

Court Repudiates Paper Issued by County Court for Debts

WORDEN'S TERM IS OUT ON FIRST

That the supreme court overlooked an important provision of the law, and was hasty in its decision in the Cleaton case, wherein it was held that all county judges elected at the regular election in 1910 were elected for a six year term, is the contention of the district attorney of Multnomah county and other leading lawyers throughout the state.

In its decision the supreme court was acting on the belief that all constitutional amendments passed by the people took effect immediately. Now it is discovered that there is a provision in the law which states that such amendments do not take effect until after the ballots are canvassed and the result proclaimed by the governor.

This means that Judge Worden's term as county judge will expire on January 1, 1915, and that Marion Hanks will then take office as county judge. In accordance with this view Governor West has announced that on January 1, 1915, he will appoint county judges in all counties in the state where an election for this office was not held.

The basis for this view is that if the amendment changing the terms of office of judges in the state did not take effect until thirty days or so after the regular election at which the judges were elected, it could not be retroactive, and could in no way affect the length of term of the officers elected prior to the time it went into effect.

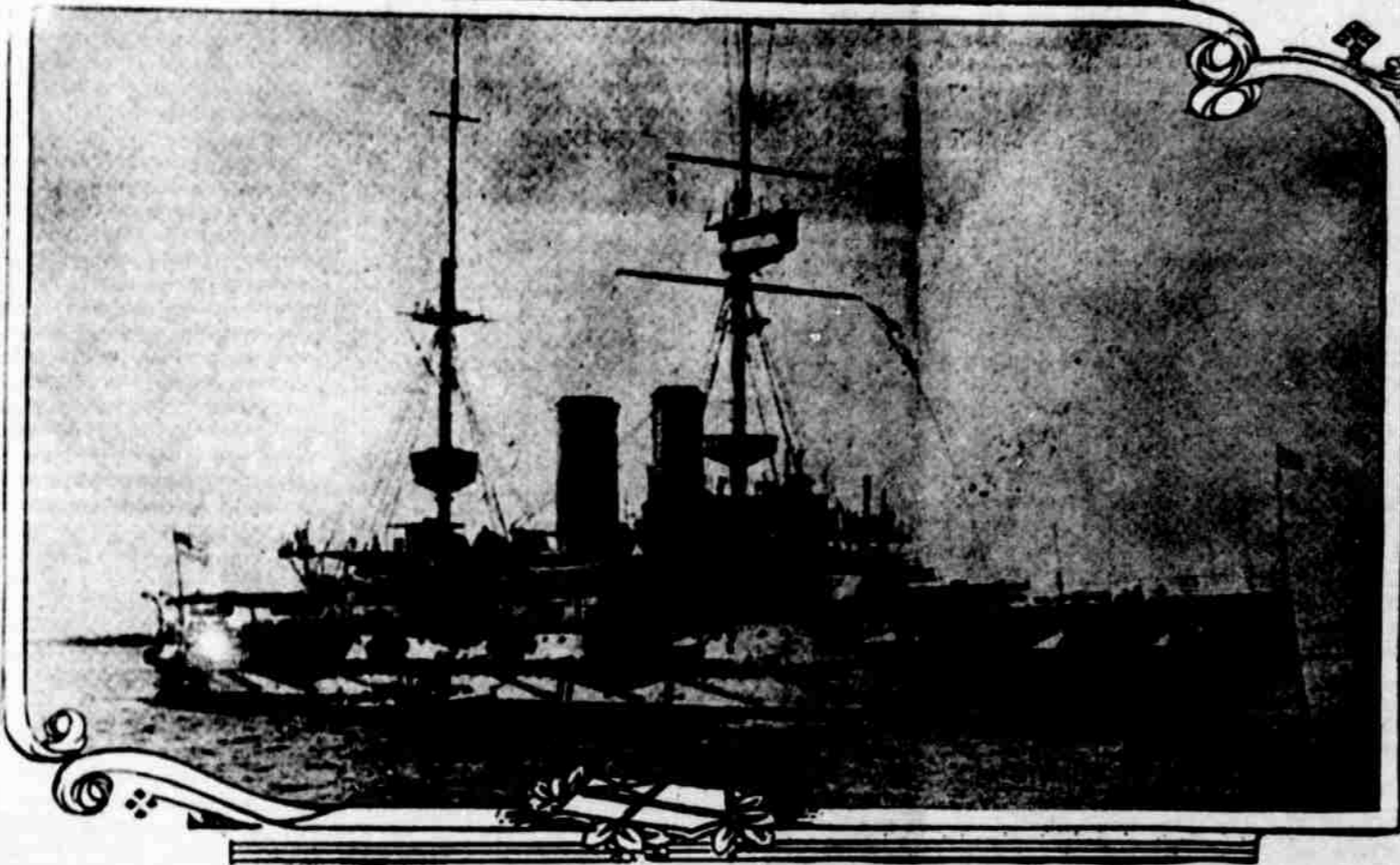
A dispatch from Salem says: Proceeding on the theory that the 1910 constitutional amendment, fixing the terms of all county judges at six years, did not become a law until after the official canvass and the issuance of the proclamation, Governor West has announced that he would judge vacant on January 1, and appoint successors to them, except where new judges were elected.

This means that the governor will consider the offices of all county judges who were not elected at the recent election, or the 1912 election, vacant, and that he will endeavor to fill them by appointment. Relying on a recent supreme court decision, County Judge Cleaton was not a candidate at the recent election, and the governor will attempt to appoint a successor to him. How many of the county judges relied on this decision and did not seek re-election is not known.

County Judge Cleaton was elected in 1910, and the supreme court held that the amendment became a law as soon as the polls closed, and having been passed simultaneously with Judge Cleaton's election, the latter held office for six years.

District Attorney Evans of Multnomah county, in examining the constitution in connection with the recent amendment abolishing capital punishment, discovered a provision, saying that a constitutional amendment should not become effective until after the canvass of the vote and a proclamation issued by the governor. This provision the governor feels confident the court overlooked in rendering its decision in Cleaton's case, and he believes that the 1910 amendment, fixing the terms of judges, did not become a law until several weeks after the polls closed. The amendment could not be retroactive in its operation, he declares, and therefore could not apply to Judge Cleaton's term of office, nor to any other county judge elected at the 1910 election. All their terms expire the first of the year 1915, he declares. By appointing successors to them, the governor will put the question up to the supreme court for decision.

British Ship Blown Up Right in Mouth of Thames



If the suspicion of the British people that a German submarine blew up the battleship Bulwark proves correct, it was the most daring exploit of the war. For the ship was supposed to be safe in a British harbor, only thirty-five miles below London. The mouth of the Thames is said to have been mined at the beginning of the war, and the channels left were said to be known only to the admiralty.

A submarine would have found it necessary to travel only 100 miles from her base at Heligoland or Cuxhaven to have reached the mouth of the Thames. Some of them have been found in the English channel, which is further off. Then the sinking of the Audacious at the north of Ireland proved how far they could go from their base. The Germans have been more and more daring in handling of submarines as the war has grown. Captain Weddigen, who sunk the Hogue, Crossy and Aboukir, had to travel 200 miles from his base, which up to that time was considered an impossible feat for a submarine.

Since no British harbor is more safely mined than that at the mouth of the Thames, in order to protect London,

the proof that a German submarine sank the Bulwark will prove a great shock to the people of England. The admiralty insisted that the explosion was in the magazine of the ship, but

the public suspected that a German submarine had reached across from Cuxhaven or Heligoland and sent a torpedo into the vessel in the British harbor.

The Bulwark was one of the older battleships of the navy, but was powerful enough to have met any vessel of the German fleet had she been given a chance.



STAR SHOWS WHERE THE BULWARK WAS SUNK.

Russians Claim the Victory Before Lodz

United Press Service

LONDON, Dec. 5.—According to advices from Petrograd 10,000 Austrian and German prisoners reached Kiev Wednesday. It is said that 130,000 German soldiers and 2,500 officers have passed into Kiev since the war started. The fortress is packed with prisoners.

While the official Russian statement does not claim a complete victory, it indicates that the Germans have been sent back twenty miles at one important point in the main line making advance toward Warsaw.

Desperate fighting is in progress on the main road between Lodz and Lowicz.

United Press Service

LISBON, Dec. 5.—The entire Portuguese cabinet resigned today. It is impossible to obtain any in-

formation regarding the action of the cabinet, but it is hinted that this action was brought about by pressure from England.

United Press Service

CONSTANTINOPLE, Dec. 4.—The following official statement has been given out: "In the neighborhood of the River Tschouk the Turkish forces are advancing successfully northward. Our forces have reached East Batum, and are proceeding eastward in the neighborhood of Ardogan, where the Russians are in full retreat."

United Press Service

BERLIN, Dec. 5.—The following is an official statement:

"The attacks of the French in Flanders, south of Lys have been repulsed, and our forces have advanced about La Brasse, Argonne, and south-

west of Altkirch. The situation in the Mazurian Lake region is favorable. We have taken about 1,200 prisoners in the last twelve hours."

The report that Germany had apologized to Portugal for any incident which may have occurred at Angola, is declared unfounded. An official statement says that "apology is out of the question."

It is generally believed here that the fighting in Poland has reached the critical stage, but reports do not indicate that any decisive advantage has been gained by either.

United Press Service

PARIS, Dec. 5.—Today's communique says: "Sensible progress has been made north of Lys, the infantry taking two lines of trenches in an attack at daylight. Positions between Dix Mude and Ypres, disputed for a month, have been taken and held. Despite the enemy's artillery Rheims has been severely bombarded, and the fighting in the Argonne region is extremely hot. The French took several trenches, and have maintained the points already won."

Over 6,000 women are engaged in industry in Italy.

Over 6,000 women in New York are employed as tailresses.

BOYS OF G. A. R. ELECT OFFICERS

E. B. RAMSBY IS AGAIN CHOSEN AS POST COMMANDER. SHERMAN IS DELEGATE TO THE NEXT ENCAMPMENT

The following officers were elected yesterday by the members of F. B. Sprague Post, No. 48, Department of Oregon, Grand Army of the Republic: Commander, E. B. Ramsby; Senior vice Commander, A. Kerschner; Junior vice Commander, C. K. Siets; Adjutant, O. A. Stearna; Quartermaster, E. F. Penney; Surgeon, M. L. Poland; Chaplain, Larkin Stucker; Officer of the day, W. H. Robertson; Patriotic Instructor, C. W. Sherman; Officer of the Guard, Moses Frazier; Sergeant Major, C. M. Hunt; Quartermaster Sergeant, Jno. Corbell; Delegate to G. A. R. Encampment, C. W. Sherman, Sr. Installation will be held the fore part of January.

KLAMATH COUNTY WARRANTS ARE PERMANENTLY ENJOINED BY JUDGE HENRY L. BENSON THIS AFTERNOON

Default Decrees Are Issued in Four of the Actions Filed Against the County Court by R. N. Day

The first local decision to be made in the suits brought to enjoin the payment of a number of warrants issued by the county court were made today, when Circuit Judge Henry L. Benson issued decrees permanently enjoining the payment of warrants aggregating \$7,276.89.

The decrees were issued by Judge Benson after default orders had been made, due to the fact that the officials of the Klamath county court had made no appearance whatever in any of the cases.

The warrants enjoined were those issued by the March, April, June, October and November terms of the court, which were attached by R. N. Day as being issued for voluntary indebtedness.

Amounts of warrants of each term repudiated follow:

MARCH TERM	\$2,972.04
APRIL TERM	502.97
JUNE TERM	509.78
OCTOBER-NOVEMBER TERMS	3,291.87

The warrants permanently enjoined are mainly issued for road and poor farm supplies and labor. A number of warrants issued for rabbit scalp bounty are also included.

The expenses of Prosecuting Attorney Irwin's office are badly hit in the suit. The list of repudiated warrants include those issued to Benson M. Manning for services for the prosecuting attorney. Those issued to Fred Morley for helping Irwin uphold the criminal laws of Oregon, and those issued to W. M. Duncan as salary as deputy prosecuting attorney. Other warrants enjoined in the orders are those for autos used by the district attorney in criminal investigations in the county.

One of the worst hit by the decree of Benson is County Surveyor E. H. Henry. Not only are his salary warrants declared enjoined, but the same is true in regard to his warrants for the expense of hiring assistance in his work.

The money District Attorney John Irwin secured through the First State and Savings bank to advance to Fred Morley when the latter went to Idaho for Eugene Saxton is also lost, that is, so far as a refund from the county is concerned. The warrant for this was today repudiated.

The widow's pension warrants issued to Mrs. Alma Peterstetter, Mrs. Addie Graham and Mrs. Viola Cox are enjoined.

Warrants issued to Sheriff Low for expenses in going to California for evidence against J. Grannis, and to look for the parties cracking a safe in a Merrill saloon are declared worthless, as are warrants issued Archie Henline for pictures of persons wanted.

The Thiel detective service is also out about \$600 for its slumming work here, their warrants to that amount being declared illegal.

Van Riper Bros' warrants for supplies to the poor farm were also knocked out. The same fate met the salary bills of Wm. Mosser, superintendent of the farm, of those who furnished any supplies, and of those employed there in any capacity.

County Physician George H. Merryman's warrants for salary were enjoined. A warrant issued Dr. F. M. White for assisting Merryman in an operation at the poor farm was also enjoined, as were warrants issued Drs. Johnson and Cathey for services for the coroner.

For legal services in the county's behalf when the warrant injunction suits were filed in the federal court at Portland, Judge Lionel R. Webster received a warrant for \$300. This is also among the enjoined.

Besides the issuing of a permanent injunction in a number of suits, another activity in the Day-County court battle was the filing of still another injunction suit by Kuykendall & Ferguson, attorneys for Day. In this case of the warrants issued thus far in the December term are questioned and an injunction is asked.

Steam Shovel Comes Over the Espee Line

While we cannot always believe in signs, there are some things going on at the present time that can hardly be overlooked. Among others it might be mentioned that a steam shovel came in over the Southern Pacific last night.

According to its crew, this shovel is to be put to work now at widening out all of the cuts between here and Kirk, the present northern terminus of this end of the Klamath-Natron cutoff. This may mean something. Another noticeable thing is that the section foremen on this division and on the main line are said to have received orders to hire all the men they may deem necessary. And besides this, the California papers tell of hundreds of men being put back to work in the shops at San Francisco, Sacramento and Dunsmuir.