

East Oregonian

PENDLETON, UMATILLA COUNTY, OREGON, THURSDAY, NOVEMBER 12, 1903.

NO. 4894.

Eastern Oregon Weather

Tonight and Friday occasional snow.

OWELL'S ADDRESS

of Irrigation Legislation "Oregon" His Sub-

ATURE OF PRES-NT LEGAL STATUS.

Review of the Old Law. The act of 1891, which provided for the condemnation of rights of riparian owners, preserving to the latter, however, sufficient water for domestic use and irrigation for crops actually growing.

Judiciary is Up-to-Date. The judiciary of the state, in appreciation of the great needs and possibilities of its arid acres, which constitute probably two-thirds of its territory, has in the last decade viewed with broad vision its importance to the future, and its intimate connection with public interest, and has justly endeavored to place the consideration of the subject upon the high plain which it deserves.

Synopsis of Oregon Law. The law of Oregon then, stated in general terms, is as follows: 1. The water of the lakes and streams is public property subject to appropriation by public corporations, for public purposes, limited only by the vested rights of prior proprietors, and the rights of riparian owners to the extent of their actual needs for domestic purposes, watering livestock and actual present (not prospective) irrigation.

2. As between appropriators, he who is first in time is first in right. An appropriation is not determined (Continued on page 3.)

MONTANA SPECIAL SESSION CALLED

INTERESTS OF ALL THE PEOPLE DEMAND IT.

Especially Intended to Secure Legislation to Prevent Tie-Up of Mining Industries—Will Secure Jury Trials in Certain Cases.

Butte, Nov. 12.—All mines, smelters and other works of the Anaconda Copper Company in this and other states, which were shut down on account of the recent court decision, were re-opened this morning as a result of the call for an extra session of the legislature to enact a "fair trial law." There is great rejoicing throughout the district.

The proposed "fair trial law," demanded by all the people of Montana irrespective of business or other affiliations, will provide: First, for the operation of all mining properties pending suits and pending the settlement by arbitration, or agreement of disputes between litigants and owners, and also during the hearing of suits, disputes and arbitration proceedings. The same being designed to protect all and common interests from the shock of unexpected shut downs precipitated by the whim of disgruntled litigants and often supported by injunctive proceedings.

Second, for jury trial of cases in all mining litigation wherein a jury trial is possible under the state constitution, thus taking from the courts the burden of responsibility which, as illustrated by recent events, too frequently react upon the personnel of the court to the subversion of the respect for its decisions and the judicial system generally.

GRAIN MARKETS.

Quotations Furnished by Coe Commission Company—B. E. Kennedy, Local Manager.

Pendleton, Nov. 12.—Wires are all down today and no market letter was received.

Chicago, Nov. 12.—Wheat—Opening. Close. Dec. 76 76 1/2. May 76 76 1/2. Corn—Dec. 42 41 1/2. May 41 41 1/2.

Minneapolis, Nov. 12.—Wheat—Opening. Close. Dec. 76 76 1/2. May 76 76 1/2.

Postoffice Trafficking. Omaha, Nov. 12.—The federal judge has taken up the charges of trafficking in postoffices in which Senator Dietrich is implicated.

IRRIGATION DEVELOPMENT OF CALIFORNIA.

Colorado and Utah began to attract attention to the unrivaled resources in climate and productions of the semi arid regions, this state awakened to the needs of its own vast area of kindred soil. The scattered irrigation projects in the eastern and southern counties began to disclose sources of wealth and possibilities for homes of which the founders of the commonwealth had not dreamed, and of necessity the courts were brought by the force of public interest, which is always paramount, to approach, as rapidly as the conservation of vested rights would permit, to the Arid Region Doctrine, and the legislature in 1891 supplemented the effort by the following declaration:

"The use of the water of the lakes and running streams of the state of Oregon for general rental, sale or distribution, for the purposes of irrigation and supplying water for household and domestic consumption and watering livestock upon dry lands of the state, is a public use."

The act of which the above language is a prelude, provides also for the condemnation of rights of riparian owners, preserving to the latter, however, sufficient water for domestic use and irrigation for crops actually growing.

The judiciary of the state, in appreciation of the great needs and possibilities of its arid acres, which constitute probably two-thirds of its territory, has in the last decade viewed with broad vision its importance to the future, and its intimate connection with public interest, and has justly endeavored to place the consideration of the subject upon the high plain which it deserves. The opinions promulgated in recent years have happily far removed us from our common law beginnings.

Synopsis of Oregon Law.

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STRIKE RIOTS IN CHICAGO

Unions Claim the Street Car Companies Have Armed the Strike Breakers.

TEAMSTERS MANAGING TO CREATE BLOCKADES.

Twenty-One Lines Tied Up—Trains Mobbed and Overturned and Train Men Assaulted—Mail Trains Not Disturbed Directly, But Are Necessarily Delayed—Five Hundred Police Squad Nearly Overcome.

Chicago, Nov. 12.—Representatives of the employes this morning declared the "Employers' Association has furnished the non-unionists who are expected to take their places with 500 Colts' revolvers. The Employers' Association officials deny this.

Last night the committee from the union called on Mayor Harrison and assured him the strike will be conducted orderly and no effort made to interfere with mail cars, and any striker indulging in violence will be summarily punished by the union. The mayor assured them there would be no city interference unless there is violence.

Strike is On. Promptly at 4 this morning the greatest car strike in the history of Chicago commenced and 21 lines are tied up, comprising all the Chicago railway companies. The strike order was formally issued by a ratification meeting last night.

It was nearly 8 o'clock before any attempt was made to run, while the south side elevated and the Illinois Central were overtaken in efforts to bring belated workers and business men down town.

Rioting Began at Once.

Shortly before 8 the big car barn doors swung open and six trains, including the mail train, which was sandwiched in, started out with non-union help. No effort was made to stop them until they passed outside the police detailed at the barns, when they were greeted with a storm of missiles.

Three trains managed to weather the storm, but the other three crews abandoned their cars and fled to the barns with bleeding wounds. One man was so badly hurt he was taken to the hospital.

Teamsters Organize Blockades.

The first cars reached the downtown Westworth line and had an uneventful trip until they reached Clark and Van Buren where following the usual custom, teamsters who were in sympathy blockaded the tracks, hopelessly entangling them.

From all sides came bombardment of the cars. Windows were riddled and holes knocked through the roofs, and plate glass windows in nearby stores shattered. Several people in the crowd were hurt. The police finally dispersed the mob and cars proceeded.

At 10:38 the first Cottage Grove avenue car returning was again blockaded by teamsters and a mob. A squad of 500 police charged the mob, but were met so determined they were almost overpowered. The gripman announced he had had enough and would step off the train as soon as it returned to the barn. The crowd cheered and speedily opened the way. The gripmen of the three succeeding trains also resigned.

A mob at Forty-seventh and Cottage Grove avenue stopped the car and pulled the crew off and beat them and tipped closed coaches over and smashed the grip apparatus.

Wages Reduced.

Fall River, Mass., Nov. 12.—Notices were posted at Fall river mills this morning announcing a 10 per cent reduction of wages effective November 23. It affects 30,000 workers.

Shipping in Austrians.

New York, Nov. 12.—A carload of Austrian non-union miners have been shipped to the Colorado coal fields this morning to take the place of strikers.

Butchers Strike.

Cincinnati, Nov. 12.—Seven hundred butchers struck this morning for a 10-hour day and 10 per cent increase in wages.

Settle With Queen's Heirs.

Belgrade, Nov. 12.—The Serbian government has paid \$100,000 to the sisters of the late Queen Draga—proceeds of the sale of all her property.

Pension Bill Passed.

Havana, Nov. 12.—The Gomez bill pensioning Cuban patriots today passed the senate.

FOR NEW SYSTEM OF 'PHONE CALLS

Professional and Business Men Want Improved Telephone Service.

BELL BOX SYSTEM IS ANTIQUATED.

Over 600 'Phones in Pendleton and Changes Should Be Made in Moving Into New Quarters—Business Done by Company in Pendleton Justifies Best Service in Use—Question Is Being Agitated.

There is very strong sentiment among the business and professional men of Pendleton in favor of an improved telephone system in Pendleton. The Pacific States Telephone and Telegraph Company has over 600 'phones in this city, and according to the population Pendleton is one of the very best patrons of the telephone on the Pacific Coast.

At its present stage of development the telephone company is now operating the largest possible area of telephones with the smallest possible force, making the system very profitable and the expense of handling it very light, compared to the amount of business done.

While the offices are being changed from the present quarters in the Savings Bank building to the elegant new offices in the Matlock building, it is highly important that the change be asked at this time, and there is a movement on foot to ask the company to favor Pendleton by installing the "express system" of calls now in use in Portland and other large cities, instead of installing the same old-fashioned bell call system now in use in this city.

It will be necessary to put in different fixtures and switchboards, for the new system, and as the offices are to be moved, the expense of making the change during the move will be much less than after the old system is put in place in the new offices.

The "express system" of calls does away with the old bell box and instead of ringing up "central" and waiting to get her, and then giving her the number wanted, with this new system a number drops in front of the operator the instant a receiver is taken down, and "central" immediately calls for your number.

The bell box is unknown in the "express system" and the 'phone can be moved from the center table to the dining table or any other convenient place in the home, making it a convenience and pleasure for professional men who are subject to hundreds of telephone calls during the day and night.

As it is now, an antiquated bell box must be attached to the wall and the person wanted must answer the 'phone in the hall or other out-of-the-way place in which the cumbersome box may be located. The professional and business men are unanimous in their wish that the company would install the new system in making the change from the old to the new ones. They feel that the business transacted by the telephone company in this city justifies the demand for the improved service.

PORTAGE ROAD CASE.

Judge Bradshaw Overrules Demurrer in the Complaint in the Portage Case Yesterday.

Portland, Nov. 12.—Judge Bradshaw, at The Dalles, yesterday overruled the demurrer of the O. R. & N. company to the complaint of the state in the portage road condemnation proceedings, for the right of way for the portage, over the land belonging to the company.

The grounds of the demurrer was that the state could only condemn land for a crossing, and not land that extended longitudinally along the track of the company. Judge Bradshaw held that the state could condemn any land not actually in use or occupied by the tracks of the company, or that the state could exercise the right of eminent domain over any unoccupied portion of the right of way.

The portage road survey touches the O. R. & N. right of way at five points in the 11 miles, but at no point does it approach nearer the track than 30 feet. Right of way through all other property has been secured by the state.

Fire in Constantinople.

Constantinople, Nov. 12.—A serious fire in the Kroba took place today. Valuable public buildings were destroyed and seven were reported killed.

Trying to Be Reinstated.

Washington, Nov. 12.—Three naval cadets recently found guilty of hazing and dismissed from Annapolis, are trying to get the president to reinstate them.

BIG SLIDE AT BINGHAM. Thousand Feet of Bluff Fell Onto Track and Right of Way.

Last night nearly 1,000 feet of the bluff a mile the other side of Bingham slid onto the track and right of way of the O. R. & N. and has held the trains there until late this afternoon. The track at that point runs under a steep bluff of scale rock and dirt covered with trees and brush. It has been a troublesome point for years, and today loosened by the recent rains, the largest slide of all occurred.

A train left here this morning which picked up all the laborers this side of Bingham, and over 50 men have been at work all day clearing the line and laying new track. Part of the mass had to be blasted out of the way, as it was composed of boulders too large to move.

Trains 5 and 1 and 21, west-bound, 6 east-bound and two extras, have been held at the scene all day, the first one passing the slide about 2 o'clock this afternoon.

LAND OFFICE APPOINTEES. Appointed and Confirmed by Request of Senator Mitchell.

Portland, Nov. 12.—The Journal's special Washington correspondent says Senator Mitchell received unanimous consent in executive session today for consideration of the Oregon land office appointments, and the senate confirmed Edward W. Davis as register at La Grande; A. S. Dresser, as register at Oregon City; Charles U. Snyder, as receiver and John Watson as register at Lake View.

SUMMONED THE FORCE. Will Find Whether They Know as Much as They Claim to.

Topeka, Nov. 12.—As a result of a 10-column story in last night's edition exposing the joints and gambling houses in Topeka, the entire editorial force of the Evening Herald was summoned into the district court today to give evidence.

The Dalles Military Road.

Portland, Nov. 12.—The Journal's special Washington correspondent says the secretary of the interior today approved the selection of The Dalles Military Road Company of 25,243 acres in the Burns land district.

SENATOR SMITH FOR THE SESSION WILL BE GOVERNED BY HIS CONSTITUENTS.

Has Sent Letters of Inquiry to All Parts of the County—He Says Amend the Law and Adjourn—Replies Favor the Special Session.

Dr. C. J. Smith was seen this morning in regard to his position on the special session of the legislature, and stated that he had at this time no opinion, but was waiting to hear from the county.

In order to find out the condition of the county and the desires of the people Senator Smith has mailed over 25 letters, sending them to all of the principal school districts of the county, and one to the mayor of each town; also one to the county judge, asking them what is the condition of their finances, and what would be the result of no session. As yet he has received but few answers, but all of them are in favor of a special session, saying that the schools and cities would be embarrassed by not having a tax levy.

While Governor Chamberlain was in the city he and Dr. Smith talked the plan over, and the governor thought that it was a good way to determine the sentiment of the people, and expressed a desire to see the answers received. Until all, or the majority of the letters have been answered Dr. Smith will make no statement as to his opinion in regard to the session. In any event he would not be in favor of any outside legislation should the legislature be called. He would wish to settle the tax question as quickly as possible and then adjourn, not thinking it advisable at this time to attempt any other legislation.

THOSE NEW CARDINALS.

No American Appointed at the First Public Consistory.

Rome, Nov. 12.—The first public consistory of Pope Pius X was held today with great pomp. The procession was headed by the Swiss guards, then the cardinals, then the pope, borne by eight. He was followed by a great throng of priests. He conferred hats on three cardinals, being Tallani, of Vienna; Aluti, of Lisbon; Katschaler, of Salsberg. Merry Delval, secretary of state, and Callegiar Hadue, after the consistory, conferred the pallium on Archbishop Bourais, of Westminster.

Prussian Diet Elections.

Berlin, Nov. 12.—Keen interest is taken in the election of members to the Prussian diet today. The socialists expect to gain a footing.

OPINIONS OF LEGISLATORS

Members of House and Senate Are Responding to the Governor's Request.

THE COMMON COUNCIL OF CORVALLIS HEARD FROM.

Not Much Unanimity of Opinion—Some Seek the Repeal of the Corporation Tax Law, or Consideration of Other Matters Than the Tax Law—Others Stand True to Issues of the Hour.

The following consensus of opinion from the members of the legislature, on the special session is gleaned from the state press:

Representative T. N. Murphy, of Union county, who is at present confined at his home in La Grande with illness, will consult with his constituents and act in accordance with their sentiment in the matter. He has not answered the governor's letter and is not in position to do so until he confers with the taxpayers.

Senator Justus Wade, of Sumner county, favors a special session, but believes the tax law should be remedied and the session cut short to save expenses.

Senator Watt Tyler Smith and Representative B. F. Jones, of Lincoln county, have joined with the county judge and other citizens in petitioning for a special session to relieve the financial condition of that county, occasioned by the loss of the tax levy.

Representative I. B. Riddle, of Douglas county, believes the session should be called but the legislation confined to the tax law alone, to save costs to the people.

Herbert Holman, joint representative from Clackamas and Multnomah counties, wants to wear no muzzle and will not agree to consider anything but the tax law and says if the session is held other matters of importance should be attended to and refused to answer the courteous letter from the governor. Holman would like very much to see the corporation tax law repealed at the special session, it is rumored.

The common council of the city of Corvallis has petitioned the governor to call a special session to prevent financial embarrassment to that city.

Washington county members will not express an opinion but are determined not to agree to confine their action to the tax law alone, as there are other matters pertaining to the affairs of that county which demand immediate relief. One of the matters that would be brought up from Washington county is relief from the present damaging congestion of traffic on the Southern Pacific lines in that county.

Representative Charles V. Galloway, of Yamhill county, believes the session should be called and that it should be just as short as the consideration of the tax law will permit of, but he declines to pledge himself not to consider any other measure, stating that he desires to be free to do his duty by his constituency under all circumstances.

However, Mr. Galloway thinks that inasmuch as the legislature made a mistake in the tax law, the members should remedy the law, free of charge to the people of the state, and that no pay should be allowed legislators for the special session.

Representative W. R. Blyden, of Linn county, says if the legislators do not pledge themselves to consider nothing but the tax law, that the corporation tax law will be assailed by the special session, and that the corporation tax law must not be touched until it has been thoroughly tested. He favors a special session if it can be confined to remedying the tax law.

Representative Thomas B. Kay, of Marion county, stands pat with the governor, and believes that the special session should not be prolonged to consider general legislation. He says there is urgent need of the state of 1903 in many portions of the state, and that when this remedial legislation is passed, the session should adjourn without imposing unnecessary expense on the taxpayer. Mr. Kay was a vigorous opponent of the new tax law last winter. He will agree to the terms of the governor's demand by promising not to consider any other matter than the tax law, unless some emergency not now existing should arise.

Baker, Harney, Malheur and Grant counties have not been heard from yet, but it is thought that the members from Baker and Grant at least, will favor the repeal of the corporation law at the special session, owing to the mining corporations in those counties that are so bitterly opposed to it.

There is no truth whatever in the report that J. Pierpont Morgan will retire from active business life.