

# RIPARIAN RIGHTS GET SEVERE JOLT

## Supreme Court Renders Decision Materially Affecting the Proprietors.

### RIGHT TO USE WATER

Doubt as to Whether Owner of the Land Through Which the Stream Flows Can Use the Waters to the Detriment of Others.

SALEM, Or., April 28.—(Special.)—The Supreme Court today gave the doctrine of riparian rights a severe jolt and in an opinion in an irrigation suit used language which paved the way for a later decision which materially limiting the rights of riparian proprietors in this state.

The case decided today did not involve a direct decision upon the extent of the rights of a riparian proprietor, so that the law upon that question is not declared, but the court took occasion to state two questions upon which the law is in doubt, and intimated that the law may be different from what it has been generally assumed to be. The first question the court will serve to start men who are interested in the use of water thinking about the questions involved, and sooner or later these questions will be before the court for solution.

### Case of Williams Against Altnow.

The opinion in which the extent of riparian rights has been brought in question was written by Chief Justice Beane in the case of S. S. Williams and others against William Altnow and others, from Harney County. The case was tried and decided by Judge George B. Day, and on appeal was modified in the opinion by Justice Beane. The case involved the rights of all the ranchers using water from Otis Creek and its tributaries, all of which run into the Malheur River.

The opinion is a lengthy one, setting forth the separate and distinct rights of each of the claimants to the use of water on certain described lands.

In passing upon the rights of the defendant, Altnow, the court uses the following language, which serves to jar loose the supposed well-fixed right of a riparian proprietor to the use of water for irrigation as against an appropriation, or to have the water flow in its channel undiminished in quantity and unimpaired in quality:

It is contended that the defendant, Altnow, is entitled to the use of water from Otis Creek and its tributaries for irrigation, to the extent of his original appropriation, and to the surplus water in such stream, in preference to the rights of the riparian proprietors.

And again, it is a serious question whether the Desert Land Act does not abolish the so-called riparian rights, and give to the holder of the water right the right to the use of water for irrigation, as to all lands, through which the stream flows, the title to which has been acquired from the Government of the United States since the passage of that act.

The Government of the United States, as primary owner of the soil, undoubtedly had the right to make such provisions concerning the waters of non-navigable streams as it thought proper, and it is not to be doubted that Congress did not intend to deprive the riparian proprietors of their rights of such waters in contravention to the common law doctrine of riparian rights as to persons subsequently acquiring title from the United States.

U. S. Supreme Court Hasn't Decided. The court says, however, that the determination of Altnow's right does not require a decision upon either of the questions suggested, for a riparian proprietor cannot assert his right as an appropriator and a riparian proprietor.

The questions mooted in this case have never been passed upon by the United States Supreme Court. They were before the Washington Supreme Court some time ago but were not decided because the case was determined by other questions.

The language used by the Oregon Supreme Court is probably the strongest that has been used by any Supreme Court in the United States, as raising a doubt as to the extent of riparian rights as they have been understood.

A decision definitely announcing the conclusions strongly indicated by Justice Beane would have a disastrous effect on the claims of those riparian owners of water power sites in Eastern Oregon who have been leaving the water powers undeveloped believing that their right under the common law doctrine of riparian rights could not be taken away by appropriations for irrigation purposes.

### CASTLE ROCK WILL EXPAND

Votes Unanimously to Annex District East of the City.

CASTLE ROCK, Wash., April 28.—(Special.)—A special election was held here last Saturday to determine the question as to whether or not a large tract on the east side of town should be annexed to the city. While rather a light vote was cast, considerable interest was taken in the election. The vote in the city proper was unanimous for annexation, while that in the territory annexed was almost so, only two dissenting votes being cast. This is the most desirable residence portion of the town, being high and slightly, and as soon as the water mains and electric light wires are extended, it is expected it will rapidly be built up with homes. The lack of water and lights has kept people from building there to any great extent heretofore, and that these obstacles will be removed, a rapid change is expected.

### APPEAL TO SUPREME COURT

Albany Liquor Cases to Be Carried Up for Settlement.

ALBANY, Or., April 28.—(Special.)—Defeated in the local Justice Court, and in both departments of the State Circuit Court, Lee Morgan, H. F. Hulbert and Charles A. Curran, charged with violating the local option liquor law, are carrying their contentions to the Supreme Court of the state. Transcripts on appeal are being prepared here and will probably be filed with the clerk of the Supreme Court.

The men pleaded guilty, and later sought to reverse their plea, and a con-

# GINGER IN LA GRANDE CLUB

Commercial Organization Elects Officers and Makes Plans.

LA GRANDE, Or., April 28.—(Special.)—John Collier, president; Fred G. Taylor, vice-president; Fred G. Taylor, secretary; George L. Cleaver, treasurer. This is the personnel of the new Commercial Club officers. These men are among the city's most prominent business men, and will give new life and vigor to the organization club. A conference with General Passenger Agent William McMurray of the O. R. & N. on next Wednesday will be the first step toward a publicity campaign. Mr. McMurray has a scheme to advertise Oregon and La Grande which he will unfold at that meeting.

### FINDS BROTHER AFTER DEATH

Through Announcement in Papers Family is United, Too Late.

ABERDEEN, Wash., April 28.—(Special.)—Through the death of Al Lassala, the young logger, and the announcement in the newspapers, his sister Hulda was found here today. They had been separated several years and six weeks ago the sister came here to work, not knowing her brother was here and ill. Her grief because she could not find him was so poignant that she had ceased to communicate with his relatives and his address was unknown.

### KENTUCKY "BAD MAN" ACTS

HATFIELD OF 'EUD FAME IN TROUBLE ON TRAIN.

Puts Toes Through Seat and Ticksles Passenger—When Latter Objects Is Beaten With Gun.

MONTICELLO, Wash., April 28.—(Special.)—Isidore Isenberg was attacked on the train near Oakville Friday and would have been beaten to death if others had not intervened.

J. W. Hatfield, seated just behind him, put his toes up between the cushions and kept annoying and tickling Isenberg, and when the latter resented his action, Hatfield pulled a revolver from his pocket. Isenberg caught his assailant's arm, Hatfield wrenched free and beat Isenberg a tattoo on Isenberg's head. The blood streamed down over his head and coat as they fought. Another man managed to separate the two. The conductor telegraphed ahead to Elma and a deputy sheriff arrested Hatfield. He was today bound over under \$1000 bonds.

Hatfield is a member of the Kentucky family made famous by its feud with the McCays. Several of the Hatfields emigrated from Kentucky to the West and settled in this neighborhood.

### DEAD OF THE NORTHWEST

Mrs. C. W. Hall.

COOLVILLE, Wash., April 28.—(Special.)—Mrs. Hall, wife of C. W. Hall, a stationery merchant of Colville, died here Saturday afternoon after a brief illness, the result of a dangerous surgical operation.

Mrs. Hall was a native of Linn County, Mo., and had resided in Colville about 12 years ago. Rev. G. H. Wilbur, of the Congregational Church, of which Mrs. Hall was a member, conducted funeral services.

### WANTS TO CHANGE HIS VERDICT

SEATTLE, Wash., April 28.—(Special.)—That he firmly believes Mrs. Mary Vinette, whom a jury on Saturday convicted of conspiracy to defraud the Seattle Electric Company, to be entirely innocent, is the contention made by Henry Miners, a member of the jury which tried the woman. Miners declared that ever since the trial his conscience has been troubling him, and he therefore intended to ask the newspapers to publish his statement. He said that the jury stood eight for conviction and four for acquittal. The four Miners persuaded to agree to change into consideration, Miners says, that in the event of a disagreement the woman would have to remain in jail until she could be tried again.

### ECHO OF ROTTEN EGG SHOWER

TACOMA, Wash., April 28.—(Special.)—Deputy Sheriff Gregory returned from Wilkeson today with six men and boys charged with taking part in the rotten egg and stone shower last Friday. Two of the six, with W. W. Dunning, president of the Miners' Union, are said to be the ringleaders of the affair.

Charges of assault and battery have been preferred against all of them. Those who were brought in this morning are: Stanley Tullman, of saloon-keeper Ed Mainwaring; James Webb, Peter Murphy, Ernest Woolard and Roy Hunter. Young Hunter is the only one who has pleaded guilty, and he will be given a light sentence.

### New School for Cornelius.

CORNELIUS, Or., April 28.—(Special.)—School District No. 2, of Cornelius, has voted \$3000 bonds for the purpose of acquiring grounds and erecting a new brick school building. The grounds will be 340 feet square, and the building is to be constructed according to plans drawn by Ernest Kroner, of Portland, 100,000 brick being used in its construction. It will be two stories high, and in the basement will be a modern heating plant, with an automatic ventilating arrangement. The location is to be just north of that where the present inadequate building stands.

### New Buildings for Weston.

PENDELTON, Or., April 28.—(Special.)—Plans for the erection of two new buildings for the Weston Normal School are now being perfected by President R. C. French. The two are to cost approximately \$20,000 and will be used to house departments already in existence as well as those which are being created by the Wilson agricultural bill now before Congress. One will be for the use of the training department, and the other one is for the domestic science and manual training departments.

### Defend the Appropriation.

ALBANY, Or., April 28.—(Special.)—Two of the leading defendants of the University of Oregon appropriation will meet with the originators of the referendum on the appropriation next Saturday at the meeting of Linn County council of the Grange at Oak Plain Grange near Shedd. Allen Eatop, of Eugene, one of Lane County Representatives, and Professor Alderman, of Eugene, will at that time address the Grange in defense of the appropriation.

### DID YOU SAY HAT?

If hats are what you want call at Le Palace Royal. There you will find them, both large and small, at prices to suit you all. 375 Washington street.

# FROST CAUSES SMALL DAMAGE

## Willamette Valley Fruit Crop Not Hurt to Any Great Extent.

### THINNING GREATLY NEEDED

In Some Localities Freeze Is Beneficial—Low Lands Suffer Most. Berries and Small Fruits Bear Brunt of Harm Done.

Although there was a perceptible frost last Friday and Saturday night, in some places amounting to a severe freeze, so far as can be learned no great damage has been done to the fruit crop in the Willamette Valley. The orchards and berry patches that suffered most were in the low lands and in the river bottoms. Small fruits appear to have suffered more, and in some localities the asparagus and potato crops have been more or less damaged.

### THOMAS H. LUCAS.

Pioneer of Polk County, Who Died April 28.



Pioneer of Polk County, Who Died April 28.

the state, and in the low lands near Grants Pass it is estimated that apples, peaches and pears have been hurt about 25 per cent. Those crops that are on higher ground appear not to have suffered at all. Taken in general, however, the fruit crop of the Valley is unharmed, and the frost amounts in some places merely to a needed thinning out.

### No Damage at Newberg.

NEWBERG, Or., April 28.—(Special.)—Frost on Friday and Saturday night was rather severe for this season, but the damage to fruit in this section was slight. Cherries and apples were not injured to any great degree, in certain localities, but growers are of the opinion that the thinning of the fruit was beneficial. Berries have not been injured.

### Thinning Beneficial at McMinnville.

McMINNVILLE, Or., April 28.—(Special.)—Frost on Friday and Saturday night was rather severe for this season, but the damage to fruit in this section was slight. Cherries and apples were not injured to any great degree, in certain localities, but growers are of the opinion that the thinning of the fruit was beneficial. Berries have not been injured.

### DRIVEN FROM THEIR HOMES

Scores of Shanties on Seattle Waterfront to Be Burned.

SEATTLE, Wash., April 28.—(Special.)—Scores of shacks along the waterfront will be destroyed by fire on June 8. A special squad of inspectors began today posting condemnation notices. Squall and poverty are the rule in all these shanties. Most of the persons who inhabit them are old and infirm and many are blind. Some of them have been existing on a little as 34 or 42 a month which is given them by the County Commissioners. What is to become of them is a problem. The sanitary authorities have been moved to insist that only one out of all the huts visited today that was in any manner clean was that of a saloon swapper, who has made the shanty his home for 25 years.

### KILLED BY FALLING TIMBER

Archie McDonald Crushed by Tree and Dies From Loss of Blood.

RAINIER, Or., April 28.—(Special.)—As a result of getting his leg badly mashed yesterday afternoon, Archie McDonald is dead. McDonald, whose home is in British Columbia, was working for the Eastern & Western Lumber Company at Stella, Wash., and the accident occurred while felling timber. He was severely injured, and was placed under a doctor's care, but he did not long survive as the loss of blood had been too great. McDonald has one brother who will take what remains to Portland tomorrow, where they will be interred in the Catholic Cemetery. He was about 40 years of age.

### INDIAN SURRENDERS HIMSELF

Tells Story of Fight in Which He Shot Another Indian.

TACOMA, April 28.—James Mowich, the Indian who shot another Indian, George Sator, in a drunken fight at Wollochet Saturday night, came in with other Indians from Brookville on the Puyallup Reservation yesterday, surrendered to Sheriff Morris and was placed in jail. Mowich says Sator was shot upon Mrs. Mowich, and then set upon Mrs. Mowich. When he refused to resist Jimmy Mowich went out and got his gun. When Sator was throwing rocks at him and threatened to kill him, he shot him.

### Chokes to Death in Water.

ASTORIA, Or., April 28.—(Special.)—The American schooner Mindoro arrived in this evening, 107 days from Newcastle, N. S. W. Captain Larsen, her master, reports a fairly pleasant but long voyage. On February 12, W. Schroeder, the second officer, fell overboard from the poop of the vessel, and he was picked up within 10 minutes, he was dead when brought on board. No one saw the man fall overboard, but he was quickly missed and his body was discovered floating with the head under water, a short distance astern. An examination showed that a large chew of tobacco had lodged in the man's throat and he is supposed to have choked to death. Schroeder was about 50 years of age, and a member of the Lashoremen's Union of Port Blakely.

### ASPARAGUS HURT AT EUGENE

All That Had Started Is Nipped. Strawberries Suffer.

EUGENE, Or., April 28.—(Special.)—Reports from farmers and fruitraisers about Eugene do not indicate serious damage from the frosts. The strawberries suffered some in certain localities and asparagus seemed to get it worse than any crop. The frost Friday night took all the asparagus that had ventured above ground. Some damage is reported to prunes, but



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this damage is confined to a few localities where the loss is estimated at from a quarter to a half. Peaches, cherries and other fruits are said to be unharmed. The frost was heavier in the river bottoms than on higher land. Prospects are good for a splendid all-around fruit crop, and cherries look especially well.

### Slight Damage Near Salem.

SALEM, Or., April 28.—(Special.)—Since the frosts of last week, considerable interest has been manifested in the extent of the damage done, if any. While reports are yet limited, because it is too early to determine results definitely, it is the prevailing opinion that no particular damage has been done to the fruit crop in this part of the valley. A few orchards in exposed places may have suffered, but this is not yet apparent. Some of the potatoes were put back, but not killed. Strawberry vines suffered in some places. The damage, so far as now known, was not material.

### PHOTOGRAPHIC SUPPLIES REDUCED

Seeds Nonhalation P'Ortho Dry Plates  
6 1/2 x 8 1/2, regular \$2.10 dozen; now.....\$1.60  
5 x 7, regular \$1.40; now.....97c  
8 x 10, regular \$3.00; now.....\$2.45

Buster Brown Camera, picture 2 1/2 x 3 1/4.....\$2.00  
Buster Brown Camera No. 1, picture 2 1/2 x 3 1/4.....\$6.50

Printing and Developing in 24 Hours

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Over 2000 different pieces of imported Art Pottery at one-half the regular price.

Our entire line of Russian and Japanese Brass, including Steins, Fern Dishes, Tea Pots, Jardiniers, Trays, Loving-Cups and Candlesticks, during this sale one-half off.

From one-fourth to one-half off on Roszane Ware, Royal Doulton Ware, Japanese Bronzes and Japanese Kouchi Ware.

Hundreds of other remarkable bargains on the third floor all this week.

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### 4 Days' Reduction on Varnish Stains

Several things should be considered in selecting paint. Will it hold its color, cover well and withstand climatic conditions? Our paint will.

1/2-gallon, regular \$1.35; special.....97c  
1 quart, regular 70c; special.....49c  
1 pint, regular 40c; special.....31c  
1/2-pint, regular 25c; special.....17c

### Garden and Lawn Hose

25 feet Conduit, 3/4-inch.....	\$2.50
25 feet Conduit, 1/2-inch.....	\$3.00
25 feet Superior, 1/2-inch.....	\$3.25
25 feet Superior, 3/4-inch.....	\$3.50
Hose Reels.....	\$1.00
Rainbow Sprinklers.....	25c
Ball-Bearing Sprinklers.....	\$1.25
Menders.....	5c and up

Nozzle Free With Every 50-Foot Length of Hose.

### Spray Your House Plants, Trees and Bushes

Woodlark Concentrated Rose and Fruit Spray has no superior. Sure death to Fruit Caterpillars, Curant Worms, Cherry Slugs, Asparagus Beetles, and all leaf-eating insects. For use on Rose Bushes, House Plants, Vines, Fruit Trees, etc.

Pint Bottle.....25c  
Quart Bottle.....50c  
Gallon Can.....\$1.50  
Spray Pumps.....65c  
One Quart Rose Spray and Spray Pump.....\$1.00

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### PHOTOGRAPHIC SUPPLIES REDUCED

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6 1/2 x 8 1/2, regular \$2.10 dozen; now.....\$1.60  
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### JAIL FOR FATHER AND SON

#### J. M. AND WILLIAM DICKENSON GET LIFE SENTENCE.

Found Guilty of Murdering Hindu at Boring—Mere Boys Implicated Are Released on Parole.

OREGON CITY, Or., April 28.—(Special.)—Sentenced to imprisonment for life in the Oregon Penitentiary, J. M. Dickenson and his son, William, were this afternoon taken to Salem, accompanied by Walter Sinclair, who was given a term of six years for manslaughter. All three of them were charged with killing Harman Singh, a Hindu, near Boring last October. Sinclair pleaded guilty to manslaughter, while Dickenson and his son were convicted of murder in the second degree. Father and son walked, handcuffed together, up Main street from the County Jail to the Southern Pacific depot, the former smoking a pipe.

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