



EBERHART CONFESSED

Bridge Man Admitted to A. B. Cooley, He Made \$5,000 Extra Profit Through Change in Plans on the Umatilla Bridge—Said He Divided the Money With County Court So He Got Only Half Himself

GRAND JURY DID NOT GET CHIEF FACTS IN CASE

Jury That "White Washed" Bridge Deal Deceived and Mised; Dodd as Manipulator Did Not Want to Involve Old Court—Report Submitted by Grand Jury Was Itself in Violation of Law.

In his speeches in various parts of the county ex-Judge Gilliland has been freely claiming that the grand jury which in 1912 rendered a "white washing" report as to the Umatilla bridge deal exonerated him from any blame in that transaction.

Here are some facts about the grand jury report and after reading them people may judge for themselves how much credence to place on that grand jury report.

1. The grand jury did not hear the most important feature of the evidence in the case. It is the sworn statement of A. B. Cooley, published today, in which Mr. Cooley says A. E. Eberhart admitted to him that he had made \$5,000 extra profit through the change in the plans on the Umatilla bridge and had divided that profit with the county court.

2. The grand jury from reports received as to its investigation did not investigate—with thoroughness at least—the still more important subject of how A. E. Eberhart came to exercise a monopoly on bridge contracts during the Gilliland term. Had it done so it would have found very startling facts had it been looking for them. That grand jury did not learn of the change in plans on the six bridges built in 1909.

FOUND LAW VIOLATION.
3. Facts that were laid before the grand jury and were recited by the grand jury in its report showed the law was violated regarding the building of the Umatilla bridge. This because the evidence was plain that the bridge was built under a contract with the Atlas Bridge Co. and not by the county itself under a superintendent. The East Oregonian has a photograph of that original contract which anyone may see by calling at the East Oregonian office. The contract called for a complete bridge, erected in place. **DODD SHIELDED GILLILAND.**

4. Reliable men who were witnesses before that grand jury say the majority of the members of the jury were either deceived or were indifferent to the real facts. They say that the examinations of witnesses were not conducted by the foreman R. L. Oliver, but by E. P. Dodd, the clerk, who was plainly working not to indict the members of the court but to shield them. It is said Mr. Dodd wrote the "white washing" report submitted by the grand jury.

5. That the grand jury—or at least the men who dominated it—were inspired by a desire to clear the members of the old court, if possible, is shown by the fact they submitted a report upon the subject when the law commanded them not to do so. Section 1432

Lord's Oregon laws reads as follows:

"When a person has been held to answer a criminal charge, and the indictment in relation thereto is not found 'a true bill' as provided in Section 1428, it must be endorsed 'not a true bill,' which endorsement must be signed by the foreman, and presented to the court and filed with the clerk, and remain a public record; but in the case of an indictment not found a 'true bill,' against a person NOT SO HELD, the same together with the minutes of the evidence in relation thereto must be destroyed by the grand jury."

JURY VIOLATED LAW.
The case against the members of the old court was an original investigation and the men at the time the investigation started were not being held on a criminal charge. Therefore the last provision of the law quoted applied to the case and in submitting their report as they did the members of the grand jury themselves violated the law. There is also evidence that this was done willfully and in violation not only of the law but of the instructions given by the court and of the instructions given the grand jury by the district attorney. For proof of this ask S. E. Van Vactor who was then district attorney.

The simple facts of the case are that unsuspecting members of the bridge investigating grand jury were deceived by Gilliland in this instance as was also true of the grand jury that listened to Gilliland's false claims when he stated the law governing the publication of monthly expense accounts of the county court was not observed in other counties when in fact the law is universally complied with.

LOSSES BY ALLIES ALONE ARE SAID TO BE 50,000
GERMANS REPORTED TO HAVE SUSTAINED EVEN MORE IN FIGHTING.
PARIS, Oct. 30.—Even military authorities have been staggered by the losses in the past fortnight in the fighting on the Franco-Belgian frontier.

In killed, wounded and captured, it was said to be certain that the allies have lost at least 50,000. The German casualties were said to have been three or four times greater than the allies. Every village between Nieupoit and Dixmude, it was stated, had been completely obliterated.

Eugene Wins Case.
EUGENE, Ore., Oct. 30.—The jury in the case of E. J. Perry against the city of Eugene, in which the plaintiff sought \$15,000 damages from the city on account of alleged injuries to one of his ankles when he tripped up on a loose board in a sidewalk on Fourth avenue, west, on May 16 of this year, returned a verdict in favor of the city a short time after retiring into the jury room.

UMATILLA CITIZENS DENOUNCE GILLILAND FOR SWINDLE BRIDGE

Umatilla, Ore., Oct. 30, 1914.
To the taxpayers and voters of Umatilla county:
We, the undersigned, citizens and voters of Umatilla and vicinity, desire to express our disapproval of a statement made by a few residents of Umatilla, by which it was made to appear that the people of the West end of the county approve the action of the old county court, with T. P. Gilliland as judge, whereby the con-

DO YOU WANT A FRIEND IN THE STATE HOUSE?

Dr. C. J. Smith is personally acquainted, directly or indirectly, with the majority of people in Umatilla county, having lived here for 22 years. If he becomes governor of Oregon you will have a personal friend in the state house and your county will have a friend who is known to be true and able. It will be of advantage to you and to your community to have such a friend in power as is obvious. No one knows what needs may arise in the next four years. A vote for Dr. Smith is a vote to put your own man in office; a vote against him is a vote for a man who is a stranger to your needs and has no concern in your welfare.

MANUFACTURING COMPANY SEEKING LOCATION HERE

SPOKANE CONCERN, HOWEVER, WOULD HAVE \$50,000 CAPITAL STOCK RAISED.
To make Pendleton the home of the Empire Manufacturing company, now of Spokane, was the proposal submitted to the committee on trade extension of the Commercial association yesterday afternoon by Charles Kik and Philip Labor, representatives of the company. The proposition is a new company organized here. The subscribers are to have 51 per cent of the stock and the old company 49 per cent, thus giving the control to the local people.

The Empire Manufacturing Co. has been organized several years and now has a small factory in Spokane. It has created a market for its products but lacks the capital to manufacture on a scale sufficient to meet the demands. This was the explanation made by Messrs. Kik and Labor. Among the patented articles it manufactures are a rotary pump of extreme simplicity and efficiency, an iceless refrigerator, an adjustable wrench, the Moffett equalizer, a patent clevis, a brake block that cannot slip or get out of position, a neck yoke holder, a current motor, a removable cylinder tooth, a disc weeder and cuttivar, a ratchet wrench, a hunting and skinning knife, an extension single tree, a seed cabinet, an automatic grain measure for grain and a patent pulley.

The consensus of opinion of the members of the committee was that the company had patented articles of merit and that the proposition was a fair one. However, \$50,000 is a big sum of money to raise in a city the size of Pendleton, they explained, and it is doubtful whether that much could be secured. The committee will hold further meetings and meanwhile Messrs. Kik and Labor will probably sound out the sentiment among the capitalists of the city.

School to Serve Hot Lunches.
HOOD RIVER, Ore., Oct. 30.—For 20 students who ride in from the surrounding orchard districts to school, a plan is on foot to serve hot lunches at the high school building. As many more of the students in the city have decided to take their lunches at the school. The service will be provided at cost.

TURKEY JOINS IN WAR; ALL BALKANS MAY BE INVOLVED

First Blow is Delivered Against Russia—Formal Declaration Has Not Been Made Yet.

LONDON, Oct. 30.—The Russian ambassador at Constantinople has been ordered to demand his passports and leave Turkey immediately, it was stated in a news agency dispatch from Petrograd.

PETROGRAD, Oct. 30.—Russia is delaying a declaration of war against Turkey on the theory that the sultan may repudiate the acts of his naval commander in attacking the czar's ports and shipping.

PETROGRAD, Oct. 30.—Russian officialdom was not alarmed today but rather rejoiced at the news that Turkey has become a participant in the war.

The developments, it was declared, at last afforded an opportunity for a settlement of the Turkish question. Steps were rapidly being taken to meet the situation. Orders have been given the Russian Black sea fleet to destroy Turkish war vessels engaged in operations against Crimean and Caucasian ports. Troops are being held in readiness for a land campaign. War had not been declared officially this morning but it was stated there was no question but that the sultan had begun hostilities. Communication with Constantinople has been interrupted and consequently no report was received from the Russian embassy there.

THIS CASE REVEALS THE HEART OF DR. G. J. SMITH
An incident showing the big heartedness of Dr. C. J. Smith, democratic nominee for governor, has just come to light. The facts are related by Mrs. Betta Wombough, well known local nurse.

"Many times," says Mrs. Wombough, "I have known Dr. Smith to take cases where much trouble and work were involved and he had no possible chance of securing pay in any manner. I have called Dr. Smith myself in such cases and he would act cheerfully when I could not get other physicians who were less busy than he to respond. Three years ago there was a family living just outside the city that had five children down with typhoid. They were poor and all that had to go upon was 225 that had been given them by a local charity organization. The money was not sufficient to buy food, not to mention other necessary supplies. At Dr. Smith's request Mr. Tallman provided the drugs without cost. For four or five weeks we cared for that family. Dr. Smith visited them once each day and sometimes several times a day. There was no chance either of our being paid or of our being hard hearted, even for political reasons."

Lost Part of Finger.
RIDGEFIELD, Wash., Oct. 30.—Riley E. Kaufman, employed at the Brattle-McClelland shingle mill here, as a knee bolt, had the third finger on his right hand cut off at the first joint by the knee bolt saw.

SWORN STATEMENT SHOWS THE INSIDE FACTS OF NOTORIOUS DEAL UNDER GILLILAND TERM

That he deliberately swindled the county out of \$5,000 above and beyond his regular profit by the Umatilla bridge deal and had corrupted the county court in order to do so was admitted by A. E. Eberhart to A. B. Cooley, prominent Umatilla county farmer and staunch republican. The admission was made on the evening of the day the job was put through in June, 1910, and while Eberhart was elated over his success. As will be seen by Mr. Cooley's sworn statement given below Eberhart had told him on the previous day of his intention to put through the deal if possible.

Mr. Cooley lived here for many years and is a reliable and well known farmer in whose veracity general confidence is placed. He is now located in Harney county.

In the following affidavit Mr. Cooley tells of the confession made to him by Eberhart.

I, A. B. Cooley, after being first duly sworn say that I am of the age of 50 years; that I have lived in Umatilla county, Oregon several years last past; that I am personally acquainted with A. E. Eberhart who formerly represented the Atlas Bridge Co.; that in the latter part of June, 1910, the exact date I do not remember, I had a conversation with the said A. E. Eberhart in Pendleton, Oregon, in which conversation he told me substantially, among other things, that he had a big deal on; that he was going to take the county court of Umatilla county, Oregon, to the town of Umatilla on the next day for the purpose of trying to get a certain contract which he had with the said county court, relative to the building of a bridge over the Umatilla river at the town of Umatilla, changed, that if he succeeded in getting a change made it would mean a good piece of money to him; that on the evening of the next day I saw the said Eberhart in Pendleton again and he told me that he had returned from Umatilla with members of the county court and that he had succeeded in getting the original contract relative to the building of the bridge at Umatilla changed as he had planned it and that the change in the contract meant \$5,000 to him over and above what he would have made if the original contract had not been changed, but he further stated that since he had "cut it in two" with the county court that he would only make \$2,500 by the change in the contract. Mr. Eberhart was very highly pleased with his days work.

A. B. COOLEY.
Subscribed and sworn to before me on this 15th day of July, A. D. 1914.

A further feature of the case is the fact Mr. Cooley is not the only man to whom Eberhart talked regarding his Umatilla transaction. He made a statement along the same line to another man.

WHEAT TAKES JUMP WHEN TURKEY ENTERS THE WAR

CHICAGO, Oct. 30.—Wheat jumped from one and a half to two and a half cents per bushel on the Board of Trade today as a result of reports that Turkey had joined in the European war.

PORTLAND, Ore., Oct. 30.—Turkish activities in the European war caused a rise in the wheat market today. Club advanced two cents to \$1.09. Bluestem was up half a cent, selling at \$1.11 1-2.

NEWS SUMMARY

Local.
Note.—By request the East Oregonian republished today, on page three, the story showing the substitution of plans on the six bridges built for the county by A. E. Eberhart in 1909.
A. E. Eberhart confessed to A. B. Cooley he swindled the county on the Umatilla bridge deal and divided booty with old county court.
Grand jury that tried to "white wash" Gilliland bridge record did not get most important evidence.
People of Umatilla bitterly denounced the graft bridge foisted up on them by old county court.
Empire Mfg. Co. wants to establish factory here.
Ashes of Mayor Matlock laid to rest.
Second day of institute very successful.
First white child born in county is here.
Mrs. Wombough tells of incident showing generous heart of Dr. Smith.

ALLIES CONTINUE TO CLAIM GAINS

PARIS, Oct. 30.—Substantial gains by the allies against the Germans were claimed this afternoon by the Bordeaux war office.

The Belgians having cut the dykes along the lower Yser, flooding the country which the Germans occupied, the French and British, it was said, opened a terrific artillery fire on the Teutons, who wallowing in the water were powerless to make an effective defense. They were forced to retreat well to the north.

The allies were declared to be advancing in the vicinity of Ypres and the heavy counter attack which the Germans launched against the British in the neighborhood of Lebasme was said to have been repulsed after a desperate hand to hand fight.

The British were reported as recouping the ground from which they previously had been forced to retire and the French were said to be advancing at all other points along the battle line.

Road Day Labor Best.

MILWAUKEE, Oct. 30.—"Far the average road job, it is cheaper to do the work under the day labor system than under the contract system," said A. R. Hirst, chief engineer of the Wisconsin highway commission in addressing the Northwestern road congress on the subject of "Day Labor vs. the Contract System of Road Building."
"Better results were obtained with much less friction and less chance of litigation," he said.