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PENDLETON SUPREME COURT DOCKET

Next Monday the supreme court of Oregon will be here for the May session and a full docket awaits the coming of that honorable body. Major Lee Moorhouse, clerk of the court for Pendleton, has just prepared the following summary of the cases now set for hearing next week:

No. 281, Baker county—Mary Gossett, appellant, C. E. Norton, attorney, vs. W. A. Gossett, respondent, Hart & Nichols, attorneys. Transcript and brief of appellant filed June 8, 1907; no appearance as yet by the respondent.

No. 295, Baker county—Louis Sommer, et al, respondents, Butcher, Clifford & Co., attorneys, vs. Chas. A. Compton, et al, appellants, Saxton & McConnell, attorneys. Action of ejectment, to recover from the defendants a strip of land.

No. 296, Baker county—Thelma Starr, appellant, John L. Rand, P. J. Bannon, attorneys, vs. Chas. Starr, respondent, Chas. H. Chance, attorney. Divorce suit; stipulation filed to dismiss.

No. 305, Malheur county—Pac. L. S. Co., respondent, J. L. Rand, attorney, vs. W. H. Isaacs and Montie B. Gwynn, appellants, A. N. Solis, John C. Rice, attorneys. Suit to collect \$222.50 value of hay and pasture, on premises claimed by defendant.

No. 306, Wheeler county—C. J. McCoy, et al, respondents, H. H. Hendrick, W. H. Wilson, attorneys, vs. Chas. Huntley, appellant, Bowerman & Butler, attorneys. Suit to prevent appellant from using all the water flowing down Pine creek. Lower court gives plaintiff one-half the water; defendant appeals.

No. 307, Union county—Elgin Forwarding Co., respondents, C. H. Finn, attorney, vs. F. M. Cummings, appellant, J. W. Knowles and R. H. Lloyd, attorneys. Suit to recover on open account, plaintiff allowed \$297.06 and costs. Defendant appeals.

No. 309, Umatilla county—State of Oregon, respondent, A. M. Crawford, A. G. G. W. Phelps, Dist. A., attorneys, vs. George A. Horseman, appellant, Jas. A. Fee, J. H. Haley, attorneys. Appellant appeals from ten year sentence for manslaughter.

No. 310, Wheeler county—Wheeler County, Oregon, appellant, John A. Collier, B. S. Huntington, H. S. Wilson, attorneys vs. P. L. Keeton, et al, respondents, W. H. Wilson, Jay Bowerman, R. Butler, H. H. Hendricks, attorneys. Suit to collect on sheriff's bond.

No. 311—Same as above; the two cases are to be argued as one.

No. 314, Walla Walla county—J. B. Ready, respondent, J. A. Burleigh, attorney, vs. Henry Schmith, appellant, O. M. Corkins, attorney. Dispute over one acre of land.

No. 315, Union county—Eliza Carroll, admr., appellant, Lomax & Anderson, attorneys, vs. The Grande Ronde E. Co., respondents, C. H. Crawford, W. M. Pierce, F. S. Ivanhoe, attorneys. Suit to recover damages for fatal injury caused by broken electric wire.

No. 316, Baker county—A. E. Ba-

COFFEE

The best name for coffee is one that tells where the money's to come from, if you don't like it.

Your grocer returns your money if you don't like the Schilling's Best; we pay him.

ton, appellant, Lomax & Anderson, attorneys, vs. Brackburn & Breck, respondent, J. L. Rand, Samuel White, attorneys. Suit to recover contract price on 20 tons baled hay.

No. 317, Grant county—Mattie C. Laycock, appellant, Errett Hicks, J. E. Marks, attorneys, vs. John Laycock, Jr., and John Laycock, sr., respondents, Cattenbach & Wood, attorneys. Divorce suit.

No. 318, Grant county—Napoleon Neal, respondent, J. E. Marks, attorney, vs. Milos Roach, appellant, V. G. Cozad, attorney. Suit over water right.

No. 319, Umatilla county—Effie E. Loring, appellant, Will M. Peterson, R. J. Slater, attorneys, vs. Arthur Laine, respondent, J. H. Haley, Jas. A. Fee, attorneys. Divorce suit.

No. 320, Baker county—Geo. A. Frederick, appellant, John L. Rand, attorney, vs. Antone Klausner, respondent, H. E. Courtney, attorney. Suit for the possession of mining claims.

No. 321, Baker county—W. J. May, respondent, Lomax & Anderson, attorneys, vs. Reuben Emerson, appellant, Saxton & McConnell, attorneys. Suit for the possession of town lots in Baker City.

Death Was On His Heels.

Jesse P. Morris or Skippers, Va., had a close call in the spring of 1906. He says: "An attack of pneumonia left me so weak and with such a fearful cough that my friends declared consumption had me, and death was on my heels. Then I was persuaded to try Dr. King's New Discovery and after taking two and a half bottles I was a well man again. I found out that New Discovery is the best remedy for coughs and lung disease in all the world." Sold under guarantee at Tallman & Co.'s drug store. 50c and \$1.00. Trial bottle free.

INDORSE KNOX.

Republicans of Pennsylvania are for Favorite Son.

Harrisburg, Pa., April 29.—Pennsylvania's republican state convention was called to order at 10:30 o'clock this morning in the Majestic theater. After the transaction of preliminary business, a recess was taken until this afternoon. The indorsement of United States Senator Philander C. Knox as Pennsylvania's choice for the presidential nomination is certain.

In addition to selecting four delegates and four alternates to the national convention at Chicago, the convention will nominate thirty-four presidential electors and a candidate for judge of the superior court. State Chairman Wesley A. Andrews will likely be re-elected.

There is nothing better than Kodol for dyspepsia, indigestion, sour stomach, belching of gas and nervous headache. It digests what you eat. Sold by Tallman & Co.

Phi Delta Phi Fraternity.

Iowa City, Ia., April 29.—College men from many states, including some of the legal lights of the country, are the guests of the students and faculty of the State University of Iowa today at the national convention of the Phi Delta Phi fraternity. This fraternity has chapters in law schools throughout the country. The Delta Sigma Rho, a new fraternity, will hold a general meeting here on Friday.

HOTEL ARRIVALS.

Hotel St. George.

Lewis Rathbun, Guy L. Richardson, Portland; F. M. Ruthford, La Grande; Dr. E. O. Parker, Pilot Rock; H. L. Anderson, Ontario; F. R. Whitcomb, Seattle; M. Blanchard, Portland; C. B. Lelay, San Francisco; J. W. Scriber, La Grande; Mrs. H. J. Beigh, Hot Lake; S. W. Rheem, Olathe, Kan.; Frank Weaver, Baker City; Edgar Stoebling, Baker City; S. D. Killner, San Francisco; F. C. Stanfield, Portland; O. O. Nash, Portland; W. F. Krumpelt, Portland; Geo. L. Stanch, Seattle; J. C. Curran, New York City; Chas. G. Taylor, Spokane; C. M. Thorn, Portland; C. F. Strike, St. Louis; J. G. Callison, Pilot Rock; J. A. Allison, Portland; M. W. Mat-tieker, G. N. Clark, Sam Lee, Portland; J. T. Wolfe, Walla Walla; W. L. Knouff, A. M. Bryant, N. Bissailon, J. J. Westing, Wm. Dunn, Portland; Geo. A. Lewis, Chicago; Joseph M. Brown, Tekoa, Wash.

Golden Rule Hotel.

J. R. Munn, Highland; E. A. Gompers, Umatilla; Miss Jessie Taylor, Miss Babe Taylor, Seattle; Geo. Mon-felt, Barneston, Neb.; Glenn A. Bushlee, city; Ada Sanford, Tom Robertson, Helix; J. H. Carney, Fred Comstock, Weston; W. H. King, Pasco; J. N. Gentry, Holdman; C. E. Welch, Ukiah; Lawrence May, Noah May, Lute May, Butler, Ind.; James Brown, E. P. Greenwood, Butler, Ind.; W. B. Townsend, Vale, Ore.; N. S. Mason, Umatilla; Marie Souvenir, Cathlamet, Wash.

MONEY IS MUCH EASIER.

Europe and America Show Improved Conditions.

Henry Clews says of the world's financial condition:

The most significant event of the week was the successful underwriting of the \$40,000,000 Pennsylvania 4 per cent bonds. This is a very gratifying indication of revival of confidence, as well as positive proof of improvement in monetary conditions.

Another pleasing feature connected with the transaction is that practically one-half of the issue is to be placed abroad; a very practical demonstration that there is a reviving foreign market for American investments of unquestionable security, especially when they are backed by management of good reputation.

There is solid encouragement in the fact that prominent foreign bankers are once more willing to finance our best American railroad properties. Europe, however, is still in a very discriminating mood, consequently it would be premature to anticipate any general influx of foreign capital into this market.

During the next six or 12 months several hundred millions of railroad obligations will mature and must be extended or refunded in some fashion or another, hence it is a relief to know that Europe will take a portion of our high grade investments.

\$100 Reward, \$100.

The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh Cure is the only positive cure now known for the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have offered One Hundred Dollars for any case that it fails to cure. Send for list of testimonials. Address: F. J. CHENNEY & CO., Toledo, O. Sold by all Druggists, 75c. Take Hall's Family Pills for constipation.

GOVERNMENT CANNOT CONFISCATE LAND OF ACTUAL SETTLERS

The Yakima Republic says of a decision of Judge Whitson of the federal court of Washington regarding the relinquishment of land for the benefit of the reclamation service, a topic of much interest in Umatilla county:

Judge Whitson, of the district court of the United States, has handed down his opinion in the case of the United States against Chris Hanson, in which for the first time a judicial decision is given respecting the right of the reclamation service to take possession for reclamation purposes of unsurveyed government lands upon which homestead or other rights have been acquired under the law permitting bona fide settlers to enter unsurveyed lands and to have preferential right to make entry upon them for 30 days after the filing of the survey.

Judge Whitson upholds the view of Attorney H. J. Snively, counsel for the defendant in the above action, and decides against the contentions of District Attorney A. G. Avery and his assistant, J. B. Lindsey, declaring that the government cannot take what has a value to the settler, and that inasmuch as the land laws permit of the settlement and improvement of unsurveyed lands, some right must accrue to the settler and which cannot be confiscated without compensation.

Government's Contentions.

The government contended in this suit, which is a test case involving a number of settlers on the shores of Lakes Kachess and Keechelus, the sources of the Yakima river, and in which it is sought to oust Hanson from his claim, that the reclamation act gives the government power to withdraw from public entry the lands required for irrigation purposes and to do so in the case of lands unsurveyed but upon which settlement has been made without any compensation to the settler.

Mr. Snively contended that inasmuch as the homestead law gives the right to go upon unsurveyed lands and a preferential right to make entry on such land when surveyed, the provision is in the nature of a contract by which, in consideration of time and labor expended by the settler, the government gives him the preference and that it is not the intention of the reclamation act to confiscate his interest.

The lands in question were settled many years ago by Hanson and the others involved. A survey has been made within comparatively recent date, but it has not been filed in the general land office, and it is alleged that it was not so filed at the instance of the reclamation service in order to prevent the settlers from exercising their right of entry under the homestead law. The lands will be flooded by the damming of the outlets of the lakes.

In the course of his opinion Judge Whitson says:

Judge Whitson's Views.

In addition to the usual averments it is alleged that these lands have heretofore been withdrawn from entry or settlement of any kind. The only date mentioned in the complaint is October, 1905, from which it may be concluded that any withdrawal applicable to the subject matter of the action was made on or about that time.

"The answer sets up that possession is sought for carrying out the intent of the reclamation act, and that the defendant, prior to April, 1891, while the lands were unsurveyed, settled upon the land in question as a homestead; that he has ever since resided and occupied the same and claims the same under the laws granting homestead to actual settlers upon the public domain.

"The statement of what is proposed, if the allegations of the answer are true, at once challenges attention and invites the most careful scrutiny.

Absolute Confiscation.

"If the plaintiff should prevail the defendant's improvements would be taken without compensation; his hopes of ultimately acquiring title would be destroyed and he would be compelled to bid farewell to a home which he has occupied for 17 years, relinquishing the land over which he has exercised domain by virtue of a statute of the United States, and in full compliance with its provisions, while standing impotently by to see it devoted to other uses.

"Considering that the court is asked to become an instrument of injustice, it is to be observed that it will only do so in obedience to rules of statutory construction demanding an interpretation of existing statutes favorable to such an end, for surely the pro-

ceeding has neither necessity nor merit for its justification.

Government's over.

"That congress has power by appropriate legislation to withdraw or authorize the withdrawal of public lands which have been offered for sale may be conceded. That the claims of settlers in good faith who have entered thereon pursuant to existing laws may be disregarded, and that, in the absence of any saving clause, they are remediless, cannot be denied.

"That the government, as a landed proprietor, has the same rights and remedies as private individuals for the protection of its property, including the right to recover possession, was long ago settled. But the power vested in congress to dispose of the public lands carries with it the power to withdraw privileges extended, and until such rights as have been granted are withdrawn by the only authority which may confer them, they still exist."

Possession Is Lawful.

After dealing with the argument of counsel for the government that the defendant was a "squatter" and without rights and showing that this is not the case, the judge continues:

"The defendant therefore is not a squatter. His possession was lawful at the time he initiated it. This is an important consideration, for, if he is a trespasser pure and simple, he has no defense. The policy concerning the disposal of the public lands has always been to encourage settlement.

"Those who have reclaimed the wilderness, who have extended the frontier, have been deemed worthy of the utmost consideration, and, in constructing the law, if it has been put to severe tension, or its letter violated by the interior department, it has been in protection of the settler in good faith."

Notice to Public.

Having disposed of my implement store in this city, all parties knowing themselves indebted to me please call and settle their accounts.

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DeWitt's Carbolic Witch Hazel Salve. It is especially good for piles. Sold by Tallman & Co.

Candidates, Attention!

We print candidates' cards and circulars at a very reasonable price, giving prompt service and first class work. East Oregonian, phone Main 1.

A sure cure, one you can depend upon. Hickory Bark Cough Remedy. A sure cure, and it's pure! Use it for all lung trouble, coughs, colds, hoarseness and sore throat. For sale by any druggist and first class dealers everywhere. Pendleton Drug Co.

The middle aged man who tries to be "one of the boys," is young only in his foolishness.

Women's Ailments

are many and peculiar. At times they so disorganize the system that the general health is impaired and weakened. When women feel nervous and debilitated, or suffer with sick headache and depression,

Beecham's Pills

will promptly relieve these unpleasant symptoms, and do much toward restoring healthy conditions to the various organs. For backache, dizzy spells, feeble blood, stomach weakness, constipation and other distressing ailments, Beecham's Pills are a reliable preventive and

A Natural Remedy

Sold Everywhere. In boxes 10c. and 25c.



Now just see Japan, Though such a small man, He's going to swipe All the trade if he can.

There's no denying the fact that Japan is a big factor in commerce. We are also making big inroads upon the clothing patronage of the public. Our trade is constantly increasing owing to the fact that we never take any unfair advantages. For good treatment and high quality goods, at reasonable prices, come to us.

Bond Brothers Leading Clothiers

PREPARED Lime and Sulphur Spray

READY FOR USE

1 gal. makes 10 of Spray, by mixing with cold water

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PATRONIZE HOME INDUSTRY

By Drinking the Home Product, the

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Guaranteed Absolutely Pure.

Try a case for family use For sale at all leading bars.

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24 Bottles of Beer for \$1.00

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Purer Than City Water

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John Gagen

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Fine Wines and Liquors.

Fancy Drinks a Specialty

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