

NO CHANGE YET ORDERED IN THE FORM OF BALLOT

PEOPLE CAN VOTE ON COUNTY JUDGE

No Matter Who Is Elected, the Matter Will Have to Be Carried to the Supreme Court for Its Decision—Secretary of State Sees No Change in the State and District Ticket as Result of Ruling.

By BEN S. OLCOFF, Secretary of State
SALEM, Oct. 25.—Nothing in the Cleston decision affects the certification of this office to county clerks relating to state and district offices.

It is not believed that the decision of the supreme court in the Multnomah county case can have any effect on the form of the ballot at the election next week. Even though the supreme court may eventually decide that county judges hold for six years it is hardly probable that the people of Klamath county will be deprived of the opportunity of voting for or against Judge Worden.

The ballots have already been printed and delivered to the sheriff, and many of them have been turned over to the voting precincts. Even could the case just decided be considered a parallel case, it would not be too late to have new ballots printed and delivered as required by law. Under the law the county clerk is required to prepare the ballots, and without a specific order of the supreme court, he would have no authority to change a name on the ballot.

The present ballot will have to remain as it is, and the people can vote on their choice for county judge. No matter who is elected, the question will have to be taken to the supreme court, and the man entitled to the office will be determined by the courts after election.

Any attempt by Judge Worden to have the ballots changed at this time would conclusively show that he is afraid of the result. He knows that he is beaten, if the people of the county are permitted to express their wishes, and that he has shown himself over-anxious to hold onto the office by hook or crook. He doesn't care whether the people want him or

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COURT SAYS ALL JUDICIAL TERMS ARE SIX YEARS

DEED ACT TO AFFECT ALL CLASSES OF JUDGES

According to Opinion Handed Down in the Cleston Case by the Supreme Court, the Terms of County Judges and Justices of the Peace Are Six Years, and Successful 1910 Candidates Are in Office Until 1917.

The Supreme Court in an opinion rendered Saturday decided that the act of the 1913 legislature abolishing the office of county judge of Multnomah county is void, and that Judge Cleston, who was at that time created a circuit judge, is still county judge, and that his term of office does not expire for six years from the time he assumed office.

The court holds that by an act of the people at the election in 1913 the terms of all judges of all courts in Oregon was extended to six years. The opinion was written by Justice Moore, and was rendered in quo warranto proceedings instituted by District Attorney Evans of Multnomah county, to test the title of office of Rufus Holman as county commissioner. In addition, it was agreed that the court should also pass on the judicial status of Circuit Judge Cleston.

The opinion says: "The organic act of the state empowers the legislative assembly to provide for the election of two commissioners to sit with the county judge while transacting county business in any or all of the counties of the state, or a separate board for transacting such business may be provided.

"It will thus be seen that the legislative assembly had ample power to create the board of county commissioners of Multnomah county. That department of the state government also possessed authority to name the person who should constitute the third member of that board. We, therefore, unanimously conclude that Rufus C. Holman is duly appointed legally qualified and acting county commissioner thereof.

"It is conceded that the provisions of Section 3 of Chapter 378 of the General Laws of Oregon of 1913, which undertook to abolish the office

Antwerp Man in Remains of Home



This shows what was left of the home of Pascal Samplers, a prominent man of Antwerp, after the Germans had bombarded the place for a few days. One mighty shell struck his home and demolished it. Mr. Samplers posed in the hole made by the shell.

of county judge of Multnomah county was void. "Notwithstanding the county judge of that county was, by such act, attempted to be appointed a circuit judge, as he never resigned, he remained in office as the de jure county judge of that county. It appears that Judge Cleston was duly elected county judge of Multnomah county November 8, 1910, at which time the organic act of Oregon was amended making the term of all judges of all courts in this state six years. This amendment was ratified and he was elected when the polls closed on the evening of the day of the election. As the choice of such county judge and the approval of the amendment of Section 1 of Article 7 of the fundamental law occurred simultaneously, that amended organic act was in force when Judge Cleston was elected, and his term of office is necessarily six years from the first Monday in January, 1911.

"Judge Cleston being thus the legitimate county judge of Multnomah county, all orders, judgments and decrees made, given or rendered by him since he assumed the duties of that office are valid, and binding, so far as the right to hear and determine matters coming before him in probate and guardianship proceedings is concerned.

"From the opinions handed down in the case of Branch vs. McCormick, it will be assumed that the attempt by Chapter 370 of the General Laws of Oregon of 1913, to organize department No. 6 of the circuit court of the Fourth Judicial District, created at least a de facto court for Multnomah county. When, therefore, Judge Cleston heard and determined causes in such court he was acting as a de facto judge thereof, and all orders, judgments and decrees made, given and rendered by him therein are conclusive, valid and binding upon all parties, unless his authority in such matters was duly challenged before and determination was reached therein. A party cannot be permitted to wait until an adverse judgment or decree is rendered against him and then claim that the judge before whom his case was tried was powerless to determine the issues involved."

WITH ALL THIS WAR, WE'D PRETTY NEARLY FORGOTTEN THE CAUSE

United Press Service
SERAJAVO, Bosnia, Oct. 25. Twenty-four persons tried on a charge of conspiracy in the murder of Archduke Franz Ferdinand of Austria and wife were today convicted of high treason. They will be sentenced Wednesday. In all probabilities they will be executed. It was as a result of this assassination that Franz Josef demanded the apology from Serbia which kindled the war spirit in Europe.

TEACHERS' UNION UPHeld BY COURT

CLEVELAND JURIST FINDS SUPERINTENDENT GUILTY OF CONTEMPT, AND WILL SENTENCE HIM THIS WEEK

United Press Service
CLEVELAND, Oct. 25.—Upholding the right of labor to organize, Judge W. B. Neff today found City School Superintendent Frederick guilty of contempt of court in ignoring a court injunction not to discharge school teachers because of their activity in forming a union. He will sentence Frederick Friday under the contempt statute, the maximum penalty being \$500 fine and ten days' imprisonment.

The trial resulted from the ousting of six teachers, leaders in the union movement, because the school board ruled that unions were barred. Judge Neff enjoined the enforcement of this rule.

When the six teachers, who have become aged in the local school service, failed in obtaining reappointments this fall, Judge Neff summoned Frederick, and today's verdict is the result.

The arrest is taken as a great victory for the teachers' union movement, which has been in progress nearly a year. It is being backed by the American Federation of Labor, and last year Samuel Gompers came to its aid.

SWANDER PLEASED WITH WORK HERE

STATE SUPERINTENDENT OF CHRISTIAN CHURCH LAUDS LOCAL PAPERS FOR THEIR SUPPORT IN MEETING

With a consecration meeting of the membership of the church Sunday afternoon and a farewell sermon last night, Elder Swander, state secretary of the Christian church closed his series of meetings here. This morning he left for Portland.

Sunday Elder Swander received a generous number of pledges for the fund devoted to state work. He expressed himself as much gratified at the entire success of the meetings, and he also praised the Klamath Falls newspapers for the support and publicity tendered the meetings.

Eight new members were received into the church during the meetings. A baptistry was also installed in the church.

Here on Business.
E. St. Geo. Bishop is here from "The Cedars" attending to business matters.

bill, and there is not a dull line in the play.

The following is the cast of characters:
Mr. Stanton, Charles Hutchinson; Mrs. Stanton, Mrs. O. D. Matthews; Milly, Mrs. J. L. Cunningham; Tommy, Rhinehart Mettschenbacher; Bob, Stanley Smith; Bob's wife, Mrs. A. Y. Tindall.

ALLIES STORMING THE GERMAN LEFT

United Press Service
PARIS, Oct. 25.—The Germans are being held by the allies all along the new battle line in the north. The French are pressing the fighting on their extreme right in an effort to force the enemy to change his plans.

This is the interpretation placed upon the statement that there is severe fighting in the vicinity of Woevre and Argonne.

In an effort to make the operations in the north stronger, the Germans withdrew the Bavarian troops from the German left, and sent them to Belgium to act as support for fresh troops from Cologne and Berlin. The French have taken advantage of this maneuver, and it is believed that they are maintaining their severest pressure through their extreme right.

The British warships, operating from the Belgian canals, continue their enflading fire, with the result that the Germans have abandoned most of their positions along the roads connecting Nieuport and Ostend.

At every place where a hostile force might be landed, the Germans have posted batteries to prevent this.

An afternoon communique says the Germans crossed the River Yser in heavy force yesterday, but failed to follow up their advantage. It stated that the allies' line opposing the enemy there is intact, and that French lines elsewhere in the north are maintained.

This communique refers to the German losses in the recent fighting as "considerable."

Fighting is severe late today in the Woevre and Argonne regions, where the German crown prince is in command.

The Germans are using heavy artillery in an effort to destroy the French guns commanding the communications through the Thincourt-Nousard road toward Ste. Mihiel.

There is much complaint over the increased deletion of reports from the front. Wounded officers and men are forbidden to talk, and officials at headquarters will add nothing to the official communique.

United Press Service

LONDON, Oct. 25.—British refugees arriving via Holland say that all Englishmen in the Belgian territory captured by Germany have been expelled or held pending a decision as to whether they are to be treated as prisoners of war or as spies.

They say conditions indicate that they are at work on defensive plans, and in order to conceal their operations, have ordered the Britishers rounded up in order to tighten the censorship. It is believed that another important movement against the Germans is in progress in Northern France and along the Belgian coast.

No Verdict From Jury

Mrs. Carman Out on Bond; May Not Be Tried Again

United Press Service
MINEOLA, N. Y., Oct. 25.—After thirteen hours of deliberation, during which time they stood ten to two for acquittal, the jury sworn in for the trial of Mrs. Florence Carman, charged with killing Mrs. Louise Bailey, was discharged without rendering a verdict.

Mrs. Carman collapsed following this announcement, as she and most of the people following the trial were confident of an acquittal. Mrs. Carman was charged with the killing of Mrs. Bailey while the latter was in the office of Mrs. Carman's husband, a Freeport, L. I., physician.

Mrs. Carman was this afternoon released from custody under \$25,000 bonds. These were furnished by neighbors, and the district attorney's office made no opposition to her being admitted to bail.

It is understood that Mrs. Carman will not be tried again. She has recovered from her collapse following the jury's disagreement, and left for her Freeport home.

The case was peculiar in many respects. It was also the first time that a dictograph figured in a murder trial in this country.

The dictograph that figured so strongly in the trial was found in Dr. Carman's office after the murder. Mrs. Carman, soon after the murder and before she had been indicted, coolly admitted that she had had it placed there so that she could "spy" on her husband while he was closeted with women patients. She confessed that she was jealous of him, and she wanted to find out whether or not her suspicions were correct.

Mrs. Bailey was slain at night. Dr. Carman's office is in his home, and Mrs. Bailey had called on him. The fatal shot was fired through a window from the outside of the house. Dr.

Carman was in the office at the time, but his back was turned at the moment that the shot rang out and Mrs. Bailey fell dead.

The weapon with which the murder was committed was never found. The prosecution made an extensive search for it spending a great deal of time and money in an effort to find it, but all its efforts were unavailing.

The murder caused a great sensation. The finding of the dictograph in Dr. Carman's office resulted in a great deal of feeling against Mrs. Carman in the village. Friends of the doctor and his wife rallied to her support, resulting in nearly the entire village taking sides on the matter.

Following a highly sensational hearing the grand jury of Nassau county returned an indictment against Mrs. Carman, charging her with manslaughter in the first degree. Her bail was arranged at once, many friends of Dr. Carman coming forward with offers.

Subsequently District Attorney Smith uncovered new evidence that resulted in another grand jury hearing, and Mrs. Carman was re-indicted, this time on a charge of murder.

An important witness for the state was Frank Farrell, a wanderer. He is said to have been in the Carman yard the night of the murder, and the have seen a woman running away from the window through which the fatal shot was fired.

Mrs. Carman's remarkable composure during the grand jury investigation, prior to her first indictment and up until the time she was indicted for murder, was much commented on. Following her indictment on the murder charge she seemed to show traces of worry for the first time. She grew ill when confined in the county jail, and for a time it was feared her health was such that she could not be tried at the time set.

Pocketbook of the Wife

James J. Hill, railway builder, owner and operator, in an article contributed to the June number of the Mothers Magazine, takes the positive ground that there is nothing more important in this or in any other nation than the pocketbook of the wife. The pocketbook of the husband, the earning factor in the family, is of minor importance, compared with that of the woman, who has the home and the children under her control. She is the spender. It matters not just how the money she spends comes to her, whether from her own earnings or from the earnings of her husband; it is she who disperses the average income. As Mr. Hill sees it, the great question is whether she knows how to use her pocketbook wisely.

He deprecates the tendency of the average woman to buy cheap things. This he pronounces the worst kind of economy. A good buyer, he holds, really reduces the cost of living by paying a high price for an article that is worth it, and he illustrates his meaning by telling of a transaction in steel rails by which he saved 40 per cent for his company by paying \$5,000,000 more for them than he had anticipated doing, in order that he might have those of real worth. He could have made an immediate saving of \$3,000,000 by purchasing rails of a cheaper grade. A competing company did buy the latter, and had to replace its tracks within four years at a far greater cost than the original installation, while the rails for which he paid the higher price are still in service.

With this as a basis, Mr. Hill feels that he is in a position to talk economy to housewives, and he tells them it makes no difference whether one is buying miles steel rails or underclothing for the children, or a bunch of onions, the thing to do is to buy for real worth. The point that the cheapest is often the dearest in the long run is well taken.

Mr. Merchant, this Mutual Girl page is going to appeal to the mighty factors in the spending the money for the home needs—

THE WOMEN.

"DADDY."

BOWLING ALLEY TO BE OPENED

OWNERS OF THE PALM CIGAR STORE HAVE LEASED THE ALLEYS AND ARE ALSO PUTTING IN BILLIARDS AND POOL

Another winter amusement resort is to be opened shortly after the first of November by McDonough & Dale, who operate the Palm Cigar Store. They have taken a lease on the bowling alleys in the basement of the I. O. O. F. Temple.

For some time they have been at work in the basement surfacing the alleys, making improvements, etc., until the alleys are now second to none in Southern Oregon. In addition to the bowling alley, the lessees are installing a number of pool and billiard tables, and will have a pleasant establishment open to both men and women.

AMATEURS WILL PUT ON A PLAY

"THE COUNTRY GIRL" WILL BE OFFERING AT ORPHEUS WEDNESDAY AND THURSDAY NIGHTS OF THIS WEEK

Local Theatians are to tread the boards at the Orpheus theater Wednesday and Thursday nights of this week, when "A Country Girl," a rip-roaring comedy of mistaken identity will be given. There is a clever romance running through this sprightly