

Advertising is profitable reading. It keeps you posted on where to save money on your purchases.

WEATHER FORECAST.

Showers and thunderstorms tonight. Saturday probably showers and cooler.

VOL. 18.

PENDLETON, OREGON, FRIDAY, MAY 26, 1905.

NO. 5369

INDIAN STATUTE SHOULD BE TESTED

State Law Forbidding Sale of Liquor to Indians is Still on the Books.

MIGHT PROVE TO BE

"CLASS LEGISLATION."

Until it is decided that it is unconstitutional officers should enforce it—A. D. Stillman A. D. Stillman discusses the situation as to selling liquor to Indians in the absence of Federal intervention—Indian is in a class by himself and requires special legislation—Law should be enforced while it is on the books.

Pendleton, May 26.—(Editor East Oregonian.)—In response to your request for my views on the laws governing the sale of liquor to Indians, will say that Section 1869, of Bellinger and Cotton's Code, should be enforced. This section provides that if any person shall without the authority of the United States sell, barter or give to any Indian or half-blood who lives and associates with Indians, any spirituous, malt or vinous liquor, such person upon conviction thereof shall be punished by imprisonment in the county jail for not less than two months, nor more than six months, or by fine of not more than \$500.

This statute makes no reference whatever to whether such Indians are allottees or not. It describes them as "Indians" and in my judgment, as a police regulation, is clearly within the constitution of this state. The act of congress of February 3, 1887, construed in the recent decision of the supreme court of the United States provides that upon the completion of allotments and the patenting of the lands to allottees, each Indian so allotted shall have the benefit of, and be subject to, the laws, both civil and criminal, of the state in which he resides, and no state shall pass or enforce any law denying such Indian the equal protection of the law.

This decision does not touch the state law on the subject and does not render that statute obnoxious to the state constitution. The difference between a state constitution and the constitution of the United States is that the state constitution is a limitation of power, while the constitution of the United States is an act that confers power. In other words, the state authorities can do anything not prohibited by constitution, while the United States has no power except such as is conferred by the constitution.

The United States exercised power over Indians so long as they were within the special jurisdiction and under the special control of the United States, but when by act of congress they were placed under the control of the state, as by the statute of February 3, 1887, and made subject to the civil and criminal laws of the state, the federal courts say that, at least in misdemeanors, the Indians, and those supplying them with liquor, will be amenable only to the state laws.

Legitimate Police Regulation. The state statutes prohibiting the giving of liquor to Indians is a legitimate police regulation, just the same as the statutes or ordinances that prohibit the sale of liquor to habitual drunkards, even though they be citizens, and entitled to vote.

It is within the proper exercise of their police powers to determine classes to whom the sale or giving of liquor will endanger peace or good order. The Indian, so far as the use of intoxicating liquor is concerned, is in a class by himself, the same as our miners and habitual drunkards, or those of weak or unsound mind. It is not necessary for me to suggest the reason of the difference, but he is so nearly the primitive man that the intoxicants have an attraction for him under which he is just as irresponsible as a child, even though he may have a very sound judgment on other questions.

Sight must not be lost of the fact that so far as I know, our supreme court has not passed upon the validity of our statute, and that it is liable to be attacked on the ground that it is "class legislation," and not a "police regulation." While my own views are as I have expressed them, a majority of the supreme court might possibly hold a different view and decide that the statute is "class legislation," and so unconstitutional. This doubt will never be removed until an earnest prosecution and conviction is had, and the question determined once finally upon appeal.

So long as section 1869 remains on the book it is the unquestioned duty of every officer to enforce it, so long as the appellate court does not hold it unconstitutional.

Yours respectfully, A. D. STILLMAN.

Hyde Wins a Victory.

New York, May 26.—James H. Hyde won a decided victory today over President James W. Alexander, of the Equitable Life in the decision handed down by Supreme Justice Madrox in Brooklyn, who granted a temporary injunction forbidding the Equitable, through the board of directors, from amending the charter so as to give policy holders a right to vote when they hold policies of \$5,000 or more.

CATTLE MARKET ABROAD.

American Fat Stuff in Demand in London and Liverpool. Liverpool, May 26.—Cattle supplies from the states only fairly large here. Demand steady. Home supplies rather large. Prices generally steady. Good American beefs 12c, the same as a week ago at this point, against 12-12c a year ago.

American sheep in moderate supply and steady at 14c. London, May 26.—Cattle market fairly active. Moderate arrivals of American and a good general demand resulted in a marked recovery of values at this point, good States beefs selling at 13c against 12c a week ago and 13c a year ago.

GERMAN YACHT LEADS.

American Yacht Second, 950 Miles From the Start. New York, May 26.—The steamer Carpathia arrived today and reports receiving a wireless message from the American liner St. Louis, bound from New York to Southampton May 22, stating she sighted the yacht Hamburg at 7:50 that morning 950 miles east of Sandy Hook. The order in which the leaders are sighted now stands: Hamburg, first; Atlantic, second; Endymion, third; Ailsa, fourth.

EXCURSION MAY RUN TO CELILO

PROPOSED UMATILLA COUNTY DELEGATION.

Would Join the Upriver Delegations to Observe the Opening at Umatilla—This is the Oregon Development League and Which Will Be Brought Before the Commercial Association Tonight by Judge Lowell.

At the meeting of the Commercial association tonight Judge S. A. Lowell will present a letter which he has received from Oliver Lynch, secretary of the Umatilla Development League, in regard to the Pendleton delegation to the opening of the portage road. In the letter Mr. Lynch states that he has been informed that a party from here proposes to meet the steamer from Lewiston which will touch at Umatilla on the road to Celilo for the opening of the road.

The people of Umatilla are greatly interested in the event, and desire to have a large party from this county go down on the steamer from their place to witness the opening ceremonies.

Judge Lowell will bring the matter before the Commercial association tonight in hopes that steps will be taken towards having a good delegation from this place at the opening ceremony. By taking the steamer at Umatilla for Celilo the trip would be made much more interesting, as but few now here have had the pleasure of a trip on the upper river, as practically no boats have been operated there since the advent of the railway.

RAILROAD TAXES PAID.

Walla Walla County Receives Check for \$26,700.

What is perhaps the largest amount ever paid in taxes by a single firm or individual in Walla Walla was received yesterday by County Treasurer Hawley from the O. R. & N. railway for its taxes last year. The check was for \$26,700, says the Walla Walla Union.

The valuation placed on the roadbed of the O. R. & N. railroad by Assessor Berryman last year was \$19,000 per mile. This was reduced by the county board of equalization to \$7500 per mile. When the matter was taken up before the state board of equalization the W. & C. R. was classified as a third-class road, but taxes for county purposes will be paid on the valuation for a second-class road while the state's proportion will be on a valuation as a third-class road.

The credit for the increase in the valuation of the railroads of the county is due to Assessor Berryman. For the first time in many years the railroads have failed to take advantage of the saving of the penalty of three per cent by not paying their taxes sooner. And while the W. & C. R. and the N. P. have not paid their taxes, both roads unquestionably will do so in the near future.

BELIEVES IN BETTER MORALS.

Briggson, May 25.—(To the Editor)—The East Oregonian is getting better and better right along and the people up here very highly endorse the paper for the honest and able fight it is making against gambling and vice. If every newspaper in the country would come out as strongly and as fearlessly in defense of decency and morality as the E. O. does, all gambling and vice would very soon become only a matter in history. Not only in the city of Pendleton, but also at every other place. I wish I could find some more people here who are not now taking the E. O. I would certainly try to get them to subscribe for one of the cleanest and best newspapers that ever came from the press anywhere. Cordially, R. F. JOHNSON.

EXPANSION OF GREAT STRIKE

Building Trades Meet Tonight To Discuss Carrying Out a General Boycott Strike.

BUILDING INDUSTRIES BRING RAPIDLY TIED UP.

Ten Thousand Mechanics of the Building Trades Expected to Be Out by Evening of Today, and Possible That Many Thousand More Will Go Out Tomorrow—Pressure on Authorities Increasing to Order Out Troops—Grand Jury Will Meet Monday—Riot Call Turned in Following an Attack on Adams Express Wagon.

Chicago, May 26.—The building industry in Chicago is rapidly being tied up by the teamsters' strike. Fresh complications appeared today in a sympathetic strike of carpenters and other building workmen. At a dozen buildings the contractors failed in the alternative of sending back consignments of lumber delivered by non-union teamsters, or of having strikes on their hands. In a number of instances the lumber was accepted by the contractors, and the workmen then quit.

It is predicted that nearly 10,000 more men will be out before night, including furniture makers, lumber haulers and carpenters. The first lumber mill to shut down is that of the Landis company, where 40 workmen were laid off. Indications are that if the strike continues the whole building industry will be at a standstill. The employers believe the police will be unable to handle the situation, and pressure on the authorities to call out troops is increasing.

Building Trades Will Take a Hand. The Associated Building Trades of Cook county, with a membership of 25,000 of various crafts, meet tonight to discuss the question of boycotting all buildings where "unfair" material is used.

Grand Jury Will Meet Monday. Clarence Darrow, attorney for the labor unions, conferred with States Attorney Healy this morning. Immediately Healy announced the grand jury would be in session Monday and representatives of both employers and teamsters will be given an opportunity to present evidence in connection with the strike.

The union officials intimated they would make an effort to have the managers of the express companies indicted for alleged blacklisting and conspiracy.

At the injunctive proceedings before Master in Chancery Sherman this morning the attorney for employers again asked that an attachment be issued for President Shea, who failed to appear to testify in response to summonses.

Riot at Canal and Madison. A crowd of 200 strike sympathizers early this afternoon attempted to overturn the Adams express wagon at Canal and Madison. Guards on the wagon made a display of rifles, but no shots were fired. A riot call brought the police, who dispersed the crowd and made 12 arrests. Several rioters were severely clubbed by the policemen.

DECORATION DAY WILL BE A HOLIDAY

Decoration Day, Tuesday, May 30, is to be observed as a holiday in Pendleton. This afternoon a petition was circulated among the business men of the city, and was signed by practically all of the more important houses. It calls for the closing of the stores all day, and was signed by the following: Peoples Warehouse, R. Alexander, Boston Store, Lee Teutsch, Sullivan & Bond, Clark & Reese, Miller Grocery company, Baer & Daley, Dindinger & Wilson, F. S. Younger & Son, the Bee Hive, Fair Store, Golden Rule, H. H. Wessel, D. Kemler & Son, Owl Tea House,

PREDICTS LONG PERIOD OF WAR

Japanese Minister of Foreign Affairs Has No Hope for an Early Ending.

JAPAN'S FINANCIAL ABILITY SURPRISING.

Indications Are That Rojostvensky Has Divided His Fleet—Russian Vessels Anchor Off the English Port of Shanghai and Cable Communication is Cut Off—Report Circulated at St. Petersburg That America is in the Market for the Purchase of Saghalien Island—Jew Massacres in Volhynia Province.

Tokio, May 26.—Baron Komura, minister of foreign affairs, in an address before the Clearing House association today said the financial capability of Japan has completely surprised the world. The war would last long, he said, and he trusted much in the commercial ability of the nation after the war ended, when greater prospects will be opened before the country. He advised his hearers to interest foreign capital in the country.

Rumors of Purchase by America. St. Petersburg, May 26.—Persistent rumors are in circulation that the American government has proposed to purchase from Russia the island of Saghalien. Russia is reported willing to sell.

Russian Fleet Near Woonung. Tsingtau, May 26.—The whole Russian fleet has assembled near Woonung, and the German squadron at Tsingtau is preparing for eventualities.

Building the Jews. St. Petersburg, May 26.—A new reign of terror has broken out in the province of Volhynia, where the Jews were recently attacked by the Christians. Two Jews were killed, and both factions are arming. Fresh attacks are likely.

Russian Fleet Divided. Shanghai, May 26.—Seventeen vessels of the Russian fleet anchored off Saddle Islands last night and it is believed will coal there and then proceed north. This seems to indicate that Rojostvensky has divided his fleet.

Cable Communication Cut. London, May 26.—A dispatch to Lloyd's says three vessels of the Russian volunteer fleet, the Vladimir, Yarovoy and three colliers have anchored off Shanghai. The Great Northern Telegraph company reports the Chefoo-Shanghai cable as interrupted.

Strike at Lodz. Lodz, May 26.—Twenty thousand workmen have gone on strike here.

Japanese Concentrating. St. Petersburg, May 26.—A dispatch from the front says the Japanese are concentrating on the Russian left.

Tokio is a few degrees colder than London in January and 15 degrees warmer in July.

Standard Grocery company, Workingmen's Clothing company, B. F. Nichols, August Fuhrman, Oliver & Co., and Demott & Co. In the afternoon of that day a ball game will be played here between the Pendleton team and the high school nine. A game was originally arranged with Weston for that day, but last evening the Weston manager phoned that the date could not be kept by them. As it was then too late to arrange a game with any other town, it was decided to have a game with the high school team on that day.

Obbed Three Chinamen.

Marysville, Cal., May 26.—A workman at a steam shovel camp at Daguerre Point, 10 miles east of Marysville, at breakfast time this morning became displeased over the meal served him and attacked the Chinese cooks, stabbing three of them with a fork. At least one of the victims is expected to die. The man's name is not known here. He escaped with five laborers in pursuit.

JAPAN BUYING STEAMERS.

Evidently Calculating on Favorable Ending of the War.

London, May 26.—Japan has been showing great activity of late in buying up second-hand merchant steamers, and she is still in the market for more. It is evident that the Japanese are looking forward to a great revival in their trade as soon as the war is over, and ship owners who have their vessels in the East have considerable expectations. But apart from that the Japanese are inquiring through their agents in London and elsewhere for suitable vessels, chiefly iron steamers of 2000 to 3000 tons burden, built in the eighties, which, being rather below the standard for European trade, can be picked up cheap. Many such have changed hands this year, and the present month in particular, has seen quite a number of old tramp steamers transferred to Japan.

The disposal of these steamers is ridding the Western freight markets of a good deal of old tonnage which can very readily be spared, and will, if it goes on at the present rate, produce a demand for new boats which will be very welcome to American and European shipbuilders.

Baron Rothschild Dead.

Paris, May 26.—Baron Alphonso Rothschild, head of the great banking house, died at 6 this morning.

ROOSEVELT'S COMPLIMENTS

COULD NOT ATTEND THE PRESBYTERIAN CAMP.

Dr. Henry Vandyke, Chairman of the Committee on Forms and Service, Recommended a Simpler Form of Worship, and Draws Some Comparisons Between Episcopalian Forms and Some Others—Asserts the People Rule Here and That the President is Their Servant.

Winona, Ind., May 26.—The Presbyterian general assembly this morning in response to a letter from Secretary Loeb in reply to an invitation to the president to address the assembly, extended a greeting to the chief executive, Hon. Henry D. McFarland, president of the board of commissioners of the District of Columbia, again addressed the assembly, conveying the compliments of the president.

Dr. Henry Vandyke, the author, reported as chairman of the committee on forms and service, recommending a simpler form of worship. Vandyke scored the Episcopal church for its liturgy, declaring that Presbyterians must choose between the Episcopal and Dolly Varden form of worship. "Episcopalians make a distinction between the people and rulers," said Vandyke. "In our country the people are rulers, and the chief magistrate is regarded as our servant."

DEATH OF SARAH B. THOMPSON.

Well Known Pioneer Passed Away This Morning at Home of Daughter, Mrs. Epple. Mrs. Sarah B. Thompson, better known as "Grandma" Thompson, who has been a resident of this city since 1855, died at 10:15 this morning at the home of her daughter, Mrs. Mary C. Epple, at 113 Long street, after several years' lingering illness.

Mrs. Thompson was born in Camden, N. C., on November 14, 1815, and when a child removed with her parents to Ray county, Tenn., where she was married to "Squire" Thompson in 1839, and from where she removed with her husband to Missouri in 1842. From Missouri she removed to Nebraska in 1862, her husband having died in Missouri in 1848, and from Nebraska she removed to Pendleton in 1885, where she has since resided, making her home alternately with her daughter, Mrs. Epple, and her granddaughter, Mrs. Charles F. Coleworthy.

She leaves three children, Mrs. Mary C. Epple of 113 Long street, this city; Moses H. Thompson of Santa Monica, Cal., and Mrs. Mahala Mason, of Nebraska City, Nebraska. Twelve grandchildren and seven great grandchildren survive her. She had been a consistent and devout member of the M. E. church since 1848, and the funeral will be conducted by Rev. Robert Warner of that church, on Sunday, at 3:30 p. m.

PIONEERS WILL MEET AT WESTON

Eleventh Annual Reunion of the Old Settlers Will Be Held June 2 and 3.

TOWN IS ARRANGING TO GIVE A HEARTY WELCOME.

The Public Program Will Be Given Under a Pavilion 45x100 Feet With an Annex for the Stage—Private Lawns Will Be Thrown Open to the Picnickers, and Everything Done to Make all Comers Feel Thoroughly at Home—Round Trip Railroad Rate of One and One-third Fare—Varied and Attractive Program.

Weston, May 26.—Final arrangements for the eleventh annual reunion of the Umatilla County Pioneers' association at Weston, June 2 and 3, were made Wednesday afternoon at a meeting of the general committee.

Everything indicates the success of the reunion. An excellent program has been prepared, and there will be several features of special interest. Weston will be in gala attire and will endeavor to hospitably entertain its visitors. In accordance with the annual custom of residents, private lawns about town will be thrown open for the accommodation of picnickers.

The exercises will be held in a commodious pavilion on Broad street, fronting on Main, conveniently arranged and gaily decorated. The pavilion will be of canvas, 45x100 feet in dimensions, with an annex for the platform, 12x32 feet.

Dan C. Kirk was appointed marshal of the day and empowered to appoint a sufficient number of aides to preserve order during the occasion. Happily, the crowds attending these annual events at Weston have always been well-disposed and peaceable, and the officers will doubtless have little to do.

A special round trip rate of one and a third fare has been granted by the O. R. & N. company, for the benefit of reunion visitors.

The program is printed below. Some changes and additions may be made, but it will be given substantially as published. Sunday, June 4, the Women of the World will hold memorial exercises at the pavilion, with an address by Hon. A. D. Stillman, of Pendleton:

Friday, June 2, 10 A. M. Call to order... Pres. T. A. Lleweller Music... McMin's orchestra Invocation... Rev. W. S. Payne Song... Weston Glee club Annual address... Dr. W. T. Williamson of Portland Music... McMin's orchestra 1:30 p. m.—Music... McMin's Orchestra Song... Weston Glee club Callsthetic drill... Pupils of E. O. Vocal Solo... S. N. S. Training School Violin solo... Miss Ino M. Proctor Flag drill... M. H. McMinn... Pupils of Weston public school "Pop Goes the Weasel"... W. J. Strever Selection, E. O. S. N. S. Male quartet Reminiscences... Old Pioneers Music... McMin's orchestra

Amusements. 2 p. m., baseball. 4:30 p. m., balloon ascension, aerial explosion and parachute drop, by Professors Williams and McClellan. 5 p. m., street sports and races. Dancing at night.

Saturday, June 3, 10 A. M. Music... McMin's orchestra Invocation... Rev. A. L. Thoroughman Song... Weston Glee club Girls' chorus... E. O. S. N. S. Memorial sermon... Rev. J. R. N. Bell of Baker City Music... McMin's orchestra 1:30 P. M. Music... McMin's orchestra Song... Weston Glee club Ribbon drill... Pupils of Training school, E. O. S. N. S. Vocal solo... Joseph N. Scott Old Fiddlers' contest. Vocal solo... Miss Ino M. Proctor Girls' chorus... E. O. S. N. S. Annual election of officers. Music... McMin's orchestra

Amusements. 3 p. m., baseball. 4:30 p. m., balloon ascension, aerial explosion and parachute drop, by Professors Williams and McClellan. 5 p. m., street sports and races. Dancing at night.

CHICAGO WHEAT MARKET.

Quotations From the Greatest Wheat Market in the United States. Chicago, May 26.—May wheat closed at 90 1/2, corn at 49 1/2 and oats at 30 1/2.

A company with \$20,000,000 capital has been organized to connect Lake Erie with the Ohio river by a canal which will float as large craft as runs on either.