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ED. MANASSE

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DELL BROTHERS

CATERERS TO THE PUBLIC IN GOOD THINGS TO EAT

Athena, Oregon.

STATE LAND AGENT

ATTORNEY GENERAL SAYS THE OFFICE DOES NOT EXIST.

The Only Person Qualified to Act as Agent of State Lands is the Governor of Oregon.

Attorney General Crawford has rendered an opinion in which he decides the question raised by Commissioner General Richards, of the general land office, holding that the governor is the state land commissioner, and that he alone is qualified and authorized to approve and affect land election lists. The attorney general also takes occasion to go a little deeper into the laws governing the office of the state land agent, which have been raised so often but hitherto unsettled, in which he holds he can find no act upon the statutes which creates the office of state land agent except by mere mention, and that there is no such official unless it be the governor himself, and that the so-called state land agent is merely an authorized agent of land commissioner to assist him with his duties.

The question raised by the commissioner of the general land office was whether the governor was still land commissioner of the state, or whether that title was not transferred to the state land agent by virtue of the act of the legislature of 1903, which empowers and authorizes him to make the indemnity school land selections. If the attorney general had held in accordance with the views of the commissioner of the general land office, it would serve to invalidate a great number of lien land selections at present pending before the department at Washington, aggregating a total of over 12,000 acres of indemnity school land selections, and the lists would have to be returned for revision and correction. As it now stands, no corrections will have to be made, and the Washington land department will be so notified.

As to the question of the existence of the office of the state land agent, this has been up for discussion upon numerous occasions, but it has never been raised directly in any case in such a way that the courts felt impelled to decide it. The attorney general holds that there is no law in existence which creates this office, the only one making any mention of it being that which describes the duties of that official, and he concludes that the duties described devolve upon the governor as land commissioner, and

that the so-called state land agent is merely appointed an agent of the governor to assist him in the performance of his duties.

PRICE WINS THE CASE.

Weston Man Secures Verdict of Damages From O. R. & N. Company.

In the circuit court Wednesday, in the case of T. J. Price against the O. R. & N. Company, for \$2,000 damages for the overflow of water on the plaintiff's land, caused by the installation of a culvert near Weston, by defendants, plaintiff was given a verdict in the sum of \$925, says the Tribune.

The case of Baker county against ex-Sheriff Huntington and his bondsmen is in progress. In this case a \$10,000 shortage in the accounts of the sheriff and the amount of his bond is involved.

The case was first tried in Baker

county by Sam White, then district attorney, now circuit judge, and T. H. Green of Portland. At the first trial a verdict was returned for plaintiff and defendant appealed to the supreme court which reversed the circuit court. Defendant then secured a change of venue and the case is now being tried in this county by T. H. Green and Hailey and Lowell for plaintiffs, and Judge M. L. Olmstead and ex-Senator William Smith as attorneys for defendants.

Case Set for Trial.

In the circuit court the trial of Grover Martin was set for next Monday forenoon, and that of Moses Taylor for attempting arson, for the Thursday following that date. The demurrer filed by the defense in the Taylor case, and which was argued by the attorneys, was overruled by Judge Ellis.

A VALID INDICTMENT

SENATOR MITCHELL'S TRIAL IS SET FOR NEXT TUESDAY.

Enters a Plea of Not Guilty to Charge of Defrauding the Government While Senator.

Portland, June 15.—Senator John H. Mitchell must face trial next Tuesday. His demurrer to the indictment, his last hope of escaping trial, was overruled by Judge De Haven. At the request of the district attorney the panel was immediately drawn, from which will be chosen the jury that is to determine the question of Senator Mitchell's guilt or innocence.

In a few words Judge De Haven swept aside the technical objections which defendant's counsel had raised to the validity of the indictment, and declared his belief that the offense was sufficiently charged.

The demurrer was accordingly overruled. Through his counsel Senator Mitchell entered a plea of not guilty and the case was set for Tuesday, June 20. A panel of 300 names was then drawn by the clerk of the court.

The charge which Senator Mitchell must now face is that he entered into an agreement with Frederick A. Kribs whereby Mitchell, then senator, was to prosecute certain timber claims owned by Kribs and pending before the land department, for which services he was to receive certain fees; and that he did so prosecute these claims and received therefor certain fees. These acts are contrary to the federal statutes.

The defendant's demurrer to the indictment was on the grounds that the indictment was indefinite and defective in that it failed to allege that Mitchell was senator at the time of the commission of the illegal acts; that it failed to specify with exactness the special claims for the expedition of which fees were paid; that the description of the claims was defective in that abbreviations were used; and that the indictment was too uncertain to form a bar to a future second indictment for the same offense. All of the objections were declared by Judge De Haven to be purely technical and to go only to the form and not the substance of the indictment.

Senator Mitchell was not in the court room when court convened this morning, but Senator Thurston, his attorney, and District Attorney F. J. Heney were present and a crowd of interested onlookers filled the lobby.

In a low voice Judge De Haven announced his decision.

"In the case of the United States vs. Mitchell, in which demurrer to the indictment was argued yesterday, I am prepared to decide the matter at this time. The objections urged by the defense against the indictment are I think merely as to form, and as to form the indictment is open to criticism—yes, to severe criticism. Yet I think it substantially charges the defense. It appears, therefore, from the indictment that the defendant, Mitchell, rendered services before a department at Washington in a matter in which the government was interested, that he received compensation for such services and that he was at that time a United States senator. The demurrer is, therefore, overruled."

NORMAL IS SAFE.

Superintendent Ackerman Says the Normal is in No Danger.

"I have no fears whatever for the Weston Normal school," said State Superintendent J. H. Ackerman to a Pendleton paper.

The Weston Normal is not in any danger, in my estimation, and will remain one of the permanent institutions of Eastern Oregon. It is needed in this section to educate teachers, and prepare them to conduct the public schools along right lines. If we believe in public schools we must believe in training public school teachers so as to make the public schools right.

The influence of one well trained teacher is not confined to her own immediate circle, but let us suppose a case: Say we graduate a first class normal teacher at Weston, Monmouth or from some other normal school, and this teacher enters the public schools as a teacher. The public that grows up under guidance, and training imbibe her principles, take unto themselves her methods and manners and so as these pupils come to the graduation period and go, themselves, to become teachers in the public schools, they carry with them to put into actual practice the training their old teachers received from the normal, and in return gave them.

"It is a far-reaching and vital thing to teach teachers."

RYAN HORRIBLY CUT

A Runaway Team Throws Stockman Into A Barb Wire Fence.

Michael Ryan, the stockman, received injuries in a runaway accident yesterday afternoon that has placed his life in the balance. He was brought to town by A. J. Wagner. His injuries were dressed by Drs. S. F. Sharp and A. B. Stone, and then he was removed to the hospital at Pendleton.

Ryan left town shortly after noon with his team and hack for his home north of town, from where he intended going to Pendleton where his sister, Mrs. Millarky, is critically ill. At the Dell place above the mill, the team was on the dead run and when they swung into the road and started north, one line was dragging on the ground and Ryan, in an intoxicated condition, was utterly helpless to hold or guide the horses.

The team whizzed by the two Schrimpf boys at this place and further up the road rushed around the buggy of A. J. Wagner. On up the road where the team, to go home, should have turned to the north, they swung sharply to the south, turned completely around toward town and one of the horses fell. Here it was that Ryan was thrown into a barb wire fence and terribly lacerated about the neck and body.

Mr. Wagner drove up and with great difficulty got the injured man into his buggy and hastened back to town. When the doctor's office was reached

Ryan was unconscious and very weak from loss of blood. An examination revealed a terrible cut along the right side of the neck and throat and another cut on the right side of the body between the ribs, at least six inches in length. The wound on the throat was a terrible one, extending from the ear to the point of the chin, laying bare the jaw bone and exposing the glands and muscles, the flesh being horribly torn and lacerated by the barb wire. There were other minor cuts on the hands and other portions of the body, but Dr. Sharp stated that the cut on the side of the body was considerably worse than on the neck and throat.

Ryan became conscious while his injuries were being dressed and stood the ordeal without anesthetics, and conversed with those about him. Dr. Sharp says the injured man stands a good show for recovery, unless blood poisoning complications should develop. The wonder is that Mr. Ryan was not killed outright. By actual measurement for a distance of seven feet the barbs on the wire fence contained blood stains, particles of flesh and bits of clothing.

The team on its return toward town collided with the hack of the Schrimpf boys and damaged it to some extent. Ryan's hack was demolished, but the horses were not injured.

HELD IN ATHENA JAIL

Deaf and Dumb Artists Accused of Robbery by Ephriam Williams.

Two men acting the deaf and dumb stunt were arrested last evening by Officer Gholson, on complaint of Eph Williams, the charge being robbery. Williams came to Athena with \$27 in his pockets and it is known that he spent money freely over the bar. Yesterday afternoon he missed his pocket-book, and Sam Ward claims he saw one of the two men who is now under arrest, take Williams' purse. When searched by the officer, 75 cents was found on one of them and the other had no money.

The two fellows came into town from the west yesterday and went out of their way to make the play that they were deaf and dumb, but this play is considered a ruse for some purpose or other for at least two citizens claim to have heard the men talking.

The men are being held yet this morning, though the officers think Williams has a weak case against them. However, there may be a more serious charge against the prisoners,

and on this the sheriff's officer is now working. The following from the La Grande Observer of Wednesday morning would apparently implicate the two men being held here:

"This morning Coroner J. C. Henry was notified that a man had been killed at a point about three miles above Hilgard, and that the body was lying near the railroad track. Aside from some small change there was nothing of value found on the body. The man was undoubtedly run over by freight train No. 55, which must have passed over him about 11 o'clock last night. The dead man was recognized as one who had been in the Holverson saloon at Hilgard last night in company with two men who were acting the part of deaf and dumb men, but their actions were such as to cause suspicion, and it is thought by those who saw the men that they may be responsible for the man's death as they suspect foul play. The body is that of a man of medium size and apparently 40 years of age."

Washington Is the Place

Washington, June 15.—The American national capital has been selected as the seat of negotiations between the plenipotentiaries of Russia and Japan for the peace treaty. The choice of Washington marks another forward step in the negotiations toward the ultimate peace movement instituted by the president. The announcement of the selection of Washington was made by Secretary Loeb at the White

House at 1:23 p. m. today.

In view of the selection of the seat for conference it is expected that within a few days Russia and Japan will announce formally the names of their respective plenipotentiaries. It is deemed likely also, coincidentally with the announcement of the plenipotentiaries, that an agreement will be reached as to the time of holding the conference.