

# RIGHT OF INDIANS TO USE WATER MAY MEAN IRRIGATION

## People of Umatilla County Are Deeply Interested in Suit of Milling Company to Control Water Supply.

(Special to The Journal.)  
Pendleton, Or., Nov. 18.—In the suit of William Caldwell vs. Byers Milling company pending in the federal court in Portland, the whole of Umatilla county and especially the Indians on the Umatilla reservation are vitally interested because of the issues involved. Although specifically the suit is to determine whether or not Caldwell is entitled to the use of water which the milling company claims under its right, the decision will undoubtedly, in the opinion of many authorities, have a momentous effect upon irrigation in this county.

Caldwell, a wealthy rancher, is renting land on the reservation from an Indian allottee and has been taking water from the Umatilla river for irrigation. A suit to enjoin him from so doing was filed in the local circuit court. After much delay without the case being brought to trial, Caldwell took the matter into the federal court at Portland. He is conducting his fight on the grounds that the Indian allottees, by a special treaty of 1855, have a prior right to such waters of the Umatilla river as are necessary for their needs, while the Byers Milling company lays claim to all the water above the mills under a subsequent statute.

### Contest Long Delayed.

The fight has long been expected. The milling people have been successful in thwarting all attempts of white renters to use the water by suits or suits of suits. However, Caldwell announced his intention of prosecuting his suit to a finish and his attorney, D. W. Bailey, declares the present litigation will determine whether or not the Indians have a legitimate title to the waters of the river.

John McCourt, United States attorney, has refused to be drawn into the legal battle, declaring the interests of the Indians are not at stake and that no controversy exists upon which the government can get into court as plaintiff, either on its own account or in behalf of an Indian. Should an attempt be made by the Byers interests or any other water user to prevent an Indian from diverting water from the river for his own use, he says, he will immediately take action to safeguard the rights of the redmen, but in any case where a white renter is attempting to make use of the treaty rights he declares the government will not take a hand.

### McCourt Has Opposition.

Other authorities, however, disagree with the United States attorney's opinion that an abundance of water is going to waste, enough, according to government experts, to irrigate 70,000 acres in the arid section of the county. Inasmuch as there are but 200 acres of reservation land under a permit of irrigation, according to a survey made at the instance of Mr. McCourt, they point out that the water which would be used by the Indians would have absolutely no effect upon present projects in the west and of the county. Certainly the dwellers on the project are not alarmed over the situation.

The business men of Pendleton are very desirous that the rights of the Indians be definitely established so that the 5300 acres on the reservation susceptible of irrigation and much of which is now unused, may be developed and made productive. In urging this they also advocate that the \$300,000 accruing from the sale of tribal lands which is lying idle be used in bringing this land under irrigation.

### Permit Is Authority.

An amended complaint alleges that the Byers Milling company has nothing more than a permit to use the water of the river when it is not desired by the Indians and holds that the department of the interior may cancel this permit any time it sees fit. This permit, it is alleged, was given in 1870 to G. A. La Dow, G. W. Bailey and Lot Livermore, and was subsequently transferred to the Byers company and that an act approving this assignment specifically provided that it should in no way impair or affect any existing right.

A suit similar to this one involving the rights of the Indians on the Blackfoot reservation was thrashed out in the United States courts and was taken to the supreme court, which tribunal upheld the rights of the Indians. In another Montana suit, Federal Judge Wolverton of this state saw a trial judge decide in favor of the redmen. His decision was affirmed by the circuit court of appeals.

# HOTEL MEN PLAN TO STOP MANY "TIPS"

## Salesman Explains How He Gives Away \$2.60 a Day and Is Not Lavish.

Philadelphia, Nov. 18.—At a meeting of the members of the Philadelphia Hotel association the members who are managers of the leading hotels of the city, agreed to act in conjunction to do away with the "tipping" system. The action taken by the local hotel men is the direct outcome of an appeal by the Commercial Travelers' National league and by C. G. Hunt, president of the Garment Salesmen's association. Mr. Hunt appeared before the hotel men and showed to them how the ordinary commercial traveler will spend \$2.60 a day on tips and still not be lavish in his getting away of his money.

Here is the list of tips he submitted to the hotel men:  
Tip No. 1, Pullman porter, 25 cents; man from transfer company who gets trunk checked on train, 10; driver of taxicab, 15; bellboy at hotel for taking to room, 10; waiter for breakfast, 10; checker at hat rack, 10; for the barber after shave, 10; elevator man who handles sample trunks, 25; porter for setting up sample tables, 25; boy in wash room before lunch, 10; tip at lunch if customer is entertained, 25; to get hat again, 10; ring for ice water, 10; supper and another tip, 15; hat again, 10; head porter for taking trunk away, 25; taxicab again, 15.

Pittsburg, Pa., will be the first eastern city to have a bakery conducted by the International Union of Bakery and Confectionery Workers.

# O. A. C. Clubs Influence Student Life Cosmopolitan Club Has 17 Members

Above, right to left—J. E. Gillett, Albany, Or., president Cosmopolitan Club; E. B. Stanley, Lone Rock, Or., president Eastern Oregon club. Below, right to left—K. Okamoto, secretary Cosmopolitan club; Ernest W. Curtis, president Southern California club.



(Special to The Journal.)  
Oregon Agricultural College, Corvallis, Or., Nov. 18.—The organization of numerous clubs at the Oregon Agricultural college has wielded a noticeable influence over student life at the institution. It is not those of a local nature, such as boarding clubs and fraternities, that have brought the change, although they too have their place. It is the organizations which bring together, for the mutual benefit of all concerned, the students from various sections of the Union and from foreign countries, that may be credited with having performed the mission of development, to a remarkable degree, the spirit of loyal and helpful fellowship already prevalent in the college atmosphere.

A Cosmopolitan club with a membership including all foreign born students, an eastern club which draws its membership from the Mississippi, an eastern Oregon club including all students registered from Walla Walla, Baker, Union, Umatilla, Morrow, Sherman, Wheeler, Grant, Harney, and Malheur counties and a southern California club are organizations which occupy a unique position in the welfare of the student body and of the college.

### The System of Helping.

Through the influence of these clubs many students are brought to the institution but to serve in the capacity of an advertising medium is not their most important function. To aid new students in their adjustment to life above all else. When a student comes to the campus for the first time, if he is a foreigner or an inhabitant of a community represented by one of the college organizations, he immediately finds a host of friends who are ready to render him every possible assistance while he is beginning his college career.

### Cooperation Is Greatest Need

Oregon Wool Growers' Association Listens to Able Address by F. A. Freeman of Portland, Who Discusses Problems Before the Sheepmen.

Baker, Or., Nov. 18.—One of the features of the deliberations of the Oregon Wool Growers' association in session here since Tuesday was the address of F. A. Freeman, cashier of the Lumbermen's National bank of Portland, who spoke on "Cooperation as a Solution for the Political and Financial Problems of the Wool Grower." In part Mr. Freeman said:

"Showing to the intelligent citizen wherein legislation in force and departmental rules established affect his pocketbook will secure his cooperation toward obtaining corrective measures to the mutual benefit of the producer and the consumer. Every intelligent sheepman is aware of the necessity for shaping his affairs to accord with the evolution of the country that naturally restricts his range and plans; but he has heretofore not reckoned with the influence brought upon the lawmakers by adverse forces in closer touch with the national administration, who have worked to create a sentiment at once unfavorable and injurious to the wool grower.

### Sheep Business Is Large.

"The census figures for 1910, just given out by the government, show the value of sheep and lambs in the United States to be \$231,000,000. These figures are so large as to be incomprehensible to most of us, but when brought to notice impress one of the greatness and importance of this vast industry. The political power represented by a capital of \$231,000,000, to say nothing of the large additional aggregate investment in lands and other resources, when properly organized, would be an immense force.

"I wonder what consideration has been given by this association to the opening of the Columbia river and its branches, and the building of the Panama canal—two factors that are now tremendously important to the interior Pacific northwest—and to no one more important than to the Oregon wool grower?"

### How to Gain Flesh

A simple but sure way to increase the weight, it is asserted by several well known physicians, is to take regularly for several months, one or two grain hypo-nutrient tablets after each meal. These little tablets have the distinguished merit of increasing the red and white blood corpuscles, aiding digestion and promoting assimilation and absorption of the elements in the food which go to make blood and solid tissues. They are obtainable in sealed packages from physicians and well stocked apothecary shops.

Blackburn's Pain-Away-Pills relieve severest headache, neuralgia, etc. All druggists.

# LAWYERS DEMAND QUICKER REPORTS

## State Bar Expected to Name Committee to Investigate Slow Publication.

(Salem Bureau of The Journal.)  
Salem, Or., Nov. 18.—That the state would do well to let the contract for printing the Oregon reports to a publishing house instead of employing its own reporter and doing the printing at the state printers, is the opinion expressed by Judge J. C. Moreland, clerk of the supreme court, based upon the fact that there are few lawyers gifted in making syllabi and that while the state pays a good price for such work as it gets in this line, it does not pay a price which would command the time of a good reporter. He has addressed a letter of inquiry to an eastern house on this matter in printing the reports. Publishers who do this line of work extensively assert that writers of syllabi are most difficult to get. Oregon pays \$500 per volume to a reporter at the present time, but the latest report just off the press is a year and a half behind, and resembles the reports of the Oregon cases published in the east far in advance of the publications' appearance here.

The cause of the delay in the publication of the reports will probably be taken up by a committee of the State Bar association for investigation. The fault is not with the supreme court, as the copies of the decisions are mailed to the court reporter on the day they are handed down. It is then up to the reporter to prepare the syllabi and turn them in to the state printer. Yet the reports are not published for from a year to a year and a half. This delay is exasperating to the attorneys who need the reports, and in order to get them must take the Pacific Reporter or buy volumes published in the east.

A movement was once set on foot to require the judges of the supreme court to prepare the syllabi of their cases. This was quashed, as it would have heaped additional burden upon the judges, who were already running behind with their work and said they were required to do more work on their cases in the way of writing extended opinions than was required of judges in many other states. It was thought then it would be easier to have the syllabi made up by a good reporter than to require the judges to do it.

for securing favorable legislation no stone should be left unturned to get the 'little fellow' on the membership roll of this association. The association needs him and he needs the association. He may be made an important factor. There are numerous outside interests associated with the wool grower that may lend assistance in solving the problems of the sheepman. Their membership is desirable and their financial assistance of moment; every member should be a cog in the machinery that, when put in full motion, would have serious effect upon our legislation. By all means get the little fellow in for he is becoming more and more important."

### 100 From Eastern Oregon Club.

More than 100 students are active members of the Eastern Oregon club. Regular meetings are held in order that the work of the organization may be carried on in the most effective manner possible. Since the agricultural draws a large number of students from the eastern part of the state, the function of the club is an extended one. At the present time a bulletin is being prepared which, when published, will be distributed among the high school students of that section. It will carry to its readers many facts about the college and will also explain the work of the Eastern Oregon club.

The last organization of this kind to come into existence is the Eastern club. Having been formed only recently the details of the organization are not yet perfected, but its originators have the same purpose in view as the older clubs have already accomplished.

# CHARGES BIG INTERESTS SPENT CASH FOR FICKERT

## (United Press Lead Wire.) San Francisco, Cal., Nov. 18.—Charging that public service corporations and special interests spent from \$125,000 to \$150,000 to select District Attorney Charles M. Fickert at the recent election, John P. Kelly, formerly prominent in the independence league, has asked the grand jury to investigate.

Falling this, Kelly says, suit will be filed in the superior court to bring about Fickert's removal from office under the terms of the purity of elections law.

Kelly claims to have traced at least \$85,000 of Fickert's alleged campaign fund to the parties to whom the money was paid. He declares that the district attorney and his supporters outrageously violated the law, which says that not more than 10 per cent of the first year's salary shall be spent on a campaign for any office in California.

# ZOUNDS! HERE'S A BRIDE WITH JUST 54 TONGUES

Bathampton, Mass., Nov. 18.—If many a woman with one tongue and in one language can drive a man from home, friends of Dr. David Brainerd, who is in India, wonder what will be his fate when Miss Elisabeth Colton of this city reaches Bengal to marry him. Miss Colton speaks 54 languages. Dr. Brainerd knows it. But he has sent the steamship ticket, and Miss Colton is packing her trunk.

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