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Fair tonight and Saturday.

COUNTY OFFICIAL PAPER

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DYER IS HELD TO BE MAYOR OF CITY BY JUDGE PHELPS

Decision is Made in Quo Warranto Case Brought Against Kirkpatrick to Determine Municipal Head.

NOW GOES TO SUPREME COURT

Upon Settlement of Contention Hinges Validity of Water Bond Issue and Also of Several Street Improvement Bond Issues—Bowlby Case Is Also Concerned.

John Dyer is mayor of Pendleton, according to a "pro forma" decision rendered late yesterday afternoon by Circuit Judge G. W. Phelps. By virtue of his position as chairman of the city council at the time of the death of Mayor Matlock, he succeeded to the position and all of his acts performed in that capacity since are legal, according to the decision.

Robert F. Kirkpatrick, appointed mayor by the council a few weeks ago when the attorneys for the company which purchased the water bonds questioned Dyer's right to sign the bonds, will carry the matter to the supreme court for a final determination of the mooted mayoralty question.

The decision of Judge Phelps yesterday was in the quo warranto case brought by Dyer against Kirkpatrick, Dyer alleging that the other is a usurper and Kirkpatrick contending that he is the mayor by reason of his appointment by the council.

Charles H. Carter, city attorney, appeared for Dyer and Judge Fee for Kirkpatrick. Upon the decision of the supreme court hinges the validity of the water bond issue and also of several street improvement bond issues.

The supreme court decision will also decide the case wherein W. L. Bowlby, second hand dealer, is appealing from the judgment of the police court on the grounds that the ordinance under which he was convicted is invalid by reason of its having been signed by Dyer as mayor.

Higher Rates Not Justified. WASHINGTON, Feb. 12.—The proposed increased freight rates on cement is not justified from Salt Lake, Baker, Devils Lake, Utah, to Butte, Anaconda, and other points in Montana and Idaho, according to a ruling by the interstate commerce commission.

Famous Hymn Writer Dead. BRIDGEPORT, Conn., Feb. 12.—Fannie Crosby, the famous blind hymn writer, aged 95, died here. She contributed more than 8000 hymns to the service of protestant churches under more than 200 pen names.

SWIMMING POOL COMMITTEE CONTINUES FUND CAMPAIGN

GOOD SUCCESS BEING MET IN EFFORT TO GET MONEY FOR NATATORIUM.

Members of the swimming pool committee are continuing their campaign for funds and good success is being met with though the money is yet far from raised. At the present time the committee is devoting time to securing \$100 subscriptions and a few are added each day. As the move has no commercial aspects but is for the general social good of the community the committee is not trying to raise all the money from the merchants and other businessmen. On the other hand women as well as men are asked to help out the enterprise and quite a few of the \$100 subscribers are women.

It is desired to raise \$8000 for the natatorium and it is being argued by the committee that since in the past the town has been able to give some \$4000 or \$5000 a year to baseball it should be possible to give \$8000 for a natatorium which will be a permanent benefit to the city and a particular blessing to the boys.

Academy Destroyed. CHICAGO, Feb. 12.—The academy of Music, a famous landmark, was destroyed by fire. The loss is estimated at \$100,000.

Quake in Canal Zone. PANAMA, Feb. 12.—A slight earthquake shook the Panama zone. No damage is reported.

Man and Wife Murdered. OAKLAND, Feb. 12.—Jacob Vogel and his wife were found in their home murdered by robbers. They were beaten to death with an axe or club while fighting for their lives. Vogel was a wealthy banker.

War on Alcohol Begun. PARIS, Feb. 12.—The Academy of Moral and Political Science, continuing its discussion of the topic, "The Task of Tomorrow: The Population," stated the question from the point of view of the fight against alcoholism. Resolutions regarding measures to be taken in the anti-liquor combat were unanimously adopted.

Raphael Georges Levy, the economist, said that excellent results had been obtained in the United States by the prohibition in certain sections against the sale of alcoholic liquors and declared that the efficiency of labor in Russia had improved 50 per cent since the recent prohibition measures were adopted there.

MONEY IS APPROPRIATED FOR UMATILLA PROJECT

WASHINGTON, Feb. 12.—The house appropriated \$377,000 for the Klamath project and \$366,000 for the Umatilla reclamation project.

ONE OF AMERICAN NOTES ASTONISHES HIGH AUTHORITIES

Official Washington Holds Various Views of Effect Communications Will Have Abroad.

ENGLAND SHOWS RESENTMENT

United States Has Shown in Diplomatic Exchanges That Rights of American Citizens and American Ships Must Be Protected—Complications Not Expected.

LONDON, Feb. 12.—The Weymouth correspondent of the Globe telegraphed this afternoon that it was reported there in quarters "unusually well informed" that the United States cruiser Tennessee and another warship of the latest type which had proceeded east when Turkey abrogated her capitulation to the powers, had now been instructed to proceed westward. The correspondent said it was rumored at Weymouth that the warships probably will stop at Gibraltar or some port nearer the war zone to await developments in Germany's naval plans.

WASHINGTON, Feb. 12.—Diplomats and officials of the government generally, expressed astonishment today at the vigor of the American notes to England and Germany.

Some authorities expressed the opinion that the communication to Germany would require the United States to go to war with the kaiser should American ships be sunk by German war-craft. Administration officials held that despite the "strength of the tone" of both notes, neither would involve the United States in international difficulties.

Officials were confident that both England and Germany would acquiesce in the position taken by the American government and would grant the relief requested, assuring complete safety for American shipping and American passengers in the waters of the war zone.

Opponents of the administration declared that the two notes showed a complete "reversal of form—a spirit of protest carefully subdued at the outset of the war."

LONDON, Feb. 12.—That the United States intends to protect the rights and privileges of its citizens and its merchantships in the war zone is the construction placed here upon the notes forwarded to England and Germany regarding the Lusitania flag incident and the German extension of the war zone to British and French waters.

There was no question but that the vigorous language of the American communications was a distinct surprise.

(Continued on Page 5)

WALLA WALLA WAS WISE IN SELECTING NEUTRAL FLOOR

WHITMAN GYMNASIUM FLOOR IS SUGGESTED BY THE GARDEN CITY PLAYERS.

Walla Walla high school and the papers of that city are making much to do over the alleged refusal of Pendleton high school to play off the basketball tie on a neutral floor. Walla Walla defeated Pendleton in Walla Walla and Pendleton defeated Walla Walla here. The Garden City team, accordingly challenged Pendleton for a third game on a neutral floor but, when it came down to choosing a floor that would give neither an advantage, Walla Walla high school very characteristically insisted upon the Whitman college gymnasium. Principal Hampton refused to be impressed with the "neutrality" of this floor. He also dislikes the idea of playing off ties inasmuch as it disarranges the schedule already made out and results in a great deal of confusion.

SENATE WILL TAKE UP THE ANDERSON BILL ON TUESDAY

COMMITTEE REPORTS ON MEASURE TODAY—JITNEY BILLS ARE POSTPONED.

SALEM, Ore., Feb. 12.—By unanimous vote the senate committee on alcoholic traffic considering the Anderson prohibition bill reported to the senate and the senate made the bill a special order for Tuesday. The senate indefinitely postponed two bills intended to place jitneys under regulation of the state railroad commission. This leaves the regulation of jitneys in the hands of municipalities. The house passed the bill giving sheriffs sole jurisdiction in the collection of taxes. A bill forbidding the use of railroad tracks and rights of way to persons not authorized to travel there was defeated in the house.

NEWS SUMMARY

- General.
 - Filibuster will not interfere with consideration of revenue bills.
 - Tone of American notes to England and Germany astonishes diplomats at Washington.
 - Kaiser reported to be ready to seek peace terms.
- Local.
 - Judge Phelps decides Dyer is mayor of Pendleton.
 - Meeting called to plan celebration of opening of Celilo canal.
 - Matlocks announce new concrete building.
 - Swimming pool committee meeting with success.
 - Lincoln's birthday being observed here.

KAISER REPORTED TRYING TO SECURE PEACE WITH FOES

Emperor Said to Be Depressed Over Results of War and Hopeful That Settlement May Be Reached.

READY TO QUIT AUSTRIA

Germany Would Abandon Ally, Declares Report. If Satisfactory Truce May Be Made With Other Belligerents—Overtures May Be Made to Russia Through Diplomats.

PARIS, Feb. 12.—The Zurich correspondent of the France-de-Mainne has wired that the kaiser is depressed over the war situation and that he recently told members of his suite that Germany must seek to conclude peace. The dispatch declared that the kaiser has expressed himself as still hopeful of being able to approach Russia through the small pro-German following at the Russian court. The correspondent says the Germans will abandon Austria if by doing so they could make a satisfactory peace for herself.

PETROGRAD, Feb. 12.—"We are on the eve of operations which must give definitely the struggle in progress there." This statement was made by the war office in explanation of the situation in East Prussia. The statement referred to the withdrawal of certain Russian forces from advanced positions in Prussia, and said it would be necessary to withhold details of the operations in that section for the next few days. The war office admits Przemysl is still holding out, although it is asserted that the "garrison is exhausting itself."

BERLIN, Feb. 12.—The kaiser is again at the eastern battlefield and under his supervision severe fighting is in progress on the Prussian frontier, along the Vistula and in the Carpathians. The result of the encounters was said by the war office to be satisfactory. The Russian forces in Russia were declared to be withdrawing upon a prepared base from which they can essay a new offensive. Being innumously reinforced, the Russian evacuation of Bukovina continues, Vienna dispatches declare.

They add that more than half of Bukovina already has been abandoned. It was declared the Austro-German forces have broken through the Russian defensive at least at two points in Galicia and that other Russian positions are seriously threatened. Weather everywhere in the Carpathians is bad.

PARIS, Feb. 12.—Severe fighting

(Continued on page five.)

Places to Collect \$25,000 Prize



NEW YORK, Feb. 12.—Miss Rosa De Young is racing to Panama City, Republic of Panama as fast as she can go to collect a \$25,000 prize she is said to have won in a lottery there. It is said one of the requirements of the lottery company is that winners of the "grand prize" claim their reward in person. It will be given out on Feb. 15. Miss DeYoung offered \$1,000 for a steamer on the steamship Salamares but could not get accommodations. She is going to Florida, thence to Havana, and there expects to get a boat to Panama.

UTILITY BILL PASSES HOUSE. SALEM, Ore., Feb. 12.—The house passed the bill introduced by Davey, Irwin and Eaton, which permits the organization of public utility districts for development of waterpower or construction and the operation of community projects of any kind.

NEW YORK 'MOVIES' TO FRISCO. NEW YORK, Feb. 12.—Moving pictures of New York City and New York state which are to be shown at the Panama-Pacific exposition, were to be started on their long journey across the continent today. The pictures show, among other things, subway crowd jams and other evidences that New York is the busiest place on earth.

FILIBUSTER WILL NOT INTERFERE IN REVENUE MEASURES

Democratic Leaders Declare That Bond Issue Will Not Be Carried Out Except as Last Resort.

LEVIES MAY BE HIGHER

Question of Revenues Will Be Leading Issue at Next Regular Session of the Congress Despite Republican Fight Against Ship Bill—War Tax Will Continue.

WASHINGTON, Feb. 12.—With the aid of Vice-President Marshall, advocates of the government ship purchase bill voted to lay the measure aside in order to take up the special rule providing for a vote February 19. A vote on the proposition resulted in a tie, 47 to 47. The vice-president cast his ballot with the administration democrats.

WASHINGTON, Feb. 12.—Democratic leaders today declared that the revenue measures will be the leading issues at the next regular session of congress, even if the republican filibuster against the ship purchase bill necessitates an extra session after March 4.

It was made plain that a bond issue will be carried out only as a last resort, so higher customs duties and internal revenue levies may be looked for. Democrats seemed resigned to the necessity of continuing the war tax another six months after December 31, some leaders even believing that the tax must be increased.

WASHINGTON, Feb. 12.—The president is standing pat on his determination not to tolerate a compromise on the fight for the ship purchase bill. It was intimated that a White House report circulated that he had consented to a radical modification was pure fiction. Pending the outcome of the legislative battle in the senate, the probable effect of an extra session on the situation, the president will suspend his arrangements for a western trip. It was stated the extra session would not necessarily mean an abandonment of his trip but would mean a curtailment of the itinerary.

Drinks Poison; Near Death. PORTLAND, Ore., Feb. 12.—In the presence of his wife and hundreds of pedestrians, Theodore C. Sewell, 47, drank two ounces of carbolic acid on the street. He was removed to a hospital, dying. The act is attributed to domestic trouble.

Vessel Not American. WASHINGTON, Feb. 12.—State department officials doubted whether the steamship Washington sunk at the bombardment of Trebizond by Russian warships, really was an American vessel. Records show the Washington was owned by the Archipelago-American steamship company, with offices at Smyrna, Turkey. So far as known this company maintains no offices in the United States.

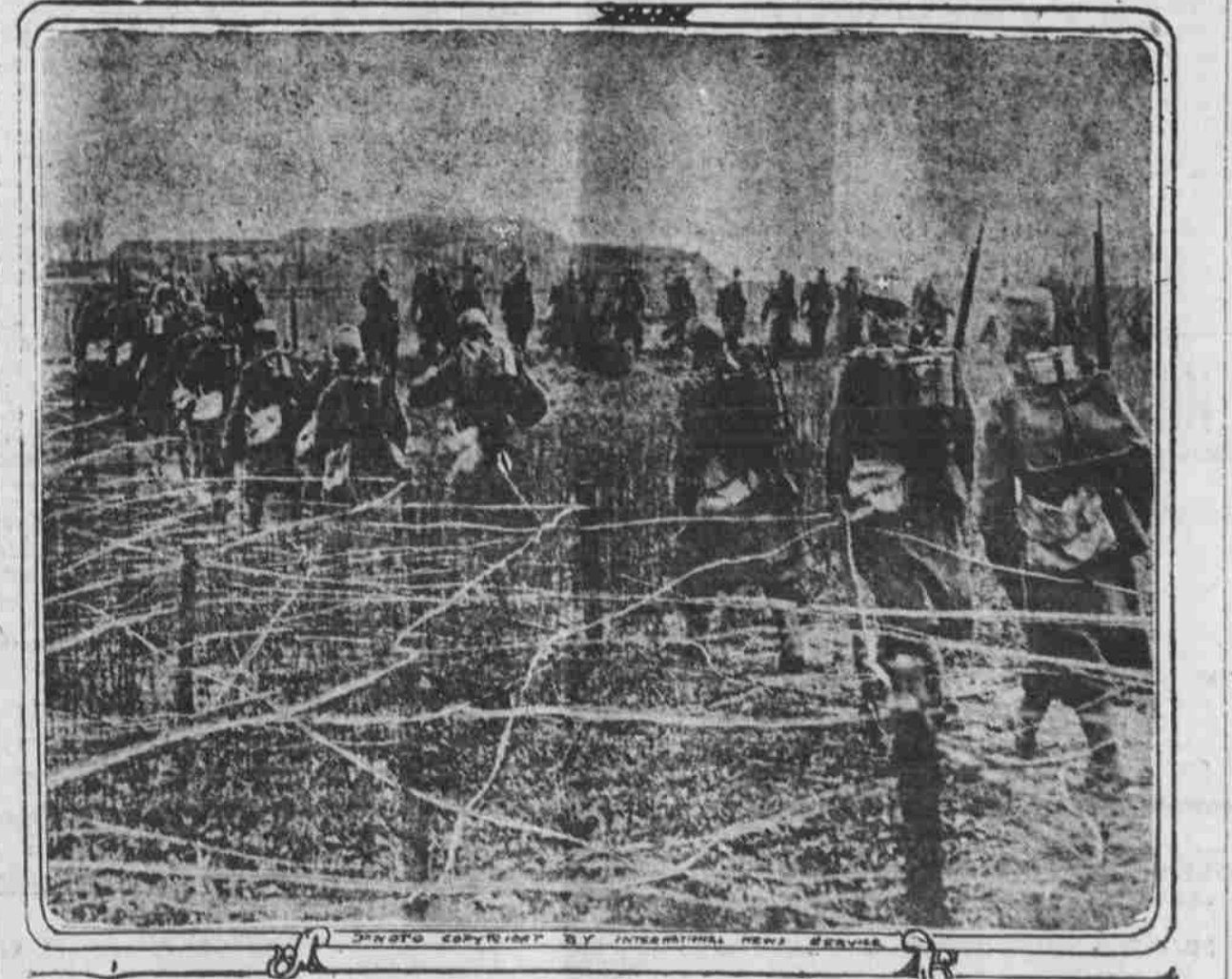
PENDLETON WILL TAKE PART IN THE OPENING OF CELILO CANAL

To lay plans for Pendleton's participation in the celebration which will mark the formal opening of the Celilo canal, a meeting of citizens has been called for tomorrow evening at 8 o'clock in the Commercial association rooms by President J. V. Tallman. This has been done at the request of Wallace R. Struble, secretary of the seven northwestern states, Oregon, Washington, Idaho, Montana, Wyoming, Utah and Nevada, with British Columbia are being invited to participate and many prominent state and federal officials will be present at the different points. In view of the importance of the opening of the Celilo canal, thus giving unbroken water transportation from Lewiston to the sea, the celebration is to be made a big one, Umatilla county being a big shipper of grain and wool, is directly interested and her seaport town, Umatilla, will be made the scene of a celebration in which the whole county should join.

CONCRETE ANNEX TO THE HOTEL PENDLETON TO BE CONSTRUCTED

The construction of a two story concrete building as an annex to the Hotel Pendleton was announced today by Wesley N. Matlock. Work upon the structure will begin at once and this building will thus become the first material building improvement of the spring. The new building will be built just back of the hotel building. The first floor will be used as sample rooms for the hotel and the second floor will probably be devoted to extra rooms for the institution. The building will be 45 by 40 feet in dimensions.

Troops Advancing Through Entanglements



PARIS, Feb. 12.—Barbed wire is playing its second great role in the history of civilization. Its first part was cast in the western portion of the United States a couple of decades ago, when fenced ranges gradually became the order of the day, and the old wild freedom of the "cattle queens" and "cattle kings" was curtailed. Now barbed wire in the European war is proving a great factor for the defense. It is so laced and woven about in front of a field position that defenders have time to pour a continued and withering fire into an attacking party before it reaches the trenches. The photograph shows a French column advancing beside its barbed wire protection to take up new positions in a flanking movement.

106TH ANNIVERSARY OF BIRTH OF LINCOLN OBSERVED TODAY

Today, the 106th anniversary of the birth of Abraham Lincoln, the sixteenth president of the United States, is a holiday in the state of Oregon as in many other states and it is being observed here in Pendleton by the suspension of official business and school programs. The post office, the city and county offices and the two banks are closed for the day, as on all other legal holidays. The different schools are observing the day in different ways. At the Lincoln school, which derived its name from the martyr president, each room held a program commemorative of the man who rose from rail splitter to the chief office in the land. The Washington school is reserving its exercises for February 22, the birthday of its patron president, and on that day a combined Lincoln-Washington program will be given. The Hawthorne school teachers have been reading the life of Lincoln to the pupils during the week. St. Joseph's academy held appropriate exercises today. There was a memorial service at the high school this afternoon. Patriotic songs were sung and an address was given by Judge S. A. Lowell.

COMPROMISE ON RITNER BILL REACHED; PASSAGE IS CERTAIN

SALEM, Ore., Feb. 12.—A compromise that one commissioner would be elected from eastern Oregon and one from western Oregon, and a third at large. On his motion a committee of three, Burgess, Dimick and Bingham, was appointed to so amend the bill.