

DAILY EAST OREGONIAN, PENDLETON, OREGON, WEDNESDAY, JANUARY 28, 1920.

## DECISION OF SUPREME COURT ENDS CONTEST OF LOCAL LIBRARIES

### Right of Commercial Association to Proceeds From \$5000 Sturgis Fund is Upheld by Chief Justice McBride.

With the decision of the Supreme Court yesterday in favor of the Commercial Association, the controversy over Pendleton's famous "library case" was ended. The case has been in the courts for several years.

In the decision, the right of the Commercial Association of Pendleton to the proceeds from the \$5000 trust fund left by the will of the late Samuel P. Sturgis was upheld by the supreme court in an opinion by Chief Justice McBride and concurred in by Justices Harris, Benson and Johns. The right of the association to the

trust fund had been contested by the Pendleton public library, which alleged a misinterpretation of the terms of the will. In his opinion Chief Justice McBride declares:

**No Apparent Ambiguity**  
If there is an ambiguity in the terms of the will, it is latent and not apparent on the face of the instrument. Anyone ignorant of local conditions and controversies would, upon reading the clause in dispute, at once conclude that (1) there was at the time an organization known as the Commercial Association of Pendleton, (2) that it had a library, (3) that its habitat was the city of Pendleton, Or., and (4) that it was the intent of the testator that the trustees named in the will should expend the income of the fund so bequeathed for the benefit of those conditions actually existed, the fourth necessarily followed as a matter of law.

The opinion of Chief Justice McBride affirms the decree of Judge Gustave Anderson of the Baker County circuit court, except that the opinion of the lower court is so modified as to eliminate the recovery of the costs from the defendant, and directs that the accumulated surplus of the trust fund be directed to the purposes of the library of the association.

## PHI BETA KAPPA WILL GRANT U. OF O. CHAPTER IF PLAN IS SUCCESS

### Members From Faculty and Town Meet With Vice President of Honorary Fraternity Who Encourages Application

UNIVERSITY OF OREGON, Eugene, Jan. 28.—Phi Beta Kappa, membership in which is the highest scholarship honor that an undergraduate student can obtain in America, will be established at the University of Oregon soon if expectations raised this week prove well founded. Phi Beta Kappa's faculty and town, to the number of nineteen, met at the Hotel Osborn, Eugene, and after listening to a talk from Dr. F. W. Shephardson, national vice-president of the order, were encouraged to organize a local association for the University of Oregon which they hopefully expect will be admitted to membership at the next meeting of the Phi Beta Senate. Worthy Now of Chapter.

Oregon is worthy of admittance right now, in his opinion, Dr. Shephardson declared, her scholarship high and her standards good, but he says the senate has felt uncertain about the steadiness of popular support for higher education in Oregon and that that has been a principal reason for delaying recognition.

He advised the members to go ahead and form a local association. This was done and this body will grant honors to ten per cent or less of the university seniors and five per cent of the juniors at commencement time this June, and will carry out otherwise the usual functions of Phi Beta Kappa, but for the present under one other name. Students selected by the local chapter will be recorded as in the Phi Beta Kappa list. Dr. Shephardson spoke in commendation of what he had observed of Oregon scholarship, noting in particular what Harvard men had told him of the impress made on Harvard in one year of study there by the late Leslie C. Truog, who later died in battle in France.

Officers of the new organization were elected from among the nineteen town and university people present as follows: President, Dr. R. C. Clark, professor of history, member of University of Texas chapter; vice president, Miss Mary Hollowell Perkins, professor of rhetoric, member of Bates College chapter; secretary, George Turnbull, professor of journalism, member of the University of Washington chapter. Those with Mrs. Eric W. Allen and Dr. W. D. Smith, both of Wisconsin chapter, make up the executive committee, which will complete the details of organization and pick a name for the new society.

## ARMY CHAMP AND ENGLISH FIGHTER TO MEET TONIGHT

MILWAUKEE, Wis., Jan. 28.—Captain Bob Roper, champion of the United States armory, and Roy McCormick, the English light heavyweight champion, will fight it out for honors here tonight.

Preliminary events will include six-round mixes between Tommy Hayes of San Francisco and Mike Pete of Seattle, and Lachey Morrow of Tacoma and Neil Zimmerman of Portland.

## AMERICAN RIFLES HIDDEN IN IRELAND

LONDON, Jan. 28.—Two thousand American rifles landed on the Irish coast a fortnight ago, a Dublin dispatch to the Daily News said today. The police are unable to find the weapons.

## REDS ARE INDUSTRIOUS FELLOWS



The Cincinnati Reds are not loafing during the winter months; they're out making more money. Larry Kopf, hustling shortstop, is hustling just as hard to sell automobiles in Cincinnati. Heinie Groh is selling shirts, Slim Sallee, Bill Rariden and Eddie Rouch are forming. Jimmy Ring is working with the Mergenthaler Linotype in Brooklyn. Hod Eller is assistant manager of a mine in Illinois and the rest of 'em are filling out on various jobs.

## FRENCH CABINET



PARIS—Alexandre Millerand, governor of Alsace, has accepted the offer of President Poincare to head the new French cabinet.

## HENRY LATOURELLE SOON TO LEAVE VENICE FOR MALTA SAYS LETTER

Henry Latourrelle, Pendleton boy who is serving Uncle Sam as a sailor aboard the U. S. S. Pittsburg, says he is soon to leave Venice, Italy, according to a letter received yesterday by his father, H. J. Latourrelle. "We have about completed our stay in Venice," says the letter. "We will leave some time next week for Malta for dry docking and repairs. I am glad Venice is all right but after you stay in a port for a couple of months you tire of it and want some new scenery." "Then, too, it is rather cold here at present and a ship is not the best home for one in cold weather."

"I received the East Oregonian all O. K. To say that I enjoyed them is putting it mildly."

## GLEE CLUB PREPARES FOR TOUR IN CONCERT

UNIVERSITY OF OREGON, Eugene, Jan. 28.—The men's glee club of the University will make its tour either into eastern Oregon or into the Coast Bay region depending on how schedules can be worked out. The club's first concert of the season, preliminary to its spring tour, will be in Roseburg, February 3. The schedule and program will be announced later. Tryouts are now being held to fill two vacancies in the club caused by withdrawal of members from the University.

## STREET LIGHTS BURN ALL DAY FOR ECONOMY

YERINGTON, Nev., Jan. 28.—Street lights here burn day and night for economic reasons. It is cheaper to leave them burning than to hire help to switch them off.

## AGAIN SEEK BOND ISSUE TO OBTAIN FAIR GROUND FOR LIVESTOCK EXHIBIT

MODESTO, Calif., Jan. 28.—Breeder and farmer of Stanislaus county have held a meeting to discuss resubmitting the proposition of obtaining a bond issue a fairground for livestock exhibitions.

## MIDWAY IN LIFE

Men and women at forty stand at the portal of a crucial period. Strength must be kept up, the body well nourished.

## SCOTT'S EMULSION

is the tonic of wonderful helpfulness to those in middle life. SCOTT'S nourishes and invigorates and helps the body keep up with the daily wear and tear on strength. Let Scott's help keep you robust!

## OREGON ISSUES 59,500 AUTO LICENSE PLATES SINCE FIRST OF YEAR

### Rush is Over and Delinquent Motor Vehicle Owners are Given Warning While Police are Notified to Enforce Law.

SALEM, Jan. 28.—With approximately 59,500 automobile licenses issued so far this year, the automobile registration department of the secretary of state's office Monday had worked its way through the mass of applications with which it was deluged at the first of the year and is now issuing license plates promptly upon demand, so that there is no longer any excuse for any motorist evading the motor vehicle law by operating his car with an old license tag or with no license tag at all. Notice is being sent to the police officers of all counties throughout the state to this effect and delinquent motor vehicle owners are warned to beware.

License tags have also been issued for 1134 motorcycles, 1100 chauffeurs and 570 motor vehicle dealers, the receipts of the department to date aggregating approximately \$1,269,000. The business of the department this year shows a material increase over the business of a year ago. Up to January 26, 1919, licenses had been issued for 47,232 automobiles, 1145 motorcycles, 1200 chauffeurs and 741 dealers, with total receipts of \$1,242,540. The increase in the fees this year over those of last year, however, is accounted for by the large increase in the license fees imposed by the last regular session of the legislature and which became operative with the 1920 licenses.

## RACES AT TIA JUANA DRAW FINEST HORSES AND MORE FOLLOWERS

SAN DIEGO, Cal., Jan. 28.—The hundred day racing season on the Tia Juana track, just across the border in Mexico, began Saturday noon.

Race followers, horsemen, bookmakers and "outs" have been flowing into this city from all parts of the country for the past week. In anticipation of the opening of the Tia Juana "sport of kings," many well known horses were in the newly painted stables waiting to be led out on the track to face the starter.

Tia Juana was not dry this afternoon. Thousands of gallons of whiskey and other liquors have been shipped there during the past month. All the shipments left various American ports prior to the "fatal sixteen" in accordance with the ban on export of liquor.

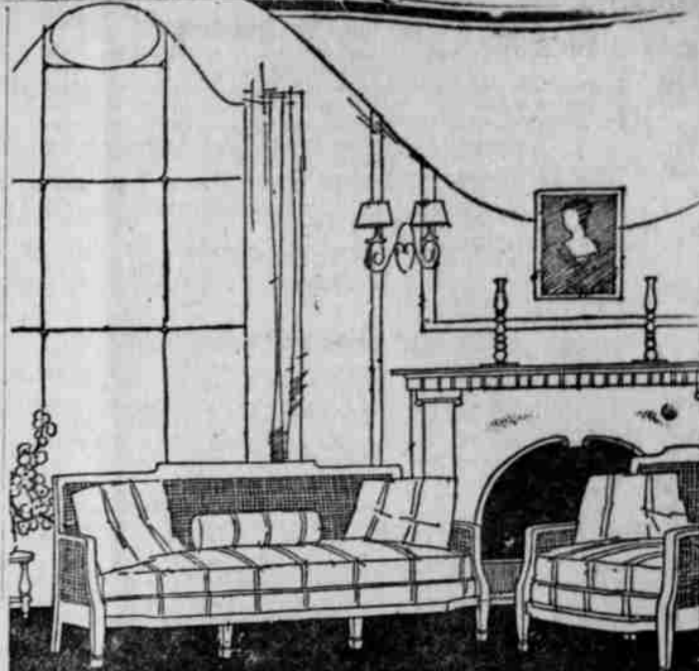
The hazeban of passport restrictions which for a time threatened the success of the race meet, has been adjusted by James W. Coffroth, proprietor of the project. Americans are allowed to enter Mexico on ten day passports which may be renewed at their expiration. The general exodus of the sporting element from this city to the Mexican city began early.

## TOTAL IS REDUCED IN APPROPRIATION BILL

WASHINGTON, Jan. 28.—Carrying a total of new and re-appropriations of nearly \$100,000,000, the second deficiency appropriation bill was reported to house by the appropriation committee today. The total is reduced on over \$26,000,000 from the estimate.

Malted Barley blended with wheat, processed and baked for twenty hours, produces the rare, delicate flavor of Grape-Nuts

Wonderfully easy to digest and full of nourishment.



## ELECTRIC FIXTURES

Are you grouping in the dark? Light up those dark corners with one of our fixtures. A nice fixture adds comfort and beauty to the home. We have a nice assortment to pick from. We have our own finishing room and can finish any fixture to match your walls or ceilings. The prices are very reasonable, it will pay you to buy your fixtures from us. We carry a complete stock of electric globes and can fill orders 5 to 400 Watts. Have you seen the new White Mazda lamp?

## CHAS. MILNE

ELECTRICAL CONTRACTOR  
108 East Alta Ct., Opposite Alta Theatre.  
Electrical Goods of All Kinds.

## DR. J. EDWIN SHARP

Dental X-Ray by appointment  
Gyral Articulated Dentures.  
Inland Empire Bank Bldg.  
Office Phone 320. Home Phone 794

## CECIL COSPER

PUBLIC ACCOUNTANT  
INCOME TAX ADVISER  
Smith-Crawford Bldg.  
Opposite Pendleton Hotel  
Phone 1038

## Nothing too Good for You

That's the reason we are cutting BLUE RIBBON STEER BEEF for your approval.

Phone 187  
LIBERTY MARKET

Do you take advantage of our weekly and thirty day credit offers? They are very convenient and with no extra charge to you.

Start the new month off right by trading here. Good, pure, fresh groceries and fruits at moderate prices.

## Despain & Lee

Phone 445 209 E. Court

## PHONE 600

Prepare for the future—eat U. S. Inspected Meats.

## DOWNEY MARKET

## Light Weight and Durability is the Best Guarantee of Quality

The difference between a Maxwell and a larger car is largely a matter of weight. Each carries the same average passenger weight, travels over the same roads and at the same speeds.

Per pound of metal the cost to make each is about the same. One lasts about as long as the other. The mission of the Maxwell is to carry the same load, over the same roads, and at the same speeds at extremely low costs.

That is highly efficient transportation. It is expensive to haul dead weight. Therefore, every superfluous pound has been eliminated.

Light but strong metals have been used. These are the quality metals. They provide the "stoughness," the wear, the ability to stand any strain and shock; and yet they are light in weight.

This is the secret of the Maxwell. It explains why a Maxwell delivers a mileage—that is inexpensive—that is troubleless—that is almost endless.

The greatest efficiency economy record ever made is held by a Maxwell.

It ran 22,020 miles continuously without one single stop of the engine, carried a full passenger load, averaged 22 miles to the gallon, at a speed of 25 miles per hour.

In five years, 300,000 have been built, and these have made many friends. 1920 production increases to 100,000 Maxwells.

## Neil & Barker Co.

MAXWELL DEALERS  
Riverside Phone 180