small landing parties of Britishers.

SERIOUS STRIKE IN FRISCO.

"Scab" Driver Empties Revolver Into Crowd of Sympathizers. San Francisco, Nov. 30.—Although there are not over a hundred men involved in the taxicab drivers' strike which began Monday night, already half a dozen arrests have been made and several shots fired. President Carl Dreger of the Chauffeur's Union and five other union men today were admitted to bail following their arrest for alleged stoning of nonunion men.

The police are also investigating a shooting affray early today at the same place where Richard Kemp, a nonunion driver emptied a revolver into a crowd of union sympathizers.

ENGLAND TORN BY VIOLENT ELECTION RALLIES

London, Nov. 30.—Widespread violence at the election rallies continued throughout England and Ireland today. Scores of meetings last night and today were broken up, the speakers and candidates egged and in some places attacked and beaten. Winston Churchill was attacked several times when he spoke at Sheffield where 200 police were required to protect him. The followers of Redmond and O'Brien in Ireland clashed.

POPULATION OF TENNESSEE AND MINNESOTA ANNOUNCED

Washington, Nov. 30.—Tennessee's population is 2,184,789 and Minnesota's 2,075,908. Tennessee's gain is 4.10 per cent, not enough for another congressman. Minnesota gets another congressman with a gain of 13.8 per cent.

GENERAL MANAGER J. P. O'BRIEN DENIES "GRAPEVINE" REPORT ABOUT DOUBLE TRACKING

That a "grapevine" story promulgated here on Monday to the effect that the O. R. & N. company is to double track its line from Umatilla to Arlington was a pure fake is shown by the following message received today from J. P. O'Brien, vice president and general manager of the O. R. & N.

Portland, Oregon, Nov. 29. E. B. Aldrich, Editor East Oregonian, Pendleton, Ore.

Your wire 28th. Nothing in story of double tracking between Umatilla and Arlington. Coyote-Stanfield cutoff has not been abandoned out no work will be done on it for the present.

Among railroad men and others the "grapevine" report was regarded as a joke at the time because the construction of the Stanfield-Coyote cutoff would naturally preclude any double tracking between Umatilla and Coyote at this time. The message from General Manager O'Brien confirms their judgment.

DR. COOK MAKES HIS CONFESSION

SAYS HE WAS HALF CRAZED FROM EXPOSURE AND HUNGER

Man Who Has Been Reported at Off Today While Message Was Being Sent and City May Have Fallen Into Hands of Rebels—Concerted Attack on Several Cities Reported.

New York, N. Y., Nov. 30.—Dr. Frederick Cook admits that he does not know whether he reached the north pole, according to Benj. Hampton, editor of Hampton's magazine who will soon publish Cook's own story. According to Hampton, Cook wants to get his story before the public and allow the geographical societies to decide whether he really accomplished the feat he said he did.

In the first chapter Cook says he might have been crazed by months of isolation and hunger and that he finally came to believe he honestly reached the pole. Cook writes that he does not want to be called a faker. Most of the time he has been away from Cook says he lived in London. He said it was easy to drop from sight without changing his name or donning a disguise.

With his wife he will return to America December 22 to spend Christmas with relatives. It is not known whether Cook received the records from the north pole he said he did. In his story Cook tells his life story. He declares that when he convinced himself he had reached the pole he was half mad, having spent two and a half years in the Arctic which he calls a region of insanity, "where one cannot believe the evidence gathered by ones own eyes."

Cook says most of the time his physical health was deplorable. He says that part of the time he couldn't sleep over 3 hours nightly. "I've been called the greatest liar in the world," he writes. "The most monumental impostor in history and I believe that in a very undesirable way I stand the unique of vituperation as assailed like few men."

Many Will Accept Excuses.

Washington, D. C., Nov. 30.—A large number of the general public which believed Cook's claims will gladly accept his excuses, said Henry Garnett, president of the national geographical society, but Cook is discredited entirely among American scientists. "I honestly believe," said the professor, "that Cook as a public faker, is trying through his confession to rehabilitate through his confession to rehabilitate Americans."

Washington, Nov. 30.—Peary, who first declared Cook failed to reach the pole, today read Cook's confession with interest. He displayed keen interest but at the end said: "I have absolutely no comment to make."

WILL "UNCLE JOE" APPEAR AS SPEAKER

Washington, D. C., Nov. 30.—Whether Cannon will appear as speaker of the house when congress convenes next week is agitating the political sharks here. It is reported that James Mann, of Illinois, may be the speaker, following a conference between Cannon, Taft and Mann.

None of the principles of the conference would talk. The conference lasted two hours. As it was held before the caucus for the selection of the republican nominee for speaker, the conference is deemed significant by the congressmen already here.

WEST VIRGINIA'S SENATORS ARE BOTH CRITICALLY ILL

Washington, Nov. 30.—Senator Nathan Scott of West Virginia collapsed today as the result of an ulcer of the stomach. His physicians say there is no immediate danger, but complications may set in later. It is learned that the condition of Senator Elkins of West Virginia, is also critical.

FALL OF PUEBLO IS PREDICTED

TRAVELERS SAY IT WILL BE ANNOUNCED SOON

Communication With Matamoros Cut Off Today While Message Was Being Sent and City May Have Fallen Into Hands of Rebels—Concerted Attack on Several Cities Reported.

Laredo, Tex., Nov. 30.—While a government message indicating that the governor-general had determined to send reinforcements for Chihuahua was being sent from Matamoros today, the wires were severed. It is believed the insurgent forces are either attacking Matamoros or possibly have captured the city. The Mexican authorities at Nuevo and Laredo are endeavoring to regain communication.

Fortifying City.

El Paso, Texas, Nov. 30.—The city of Chihuahua is being fortified today in anticipation of an attack by a small band of insurrectionists, lead, it is said, by Madero personally. The city is garrisoned by troops under General Navarro and General Terrazas. General Villars, commanding the Mexican army of the North, is reported to be hurrying reinforcements to Chihuahua.

Fall of Pueblo Predicted.

El Paso, Nov. 30.—Later advices today say that travelers declare that the fall of pueblo will be announced soon. They assert that federal troops from Ciudad, Porfirio and Diaz, along the northern boundary and south through the state of Chihuahua and Coahuila into Durango are being harassed by revolutionists. It is reported that a concerted attack on Matamoros and the city of Chihuahua has begun.

ENGLAND'S GREATEST PUG DIES IN DIRE POVERTY

London, Nov. 30.—Jem Mace, the greatest exponent of boxing that England ever produced, one time heavyweight champion of the world and the last link between the old and the new school of boxing, died here today. He was poverty stricken and lived on a small pension granted by the government after he had spent a fortune made in the ring. He was born in April 1831.

MILLIONAIRE PACKER IS BURIED IN CHICAGO

Chicago, Nov. 30.—The body of Michael Cudahy, the millionaire packer, was buried today in Calvary cemetery. The requiem mass was sung at St. James church. Pall-bearers were employed from the various Cudahy plants.

GOVERNOR HARRIS DEFENDS THE WEST

Frankfort, Ky., Nov. 30.—Speaking before a conference of governors on uniform laws and other matters, today Governor Norris of Montana, outlined his ideas on conservation.

He said: "It seems to us in the west our brethren of the east have been rereading the story of the prodigal son. Having consumed their own substance in riotous use and abuse they want the paternal government to make another division and assign them a part of our patrimony. The people of the northwest enthusiastically advocate the strictest conservation of natural resources. They don't differ from the most ardent nationalist in principle but they do differ radically in the method that should be adopted."

"Those who made development of the great west possible, believe themselves as capable of protecting their forests as are the people of other sections to do it for them. This is the sum and substance of the so-called states rights. His speech was well received.

GOVERNOR BENSON WILL NOT RESIGN

Salem, Or., Nov. 29.—Judge H. L. Benson, brother of Governor Frank Benson, who is in Salem today as a delegate to the Oregon Development congress, stated authoritatively to the Oregon Journal this morning that his brother the governor, has no intention of resigning and Judge Benson characterizes the report that the republican leaders will ask the governor to resign as ridiculous and absolutely without foundation.

"Governor F. W. Benson was re-elected secretary of state November 8, by the greatest majority vote given to any man on the ticket who had opposition and there is no so-called republican leader can look the returns in the face and ask Governor Benson to resign," says the judge, his brother.

Anyhow according to the judge the governor is serving the people of Oregon and not the republican leaders. During his absence the office of secretary of state is in competent hands. "H. H. Corey, chief clerk," says Judge Benson, "has fully come up to the requirements of the office and has proved to be an efficient man. The other clerks are capable and experienced so that the work will be well taken care of during the secretary of state's absence in California."

SONS OF ERIN MEET AFTER MANY YEARS

A purely chance remark made last evening by A. E. Flaherty, a well known traveling man who represents a Philadelphia shoe house, brought forth the fact that he was talking with an old friend of his boyhood in Ireland. The friend of his kid days is Matt Mosgrove, the Milton merchant, who is now in the city upon some legal business.

About 6 o'clock last evening the two men and some other friends were together in the Hotel St. George. Looking out at the overcast sky Flaherty remarked:

"This mist makes me think of my old home in Ireland" and he named the little valley where he first saw the light of day.

"What did you say? Do you know that place?" exclaimed the man from Milton. The traveling man assured him he did and then began a conversation that disclosed the fact that the two men had been friends together many years ago. At that time Flaherty was a red haired youth, though his head is now white, and he had gone to the same school where Mosgrove had attended.

GAMBLERS SPEND NEAR MILLION

Jockey Clubs and Racing Interests Spend Large Sum in Work Against Hughes Bill. New York, Nov. 30.—President Reynolds of the Metropolitan Jockey club and Secretary Schauberg of the Coney Island Jockey club in testifying before the legislature investigating committee today, said the jockey clubs had spent \$264,000 for legal services in fighting the Hughes anti-race track gambling bill before the New York legislature in addition to a half million slush fund it is alleged the racing interests raised. Commenting on the statement, Judge Lynn, counsel for the investigators, said: "It seems almost inconceivable that such a sum could be spent legally within six months."

MAN WHO SHOT MAYOR GAYNOR PLEADS INSANE

Jersey City, Nov. 30.—James J. Gallagher, who shot and wounded Mayor Gaynor of New York City, today pleaded not guilty to an indictment charging him with assaulting William Edwards, the street commissioner of New York and with carrying concealed weapons. The prosecuting attorney has not yet acted on the indictments charging Gallagher with the attempt to kill the mayor.

WASHINGTON SENATORS AGREE TO FORGET THE PAST

Spokane, Nov. 30.—There will be harmonious action between the two senators from Washington, Jones and Poindexter, despite the fact that one is an insurgent, the other a stand-patter. Jones is willing to forget the past and stopped off in Spokane to tell the Poindexter forces so. The overtures were met half way. Poindexter is now in Louisiana enroute to Washington.

MILLION DOLLARS TAKEN FROM SALT LAKE BANK

Portland, Ore., Nov. 30.—A special force from Butte, Montana, says three men held up the National Mining bank of Salt Lake City at noon and are reported to have escaped with \$1,000,000.

Of course there may be no connection or significance, but we often think it a peculiar coincidence that so many men who wear chin whiskers have wives who insist on buying their neckties for them.

MAYOR MURPHY HAS RETURNED

Gained Much Information On Sojourn in California and at Municipalities Congress.

STANDS FOR CLOSE CONTROL OF SALOONS

Following Regular Council Meeting Tonight Mayor and Councilmen Will Caucus to Discuss Regulative Measure for Pendleton.

Loaded with information gathered upon an instructive and pleasant sojourn at San Diego and other California cities, Mayor E. J. Murphy returned to Pendleton this morning and is now ready to again take up the reins of office.

At San Diego Mayor Murphy attended the annual meeting of the California league of municipalities which lasted for three days, November 15, 16 and 17 inclusive. At that session the mayor was the only representative present from Oregon and so he had to uphold the dignity of this state single handed.

"I feel well repaid for making the trip," says the mayor. "There were 160 men present for the meeting and they represented 68 different municipalities. Interesting papers upon different subjects pertaining to municipal government and were read and they were then freely discussed."

"One of the chief topics of interest was that pertaining to the commission form of city government. As for myself I am not yet clear as to my views upon that subject. I learned considerable upon the subject by a visit to Berkeley, where the commission plan seems to work very satisfactorily. Yet I find that whether or not the commission plan works satisfactorily depends much upon the class of men elected to office. In Berkeley a man must receive a majority vote to be elected. The mayor of Berkeley has promised to send me a copy of the Berkeley charter and when it arrives I am going to study it more in detail.

Other topics discussed at the San Diego meeting were pertaining to public health, clerks and auditing, street cleaning and street improvements, etc.

For Close Regulation.

While away Mayor Murphy also devoted much time to a study of the saloon situation. He says he returns fully convinced that Pendleton should adopt an ordinance looking to the close regulation of the saloon business and that following the adoption of such an ordinance it should be firmly enforced. "If we become weak backed now I know we will have a very hard time handling the situation," he said.

As to the particular features of the regulative measure he has in mind the mayor refused to be quoted since he desires first to discuss the matter fully with members of the council and city attorney. He will be at the regular council meeting this evening and a caucus will be held immediately following the meeting. At that caucus the subject of saloon control will be the live issue.

According to Mayor Murphy it will be necessary for the council to get busy at once in order to have a regulative ordinance passed and in force so that saloons may be established January 1.

ROCKEFELLER AND MORGAN CALLED THIEVES AND TYRANTS

Chicago, Ill., Nov. 30.—Men of the stamp of Rockefeller and Morgan are models on the personal and religious side of life while they are virtually thieves, brigands and tyrants on the secular and social sides, was the charge of Bishop Charles Williams of the Episcopal diocese of Michigan today before the Methodist Federation of Social Service. He branded them as men of a dual conscience, "who sit in the front pews in the churches in unctuous piety on Sunday and skin their fellow men out of millions the next day."

He said, "When it comes to making money they feel that combining their business and God's business is out of the question."

"MILLIONAIRE DOLLAR THIEF" BEGINS SENTENCE

Louisville, Ky., Nov. 30.—August Ropke, known as the "million dollar thief" today began serving his prison sentence for the theft of \$1,490,000 from the Fidelity Trust company of which he was secretary. Four hundred thousand of the defalcation was recovered. Ropke said he lost the rest. He will remain in prison from 10 to 18 years.