

IRIGATION LAW MAY BE ANNULLLED

Supreme Court Gives Broad Hint Government Has Exceeded Power.

ONE SUIT ALREADY PENDING

No Power Given by Constitution to Reclaim Arid Land—At Least Government Should Own Majority of the Land.

OREGONIAN NEWS BUREAU, Washington, May 13.—The United States Supreme Court in its opinion in the Kansas-Colorado case today intimates rather strongly that the National reclamation act under which the Federal Government is spending upwards of \$39,000,000 may be unconstitutional. It is not so held in specific terms, but the opinion of the court indicates that the constitutionality of the reclamation act is in doubt, and it would not be surprising if private interests which are interfered with by Government projects should bring suit to restrain the Government from diverting water for irrigation purposes.

There is a really one such suit pending, brought by ex-Senator Turner of Washington, on behalf of the Arizona company that wants to restrain Government work on the Colorado River, so that it can use water to reclaim land in California. It is entirely probable that the Twin Falls Company in Idaho may bring suit in the light of today's decision, for there is prospect of a conflict of interests between public and private enterprise along the Snake River.

No Power to Reclaim Land.

In rendering the decision in the Kansas-Colorado case, Justice Brewer, on behalf of the court, declared that Congress can only legislate in respect to such matters as are specifically enumerated in the constitution and that power to legislate with respect to irrigation of arid land was not one of the enumerated powers granted by the Constitution. Upon this subject he uses the following language:

At the time of the adoption of the constitution, within the limits of the United States there were no large tracts of arid land and nothing which called for any further action than that which might be taken by the legislature of the state in which any particular tract of land was to be found. The constitution, therefore, makes no provision for the reclamation of regions or their reclamation. But as our National integrity has been enlarged, we have within our borders extensive tracts of arid land which ought to be reclaimed, and it may well be that no power is adequate for their reclamation other than that of the National Government. But if no such power has been granted, none can be exercised.

The opinion holds, however, that Congress may legislate with respect to irrigation of arid land within the territories.

Must Own Majority of Land.

Even though the constitutionality of the National reclamation act, ultimately be sustained, if the question is ever raised, the court strongly intimates that under the law there is no authority for constructing Government projects unless the Government owns a majority of the land to be reclaimed, holding that the Government has power to dispose of private lands and to acquire its own property. But, it is held, "we do not mean that its (Congress) legislation can override state laws in respect to the general subject of reclamation."

This part of the decision would seem to affect the Government work now in progress in Eastern Washington, where the Government does not own majority of the land to be reclaimed, in fact, is only a small owner. Should the constitutionality of the reclamation act be later established, it is inferred from this decision that the Government may later be compelled to contract its works in accordance with state laws and contract only with a majority of whose area is public land.

WELCOMES ELLEN TERRY

But London Crowd Is Told Marriage Is Private Affair.

LONDON, May 13.—Ellen Terry returned here today from the United States on board the Atlantic Transport Line steamer Minnetonka. A large crowd of friends congratulated her on her marriage to James Cahew, her leading man.

Miss Terry was in the best of health and spirits, and enthusiastic concerning the American tour, but she expressed the wish that her marriage be treated as a private affair.

WHEAT BOUNDS PAST \$1

(Continued From First Page.)

that the conditions warranted the sensational advance in prices, declaring that the wheat problem for this year will be difficult for European buyers to solve.

Among smaller traders predictions were made that before the present advance has stopped July wheat will go certainly over \$1.25 and possibly to \$1.50.

PRICE OF FLOUR ADVANCES

Sharp Demand for Wheat in Tacoma Sends Up Cost of Staples.

TACOMA, Wash., May 13.—(Special.)—Great activity was shown in both the wheat and flour markets today.

The exporters in Tacoma offered 2 cents a bushel more for wheat than Saturday, and as the result of the strengthening market the millers all over this state boosted the price of flour 25 cents a barrel.

The millers are paying 5 cents a bushel more for first-class milling wheat. The demand for flour from China and Japan has not let up the slightest, and the millers are still engaged in filling back orders. Enough orders have been booked to keep mills busy until the last of July.

EUROPE STEADIES NEW YORK

British Exchanges Fall to Keep Pace With American Advances.

NEW YORK, May 13.—"Dollar wheat" on the Chicago Board of Trade today was reflected in a violent advance on the exchange here where trading assumed tremendous proportions. July

wheat opened at an advance of four cents over Saturday's close. In the first hour of trading it is estimated that over 2,000,000 bushels were bought and sold. Severe losses are said to have been sustained by belated shorts.

Reports from the British grain market indicated a panicky condition for the first time in years, because of the gloomy crop advices from Russia and other continental countries. There was a wild rush to execute orders for both the long and the short account.

Fluctuations were violent. The local bulls usually carried the market. The public buying was the chief sustaining force. Heavy realizing on the advance did not appear to check the upward movement, but after the first hour the market became quieter. The pit fairly boiled with excitement in the first hour of trading. There was a heavy buying order with a resultant advance in prices caused wild demonstrations.

During the forenoon there came a pause in the outside buying and prices fell off from one-eighth to five and one-half points. The decline was materially assisted by selling which began soon after prices began to run ahead of the quotations in Europe.

FIND CROP GREATLY DAMAGED

Omaha Grain Men Make Gloomy Report After Trip.

OMAHA, May 12.—A special train filled with a committee of 50 members of the Omaha Grain Exchange, which has been making a tour of investigation of the Kansas and Nebraska wheat fields, returned this morning. The consensus of opinion follows:

Wheat, especially in the southeastern portion of Nebraska, has suffered about 30 per cent owing to the influx of grasshoppers and continued drought. Sumner County, Kansas, will not make over 40 per cent. The bugs have done great damage to the wheat which was examined. Some members declare the entire crop ruined between Caldwell, on the Oklahoma line, and the Wichita district. The party agrees that the yield of wheat will be very light as compared with former years.

The party covered the districts of Kansas and Nebraska which in the past have always raised bumper crops, going as far south as the Oklahoma state line.

BACKS DOWN TOO LATE

GUATEMALA WILLING TO TRY LIMA FOR MURDER.

But Will Not Send Him to Mexico. Minister of Mexico Will Leave Just the Same.

CITY OF MEXICO, May 13.—Guatemala has receded from the stand taken relative to the Lima extradition question in a reply to the third note sent by the Mexican government. President Herrera expresses his willingness to have General Lima, charged with complicity in the assassination of General Barillas, ex-President of Guatemala, tried in Guatemala.

Guatemala further says she is willing to send Colonel Bone, an alleged accomplice in the assassination, to Mexico to tell what he knew of the affair.

Mexico has replied to these overtures coldly. Her latest note intimates that President Cabrera's overtures have come too late, inasmuch as Minister Gamboa has been swerved from Guatemala to Salvador.

UNION OF CENTRAL AMERICA

Diaz Declares for Joint American-Mexican Protectorate.

NEW YORK, May 12.—In the course of a lengthy interview in the City of Mexico, published in the Herald today, President Diaz gave a statement of the feeling of Mexico toward Guatemala and his ideas for remedying the conditions prevailing in some of the Central American republics.

"Mexico," he said, "has throughout all this trouble with Guatemala, which came so near forcing us into war, maintained the most friendly power. That attitude is still maintained. We do not want to shed blood to show the Guatemalan Government the error of its ways, and will not resort to that course unless there is a real emergency or insult be committed which will demand the infliction by Mexico of sharp punishment.

"If it becomes necessary to have war, we will make it a very brief one. Mexico's present wonderful development and progress must not be hindered by a long drawn out conflict. If, struck, will be a hard one and a quick one."

President Diaz then reviewed the events leading up to the present differences with Guatemala with the withdrawal of the Mexican Minister. "Not," he said, "with the idea of severing diplomatic relations, but to get help out of the way of a friendly power. Insult from that government which would compel Mexico to administer a deserved punishment by the use of arms. This is not the policy of this country. That is why there is no war. It is only a temporary condition, however. Continuing, President Diaz made this important announcement:

"The problem of the Central American republics is a great one, which for their salvation must be settled sooner or later. It is none of my business, and I am not ambitious to settle it. Nevertheless, I have an idea. I believe the best solution would be an amalgamation of all the Central American countries into one strong government, under a man with enough strength of character and honest common sense to hold in check the revolutionary spirit that has done so much to retard the progress and development of these countries.

"Mexico is willing at any time to cooperate with the United States in a protectorate over them and in any measure that will be beneficial. I do not know the feeling of your Government in this matter, but I assure you I stand ready to work with it.

"I want it distinctly understood, however, that there must be no thought of act of territorial acquisition by this country. Mexico wants no additional territory. It is big enough now."

BRAND THREATENS TO RESIGN

PARIS, May 12.—In the Chamber of Deputies during the debate on the government's policy regarding the Education Minister Briand announced that, if the House did not support the government's disciplinary methods, the Minister would not return to the portfolio. The debate was adjourned until tomorrow, when the government will ask for a vote of confidence.

AN INDIAN NOBLEMAN USES CHAMBERLAIN'S COUGH REMEDY

You will see by the following that Chamberlain's Cough Remedy is a favorite in the palace as well as with the humbler people in India: "For the past four years I have been getting large supplies of Chamberlain's Cough Remedy. Not only for myself but for friends and relatives. It cannot say enough of its worth. It is a never failing cough and cold medicine and I always keep a supply of it in my house and in his Highness's, the Raza Rajah's palace. It is one of my traveling companions. I shall never feel tired of recommending it as I have been doing in the past." N. Runga Row, Private Secretary to His Highness, the Raza Rajah of Travancore.

RATES TO SPOKANE

Railroad Officials in Conference at St. Paul.

DISCUSS LEGAL QUESTIONS

Report That Rates Were to Be Reduced Denied by Officials, Who Say They Are Preparing Arguments Before Commission.

ST. PAUL, Minn., May 13.—(Special.)—

Traffic and legal representatives of the Hill and Harriman lines held a conference today at the office of James J. Hill, chairman of the board of directors of the Great Northern, which the famous Spokane rate cases was discussed at considerable length. In view of the notable array of traffic talent gathered it was believed that some definite action would be taken in regard to the Spokane rates, but traffic officials and counsel of one of the roads made the official announcement this evening that the Spokane case was simply considered from its legal phases.

The case is scheduled to come up before the Interstate Commerce Commission at Washington next month and the officials state positively that the officials simply got together to decide on the line of argument which they will pursue in the hearing. This statement seems to be borne out by the fact that the attorneys were in attendance, for, as pointed out by an official, the rates could well be handled by the traffic men themselves without the need of calling in the legal representatives of the lines.

One of the afternoon papers in St. Paul printed a story to the effect that the roads had decided on a reduction of rates to Spokane from Eastern points, and this story was given wide circulation at North Platte, Nebraska, in view of the fact that, if the lines should decide to cut the rates to Spokane, it would probably result in the freight schedules throughout the west having to be revised, the commercial interests sought to ascertain more details about the supposed new schedule, but the officials deny that the question of rates was discussed, except insofar as they come within the legal phases of the question. The attorneys are not saying what kind of argument they will make upon. Those representing the Harriman interests at the conference were J. C. Stubbs, traffic director of the Harriman lines; P. C. Miller, general freight agent, O. R. & N. and Southern Pacific lines in Oregon, of Portland, Or.; W. W. Cotton, general solicitor, O. R. & N., Portland, Or.

REPORTED RATE REDUCTION

Soo Line Said to Force Action by American Roads.

ST. PAUL, May 12.—(By Associated Press.)—A freight conference of vast importance to the business interests of Spokane, Wash., was held today at the offices of J. J. Hill, between high officials of the Hill and Harriman systems. After deliberating for several hours, freight reductions were decided upon which have been contended for by the jobbing and mercantile interests of Spokane for many years.

The explanation of the conference is found in the following words: Soo Line.

For years the freight rates from St. Paul and other Northern points, Spokane has been computed on the basis of shipments going first to Seattle and then returning to Spokane. This was in the interest of the jobbing interests of Seattle.

Recently the Soo line has entered Spokane by a roundabout line over the Spokane & International and this is what has disturbed the situation. Freight rates remained unchanged until the Soo entered the field.

Representing the Harriman interests in the conference today were: C. Stubbs, traffic director of the Harriman lines; P. C. Miller, general freight agent of the Oregon Railroad & Navigation and Southern Pacific lines in Oregon, of Portland, Or.; and W. W. Cotton, general solicitor of the Oregon Railroad & Navigation Company, Portland. The Hill and Harriman agreement reached today will, it is understood, meet the Soo rates and will furnish reductions which have been sought for several years.

DEVOTE TIME TO EXPRESS LINE

Hannaford to Resign as Vice-President of Northern Pacific.

ST. PAUL, May 13.—The Dispatch today says it was rumored in high railroad circles today that Jules M. Hannaford, second vice-president of the Northern Pacific Railroad and president of the Northern Express Company, would soon give up all his railroad duties and confine himself exclusively to the direction of the express interests of the Hill system. Some official announcement is expected within the present month. The Northern Express Company, recently organized, has taken over the business of the Northern Pacific and will also take up that of the Great Northern Express Company.

MIDDIES WORK "SILENCE"

Object to Discipline Officer and Sulk in Concert.

ANNAPOLIS, Md., May 12.—The whole membership of the First Battalion of the brigade of midshipmen has been restricted for an indefinite period to the confines of the institution, as a result of its members having "given the silence" to Lieutenant-Commander C. B. McVay, Jr., one of the discipline officers.

The members of the battalion had taken exception to McVay's mode of investigating their actions, and determined to administer this form of rebuke to him.

The "silence" is as old as the Navy itself. It is in the nature of a boycott. At the time agreed for its application, those participating in it keep absolutely silent during the whole of some meal at which the officer is present in the midshipmen messhall.

TELLS WHERE MONEY GOES

Secretary Root Says Election Funds Are Spent in Education.

NEW HAVEN, Conn., May 12.—Secretary of State Root appeared at Yale tonight to deliver a series of lectures on the "Responsibilities of Citizenship."

Mr. Root declared that the greatest and most useful educational process in this country occurs every four years, when all its citizens turn their attention to the discussion of the difficult question of government. The great amount of money spent at such times, he said, is applied to the political education of the voters.

White Dress Goods

Mohairs, Sicilians and Brilliantines, in white or cream, bargained in this way for this week:

Regular \$1.00 grades... 81c
Regular \$1.25 grades... 98c
Regular \$1.50 grades... \$1.11
Regular \$1.75 grades... \$1.42



SUITS Worth to \$35.00 Still for Half To \$140.00 Each

THE MOST BEAUTIFUL AND ARISTOCRATIC MODELS OF THE SEASON, \$17.50 AND UP



That half-price sale of swagger Schroeder costumes continues today. It's quite the best suit bargain of the year, and the women who want exclusive suits have been here in throngs, loud in their praises of the value and beauty of the suits we're offering.

Today Ends the Sale

Remember that you must come today or you'll miss this opportunity. These high-class garments will all be gone, and then you'll have to double the price for one so good. Made of wool or silk materials, by Madame Schroeder and other fine wholesale modistes, they stand without equals in the world in style and richness. Most of them are in the Eton models, the dainty, stunning model that is itself so well to rich trimmings and graceful lines.

Just Half What They Should Sell For

Suits worth \$35.00 for.....	\$17.50	Suits worth \$40.00 for.....	\$20.00
Suits worth \$50.00 for.....	\$25.00	Suits worth \$60.00 for.....	\$30.00
Suits worth \$75.00 for.....	\$37.50	Suits worth \$100.00 for.....	\$50.00
Suits worth \$125.00 for.....	\$62.50	Suits worth \$140.00 for.....	\$70.00



Corset Cover Spec'l

MANY STYLES TO CHOOSE FROM; come in full French front, with low round neck, and trimmed in several styles. Some with ruffled front of all-over lace insertions, some with lace or embroidery trimming; every one a pretty garment, and every one a dollar and a quarter value; special..... 89c

Women's Petticoats, made of black "Heatherbloom," the nearest approach to silk; has the same rustle and better wear, but costs less; regular \$2.50 grade... \$1.97

Art Department Special

Round Centerpieces, 24-inch size, stamped in new designs, for Wallisian or eyelet embroidery; also Coronation and other designs; 40c and 50c..... 32c

2-Clasp Lisle Gloves 48c

A tremendous special sale for today only. Thousands of pairs of real Silk Lisle Gloves, in white, black and colors, splendid wearing gloves, too, with pearl clasps.

They're made with one row of stitching on the back, made in the best manner throughout. And tho' they're regular 65c, 75c and \$1.00 qualities, we place them on sale for today at this ridiculously low price.

Come early and you'll find your size in almost any color; we can't promise this to those who come later in the day, but there are sizes enough to fit all who come, in some shade 48c all day. 65c, 75c and \$1.00 gloves, sp'l.

444 feet long and is designed to carry 4500 passengers, with sleeping accommodations for 1600. The interior woodwork and fittings were practically completed and the machinery and boilers were installed. She was intended to be the finest side-wheel steamer on fresh water and her interior woodwork, which was destroyed, was unusually beautiful. Her whole cost would have reached \$2,500,000.

The shipbuilding company announces that it will rebuild the boat. It will be impossible to get her ready for service before next season.

GAGS AT ITS DOSE

Reichstag Accepts American Tariff Agreement.

BERLIN, May 13.—The Reichstag today, with only a few negative votes, passed the second reading of the commercial modus vivendi between Germany and the United States. Only some Conservative and anti-Semites representing agrarian constituencies voted against the measure on the ground that the arrangement meant no advantage to Germany in an agricultural way.

Herr Kempff, second vice president of the Reichstag, in reporting the work of the committee, said that a proposal had been made to set a limit upon the time in which the modus vivendi must be denounced. Another proposal was that the Reichstag reserve the right of determining the date of the denunciation, while other members of the committee demanded that the government denounce the agreement June 1, 1907, at the latest. The government had promised to supply the Reichstag with information as to how the arrangement works.

Count von Kanitz, one of the Conservative leaders, complained that Germany's attitude "strengthened the United States in her reckless tariff policy," adding: "I have repeatedly begged the government to repay America's tariff measures with like coin. Germany has conceded so much to the United States that a definite commercial treaty is out of the question. Let the Germans take a lesson from America and pursue a self-reliant and not a reckless tariff policy." (Loud applause greeted the last remark.)

Mr. Root declared that the greatest and most useful educational process in this country occurs every four years, when all its citizens turn their attention to the discussion of the difficult question of government. The great amount of money spent at such times, he said, is applied to the political education of the voters.

TALKS OF RETALIATION

Agararians Growl at Concessions and Several Members Propose Germany Give America a Dose of Her Own Medicine.

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DISCUSS CHILD SAVING

Mothers' Congress Takes Up Subject of Prevention of Crime.

LOS ANGELES, Cal., May 12.—Under the general subject "The Prevention of Crime," a conference was held at the Ebell Clubhouse this morning by the Mothers' Congress. "Child Saving Work" was the subject discussed, and Mrs. Frank R. Hill of Tacoma, Wash., president of the Washington Congress of Mothers, was the leader.

Mrs. Hill gave a general summary of the saving of young children from the social evils which through neglect they had inherited from their parents.

Tonight the tenth anniversary session of the congress took place in the Ebell Clubhouse.

WANT \$300 PAY PER MONTH

Only Two Steam Shovels Working on Account of Strike.

PANAMA, May 12.—As a result of a strike of workers on the steamer stevedores, only two shovels were worked today between Baso Bispo and Culebra. The shovels men demand \$300 per month instead of their present salary of \$210.

Congressmen in Hawaii.

HONOLULU, May 12.—The Congressional delegation from Washington visited Kauai today, and will sail for Maui tomorrow. The delegation is greatly pleased with its visit to the islands.

ONE MORE JUROR NEEDED

Peremptory Challenges in Ruef Case Are All Exhausted.

SAN FRANCISCO, May 12.—All the peremptory challenges of both sides were exhausted today in the Ruef trial, and now only the exciting of talesmen by the Judge can prevent the filling of the lone seat in the jury box by the first man called. The 11th man, James Hagan, an undertaker, was passed satisfactorily to both sides today and was sworn in. Court then took an adjournment.

Judge Lawrence today disallowed the sequestration of Louis Glass to the indictment filed against him, and Glass was thereupon arraigned and pleaded guilty to each of the nine indictments. He will be in court again next Friday to have the date of his trial set.

The case of Mayor Schmitt, jointly accused with Ruef, came up this morning and was continued for one week at the request of the prosecution. Assistant District Attorney Henry stated that he understood that Ruef's attorneys contemplated asking for a long continuance of his case on account of the defendant's illness. If this were granted, the prosecution would be ready to proceed with the old Schmitt case on Monday.

MILINERY AT 1/4

What Other Stores Ask

Did you read these three important items in last evening's papers?

THE BIG MILLINERY SALE ENDS WEDNESDAY NIGHT.

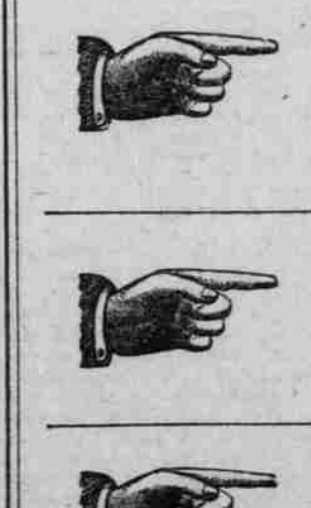
The big sale of millinery at retail for wholesale prices—and less—ends on Wednesday. Those who would save paying the fancy prices asked by local milliners for summer hats should call today at the St. Francis Millinery Company's slaughter sacrifice of fine millinery at 326 Washington street. Open until 9 this evening.

ONLY 2 MORE DAYS OF MILLINERY BARGAINS.

Only two more days in which to get beautiful new millinery from the makers and importers at mere cost of materials. The big sale at 326 Washington street, conducted by the Shafer-Whittier Co., ends Wednesday night. Open this evening until 9 o'clock.

LUMBER FOR SALE CHEAP

2000 feet of new lumber for sale at a very low price. Must be sold by Wednesday, this week. Apply to THE SHAFER-WHITTIER CO., 326 Washington street, over Goddard & Kelly Shoe Store, where the 5c, 10c and 15c store used to be.



THE SHAFER-WHITTIER CO.

OPEN THIS EVENING