

LIQUOR ELECTION HELD ILLEGAL

Judge Galloway This Morning Decided Harrisburg Local Option Case.

SUPREME COURTS ACTION ON REGISTRATION CAUSE

Case Will Be Immediately Appealed to High Tribunal Announced Hill.

"The local option election was illegally held because it was held in an off year during a special election, and because a sufficient number of the registered voters did not sign the petition calling the election."

"That was the decision handed down this morning by Judge Galloway, in deciding the case of W. B. Holman against the county court, to restrain any attempt to declare the issue of the election."

"We will immediately appeal the case to the supreme court," said County Attorney Gale S. Hill, to a Democrat representative, after hearing the decision.

The case grew out of the election held on November 4, when the town went "dry" by a majority of 41 votes. Harrisburg has been wet for the past year.

Judge Galloway based his decision on the fact that the local option election was held on the occasion of a special state election in an off year, which was called to pass upon special referred measures and the fact that the supreme court knocked out the 1913 registration.

If the registration law had held, the petition would have been legal, as there were 10 per cent of the required number of legal and registered voters signed it, considering both the old and new registration rolls, but most of them registered under the new system which the supreme court heretofore decided unconstitutional.

County Attorney Hill asked that the other side be instructed to prepare the decree at the earliest date, in order that there will be no delay in taking the case to the higher court.

Through Judge Galloway's decision, the Sweet Home election is virtually illegal. In the special election that town went from dry to wet by a majority of 7 votes. The judge said he would have been glad if the temperance people of that place had filed an injunction suit, for when it comes right down to a question of law, the court will be sold there without authority, provided the supreme court affirms his decision in the Harrisburg case.

Judge Galloway made permanent the injunction to prevent the county court declaring the results of the Harrisburg election. He ruled that the county would not have to pay any costs.

That the city can go ahead and hold a city election under the provisions of the city charter and the Home Rule act, to determine the question of wet or dry, was a statement made by the judge.

In rendering his decision Judge Galloway spoke at length. He called attention to the various passages of law, different cases similar, holdings of the supreme court and laid particular stress on his attitude of the local option question. He called attention to cases he had decided, saying that \$100 and 30 days was the lowest punishment he had given a local option violator convicted in his court.

"I am aware that intenseness of feeling between people is the result of the local option cases in some parts of this state. In this district this court has been strict in enforcing the law and it has been my policy to stretch the law to the utmost in enforcing local option laws. I voted for prohibition at McMinnville because of various reasons, mainly on account of the Baptist college there and I hope the county will always remain dry. But the facts in this case are such that it compels me to declare the local option election at Harrisburg illegal."

Crowds in Frisco Already.

So great have been the crowds applying for admission to the Panama-Pacific International Exposition grounds every Sunday afternoon, while the weekly aviation contests and exhibitions are in progress, that additional entrance gates have had to be provided.

"ECHOES OF BETHLEHEM" WAS SPENDIDLY PLAYED

"Echoes from Bethlehem" was splendidly played last evening in St. Mary's Academy Hall by the Altar Boys of the local Catholic church. The scenery representing Palestine was wonderful and the costumes were deftly reproduced from religious art masterpieces. The play was brief and very picturesque. The Altar Boys were the recipients of many compliments.

LAND TRUST CASE IS WON BY THE DEFENDANT

Mrs. Ellen C. Griffith Loses Suit to George Griffith, Husband's Brother.

Judge Galloway this morning decided the case of Ellen C. Griffith against George F. Griffith, which was to establish a trust, in favor of the defendant.

According to the complaint, John H. Griffith, husband of the plaintiff, died on October 30, 1912, leaving her as his heir. She was appointed administratrix of the estate. It was alleged that claims have been made against it and it has been necessary to settle them. It is set up that she had trouble with her husband prior to his death, and that as a result, Geo. F. Griffith conceived and conspired with her husband for the purpose of preventing from acquiring any of his property.

As a result, it was alleged, the husband before his death, deeded a certain tract of land to his brother. She sought a decree declaring that George was holding the property in trust, enjoining him from attempting to dispose of it and to require him to convey the land to her.

O. A. C. CADET BAND WAS GREAT BIG TREAT

Splendid Musical Organization Played Here Last Night to Packed House.

Making its first appearance here last night, on the occasion of its ninth annual concert tour, the O. A. C. cadet band, of 34 pieces, played to a packed house and was pronounced better than ever. Giving a complete repertoire of popular and classical music, with one accord the band was often called upon and responded to encores. Individual numbers were especially good.

The entertainment took place in the armory under the auspices of the Albany Military club. After the concert the band played for an informal dance.

Leaving last night in the special car, the band went to Portland where it will appear tonight. The itinerary is as follows: Hood River, Wednesday, December 24; La Grande, Thursday, December 25; Enterprise, Friday, December 26; Wallawa, Saturday, December 27; Pendleton, Monday, December 29; Heppner, Tuesday, December 30; The Dalles, Wednesday, December 31; Oregon City, Thursday, January 1; Silverton, Friday, January 2.

CITY NEWS

Order Confirming Sale.—In the case of Wilson against Marrs, on before Judge Galloway this morning, an order confirming sale was filed on motion of Attorney L. M. Curt.

Plaintiff Wins.—In the case of McElroy against Craft, to foreclose a mortgage, Judge Galloway rendered a decision this morning sustaining the complaint. The case was tried last week.

Dance at Armory Pleasant Affair.—The dance given last night at the armory following the band concert under the auspices of the Albany Military club was a pleasant affair, enjoyed by a large crowd. The band furnished splendid music for the occasion.

Home From Montana.—Carl Houston, a former Albany barber, but now a homesteader of near Loma, Mont., is in Albany to spend the Christmas vacation with his parents, Mr. and Mrs. Worth Houston. He reports conditions in Montana as splendid and expressed himself as very well pleased with his state there.

Poor Children Remembered.—With the members of the Elks lodge making a canvass of the town in an effort to locate needy children and the work conducted by private individuals, it is hardly probable that any child in Albany will fail to receive a visit from Santa Claus. A large number of people obtained names of needy children from the Democrat office yesterday and promised to see that the people selected from the list are properly cared for on Thursday.

Weather Fair.—The range of temperature for 24 hours ending at 8 o'clock this morning was 42 to 32 degrees. The rainfall for the same period was .01 feet. The river is 3 feet. The weather report says probably fair tonight and Wednesday.

Spend Xmas in Portland.—Leaving this morning for Portland, Mrs. W. H. Davis and children will spend Christmas there with Mrs. Wolfe, a sister. They will probably return before New Year's.

News on This Page is from Daily Issue of TUESDAY, DECEMBER 23

HOMESTEADERS CAMPED NEAR PORTLAND LAND OFFICE

Fifty Squatters of Linn County Make Sure of Being on Time to File.

Having camped over night in the corridors of the Worcester building, half a hundred settlers are prepared at 9 o'clock this morning to plank down their filings on the land in township 12 south, range 4 east, in Linn county, on which the Northern Pacific railway has laid its scrip, says this morning's Oregonian.

The bivouac in the hall outside the United States land office was made by many of the settlers on the advice of their attorneys, P. A. Lafferty and John McCourt, who urged the precaution to avoid the possibility of anyone or anything else "beating them to it."

The effect of the filing this morning will be to throw the cases eventually into the United States courts, after it has gone through the United States land office and to the secretary of the interior, since a contest by the railroad is expected. Mr. Lafferty said last night that he believed the case would be carried to the United States supreme court.

The land in question is situated out from Albany and the Northern Pacific laid its scrip on it after land in Washington had been thrown into forest reserve. The railroad laid its scrip on the land under the act of March 2, 1899, which provides that it may, in lieu of land thrown into reserves by the government, lay its scrip on surveyed or unsurveyed land in any state through which or into which its lines run.

The attorneys for the settlers are basing their contest on the act of May 14, 1880, which permits settlers to go on unsurveyed government lands and get credit for their time of residence prior to the surveying of the land, which act they hold was not affected by the act of 1899. They maintain that the railroad might just as well have laid its scrip on land that had been surveyed and avoided the possibility of such contest as might arise and has arisen in the present case.

VICTIMS OF BANDIT RECOGNIZE HIM ON STREET

Man W o Held Up S. P. Limited and Killed Passenger Agent Arrested.

(By United Press Association) San Francisco, Dec. 23.—Identified by two alleged victims as the lone bandit who held up and robbed the Southern Pacific Sunset Limited near Los Angeles on December 1, when Traveling Passenger Agent Montague was shot when he offered resistance, a man giving the name of John Bostick was arrested this afternoon on the streets of San Francisco.

Arthur Cohen and wife who were passengers on the train at the time, identified him as the man. They were walking along the street today when Mrs. Cohen saw Bostick and immediately pointed out the man's whereabouts to her husband, who also recognized him. They trailed the alleged bandit for 30 minutes before encountering a policeman.

SUES TO RECOVER ON A PROMISSORY NOTE

To recover on a promissory note Roy Hinds has filed suit in the circuit court against H. L. Van Odel, asking judgment in the sum of \$300 and costs and disbursements. The note was executed on September 23 last and payable one year after date. The plaintiffs allege that no part of said notes has been paid. They are represented by Attorneys Weatherford and Weatherford.

Carter New Judge (By United Press Association) Salem, Dec. 22.—The governor appointed R. D. Carter to be county judge of Baker county to succeed the late Judge Bashe.

GOVERNOR'S PARDON IS THIS WOMEN'S XMAS PRESENT

(By United Press Association) Indianapolis, Ind., Dec. 23.—Governor Ralston today made a Christmas present of a pardon to Mrs. Belle Shenkenberger, for fifteen years an inmate of the women's prison here following her conviction upon the charge of poisoning her daughter-in-law. She was Civil War nurse and began her prison term on Xmas eve, 1898. She will be freed Xmas eve, 1913.

WILSON SIGNS BILL TONIGHT

Joint Conference Currency Bill Passes Senate by Forty-Three to Thirty-Five.

PRESIDENT WILL SIGN AT STRIKE OF 6 TODAY

House Ratifies Conferees' Agreement on Bill by 298 to 60 Last Night.

(By United Press Association.) Washington, Dec. 23.—By a vote of 43 to 35 the United States senate this afternoon adopted the joint conference currency bill. The bill as it was passed is expected to reach the White House not later than 4 p. m. President Wilson announced his intention of signing it at 6 o'clock sharp. The house adjourned at 3:11. The senate adjourned at 4:1.

Currency Passes House

Washington, Dec. 23.—With the who read of her plight in a press disclosure last night ratifying the conferees agreement on the currency bill by a vote of 98 to 60 and the senate pledged to vote on the measure not later than 2:30 this afternoon it seemed certain early this morning that the bill would be ready for the president's signature before night.

The senate met at 10 o'clock this morning with the understanding that a consideration of the conferees report would start immediately. It was announced at the White House that the president would sign the bill at six o'clock sharp. He has prepared a memorandum outlining just what he expected the bill to accomplish.

STEWART DAVID STEPHENS PASSES TO REWARD

Stewart David Stephens died last night at his home in Sunrise of cancer of the stomach at the age of 65. Born September 4, 1848, in New York state, the deceased came west when quite young and has made his home here since. He was well and favorably known by a host of friends. A wife and two sons survive. The remains will be shipped to Roseburg for burial.

Emeline Gone Again. (By United Press Association) London, Dec. 22.—Emeline Pankhurst, militant suffragette, left today for Switzerland to recuperate from the effects of her latest hunger strike.

SEATTLE CITIZENS WIN FIGHT FOR TRANSFERS

(By United Press Association.) Washington, Dec. 22.—The citizens of Seattle won their fight before the supreme court, compelling Seattle and Renton Southern street railway company to exchange transfers with the Seattle Electric Railway within the limits of Seattle. The court dismissed the company's appeal from a decree of the state supreme court of Washington directing suburban railway companies to give and receive transfers between other lines on a basis of one-half of the proceeds.

MONEY

We are prepared to furnish money on farm loans in the Willamette Valley at the lowest current rates of interest. Will give five years time and allow the borrower liberal options of prepayment. If you can make more money from your farm by adding livestock and new machinery and new buildings we will let you have the money for that purpose. If you want to dispose of your place, the quickest way to make a sale is to add substantial improvements. When in need of funds call on us. We are the only established company making long time loans in this county.

The Oregon Title and Trust Co.

ALBANY, OREGON

SAYS ALBANY HAS MADE MOST WONDERFUL GROWTH

Charles Dickson, Here Yesterday for First Time in 14 Years.

That Albany has made a most wonderful progress within the past 14 years, is the opinion of Charles Dickson, a traveling man, who declared that he didn't know the city and could hardly realize he was in Albany, while transacting business here yesterday.

It has been just 14 years since Mr. Dickson visited Albany. That was when he was traveling through this section for one of the largest wholesale stationery houses of California. Mr. Dickson makes his home anywhere and everywhere but when it comes right down to the fact, he hails from San Francisco. He was accompanied to Albany yesterday by Mrs. Dickson. While here Mr. Dickson called upon his old friend Fred Dawson, proprietor of the Owl Dug sto. Mr. Dickson is on the road now for another wholesale house.

LAST OF WAREHOUSE CASES HAVE BEEN SETTLED

Stipulations Were Filed This Morning in Cases Against Farmers Company.

The last of the warehousemen's bond cases, the first ever to be tried in this state, were brought to a close this morning in Judge Galloway's court, when stipulations of final settlement were filed in the cases of Smith Cox and others against the Albany Farmers' company and Fred Holzappel against the same concern.

The cases grew out of the failure of the farmers' company and were collected on a warehouseman's bond. They were brought by prominent Linn county farmers, who had grain stored in the three warehouses operated by the company at Tangent, Tallman and Albany at the time of the failure. The cases were scheduled to come up for trial several weeks ago before Judge Galloway but a compromise was effected and they were to be settled out of court.

By the stipulation the Smith Cox case is settled and dismissed without costs to either side. It is further stipulated that to the parties paying filing fees and for services of attorneys shall be paid the amount paid by each of the plaintiffs and defendants and that the remaining \$1500 shall be distributed.

PARTRIDGES RELEASED IN LANE—GOOD SHOOTING

Engene, Dec. 22.—Twenty-four pairs of Hungarian partridges, imported from Europe by the state game warden, have been released on two of the game reserves in this county. The birds multiply rapidly and are expected to furnish fine shooting in several years.

JAP POLICEMAN TO BE GUEST OF HONOR AT DINNER

Los Angeles, Dec. 23.—Lang Yep, said to be the first Chinese policeman in America, will be the guest of honor tonight at a banquet given by his countrymen. Other guests will be Chief of Police Sebastian and the city police commissioner. Long's appointment proved so successful an experiment that after January 1 a squad of Chinese police probably will be sworn in. Their work will be assigned to China town and special detail.

In his first official report Long related the theft from his own poultry yard of three chickens, a duck and a turkey. He was detailed on the case and secured the arrest and conviction of the thief.

YOU ARE LOSING MONEY Unless You Get the Benefit of Wholesale Lumber Prices Now Quoted by the ALBANY LUMBER CO. Both Phones.

SURVEYING? See PENLAND & EATON Room 5, Newew Bligh Bldg. Bell 535-R.

CLAIMS SHE WAS COMPELLED TO SAW WOOD FOR LIVING

Meda Whitcomb Has Brought Suit for Divorce Against George B. Whitcomb.

Charging that he has failed to properly provide for her, and would abandon her for long periods compelling her to gain her support through sawing wood on the farm, Meda Elita Whitcomb has filed suit in the circuit court against George B. Whitcomb, for divorce. The couple were married in 1883. There is one son who is of age and is married.

Various acts of cruel and inhuman treatment are alleged in the complaint. It is alleged as a result, the plaintiff's health has been greatly impaired. On one occasion, it is claimed, the defendant struck his wife such a violent blow on the jaw that she was unable to properly chew her food, and on another occasion defendant violently pushed her off of a porch. The defendant conducts a store near Whitcomb and it is claimed that he has refused his wife provisions therefrom and warned other storekeepers not to credit her.

The plaintiff asks for judgment, aside from the decree, of \$1500 and the sum of \$20 per month alimony and \$250 attorneys fees. Attorneys Weatherford and Weatherford represent the plaintiff.

SANTA SHOULD BE GIVEN ADEQUATE POLICE GUARD

San Francisco, Calif., Dec. 23.—Police Chief White received a letter from Rupert Bland, age 4, calling attention to the dangers to which Santa Claus and his presents will be exposed at highwaymen's hands on the night of December 24, and urging that he be given adequate protection while making his rounds.

U. S. Ships at Vera Cruz

Vera Cruz, Dec. 23.—The battleships Kansas and Connecticut arrived here today and anchored just outside of the harbor. The ships passed Tampico on a voyage southward and reported all quiet there. The local branch Bank of London remained closed today.

American Girl Released by J. Bull.

(By United Press Association) London, Dec. 23.—Zellie Emerson, an American girl arrested here in connection with the suffragette demonstration was acquitted today of the charge of resisting an officer.

WOMEN DRUGGED AND LEFT TO DIE IN STREET

Deserted by Battle Creek Husband; Meets Death in Spectacular Manner in Chicago.

(By United Press Association) Chicago, Dec. 23.—Drugged, stripped of clothing, a pretty young woman, believed to be Mrs. Anna Dempsey of Battle Creek, Michigan, was found dying in an alley near the stock yards.

The police believe she was carried in an automobile to the spot where she was found. Once the woman attempted to speak but lapsed into unconsciousness and died. A slight scalp wound was found on her head but death was caused from exposure. The physicians declared that she had not been drinking. She was deserted by her Battle Creek husband, the police said today, and came here to make a home for her little daughter.

Clement for Commission.

(By United Press Association) Washington, Dec. 23.—The senate this afternoon confirmed the president's appointment of Judson Clement of Oregon as an interstate commerce commissioner.

HOBOS MUST TAKE BATH AND DRINK MILK IN CAL.

Venice, Cal., Dec. 22.—The chief of police has issued warning that all hobos arrested here will be fed on malted milk and compelled to take two baths daily. Notice to this effect will be posted. Hobos are expected to steer shy of Venice.