

WEATHER REPORT

Fair and cooler tonight Friday fair and warmer.

COUNTY OFFICIAL PAPER.

VOL. 23.

PENDLETON, OREGON, THURSDAY, APRIL 28, 1910.

NO 6888



Calling cards, wedding stationery, commercial stationery and job printing to order at the East Oregonian.

COURT DOCKET IS PREPARED

Oregon Supreme Court Will Meet Here Next Monday for Spring Term.

NEARLY THIRTY CASES SCHEDULED FOR ARGUMENT

Four of Five Cases from Umatilla County Are Important—Ryan Murder Case, Umatilla Water Users' Association Fight, Famous Detective Bill and Milton Fruit Shippers' Case—Latter Tests Constitutionality of Law.

The docket has been completed and all arrangements made for the spring term of the state supreme court which will be convened in this city next Monday. There are 28 cases on the docket of which five are from this county, 11 from Baker, three from Union, three from Malheur, four from Wallowa, one from Grant and one from Harney.

As usual, practically all of those cases from Baker county have to do with mining suits.

In the five from this county, four are of considerable importance. One is the Ryan murder case, one is the famous detective bill case, one is the case which is to determine once for all which faction is to be in control of the Umatilla Water Users' association and the other is the appealed case of the fruit shipping firm of Riggs & Martin, which was brought against the railroad to recover damages for the failure to supply cars when needed to handle fruit. This was the first case of the kind brought under the law and this appeal will test the constitutionality of the law.

The complete docket with the county from which the case was appealed and the title of the case is as follows: Grant county—State of Oregon, respondent, vs. Hen Hinton, appellant; ready for trial.

Baker county—State of Oregon, respondent, vs. H. Franks, appellant; no briefs filed.

Baker county—State of Oregon, respondent, vs. D. R. Trapp, appellant. Set for May 3, 1910.

Harney county—R. R. Sitz, appellant, vs. A. S. Swain, respondent. Up on motion to dismiss.

Umatilla county—Umatilla River's Water Association, appellant, vs. H. T. Irwin, et al, respondents. Ready for trial.

Baker county—R. N. Bostwick & Co., respondents, vs. K. of P. Lodge No. 8. Up on motion to dismiss.

Baker county—Josephine Ison, et al, respondents, vs. Wm. Sturgill, et al, respondents in one case, vs. W. J. Welch and Clara Welch, appellants. Set for Monday, May 2, 1910.

Baker county—Thomas C. Burke, respondent, vs. Parlee Hindman, et al, appellants. No briefs filed by appellants.

Union county—The Grande Ronde Electric Co., appellant, vs. Farmers' and Traders' National Bank respondents. No briefs filed by appellant. Respondent's brief filed January 19, 1910.

Umatilla county—Commercial National Bank, respondent, vs. J. F. Temple, et al, appellants. No briefs filed. Up on motion to dismiss.

Baker county—G. W. Slade & T. W. Davis, respondents, vs. The Utah Construction Co., et al appellants. No appearance of the respondent.

Baker county—Sam Carnes and W. A. Carnes appellants, vs. James Dalton respondent. Ready for trial.

Union county—Anna Oliver appellant, vs. Fred Synhorst, as street superintendent of the city of La Grande, respondent. Ready for trial.

Umatilla county—State of Oregon, respondent, vs. Michael Ryan, appellant. Ready for trial.

Malheur county—Frank E. Hodgkin, appellant, vs. John Boswell, respondent. Ready for trial.

Baker county—Susan Henderson, respondent, vs. A. Backus, appellant. Ready for trial.

Malheur county—Minnie O. Hansen, respondent, vs. William Jones and J. D. Teurman, Partners as Jones & Co., appellants. Ready for trial.

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sen, respondent, vs. William Jones, appellant. These two cases to be argued as one. Ready for trial.

Baker county—J. H. Washburn, respondent, vs. International Mining Company, a corporation; Robert D. Carter, receiver; M. S. Bond and Durkee Mercantile company, a corporation, defendants, and J. W. Flack, defendant and appellant. No briefs have been filed by either party.

Wallowa county—Beatrice Devall, appellant, vs. Thomas DeVail, respondent. Ready for trial.

Wallowa county—C. R. Elliott, appellant, vs. Wallowa county respondent. Ready for trial.

Umatilla county—F. F. Martin and Ralph Riggs, doing business under the firm name and style of Riggs & Co., and Riggs & Martin, respondents, vs. The Oregon Railway & Navigation Co., appellants. No briefs filed by either side.

Wallowa county—W. J. Funk & company, a private corporation, vs. T. M. Butter, et al. Motion filed by respondent to affirm.

Union county—J. B. Thorsen, J. H. Buell and Mabel Parks, admrs. of the estate of H. L. Buell, deceased, respondents, vs. J. A. Hooper and Joseph Hudson, appellants. Brief of appellant filed; no brief filed by respondent.

Umatilla county—Chas. Cunningham and A. F. Michael, appellants, vs. The County Court of Umatilla County, respondent. Appellants' brief filed April 21; no briefs filed by respondent.

Baker county—W. C. Fox, respondent, vs. Louis Tift, appellant. No briefs filed on either side.

Baker county—John Shaw, respondent, vs. T. N. Profit and Joe Carter, appellants. Respondent's brief filed February 26; no briefs have been filed by appellant.

Wallowa county—The Oregon Railroad & Navigation Co., appellant, vs. Hector McDonald and Margaret McDonald, respondents.

EARTH SWALLOWS HERD OF CATTLE

GREAT CREVASSES OPEN ON NEVADA RANGE

Grazing Lands Open Up and Many Cattle Perish—Cracks Are Filled With Water—People Moving From Vicinity.

Reno, Nev., April 28.—Residents of Jakes valley, 25 miles west of Ely, are driving their cattle to higher ground today, following the appearance of great crevasses in the earth, which suddenly opened and swallowed a large number of cattle.

Many of them are from six to eight feet wide and are filled with water. The ranchers have found fifty cattle dead in these newly made water holes. Many ranchers are leaving the vicinity, fearing further strange disturbances.

The platform adopted favors the income tax, condemns ship subsidy, denounces indiscriminate use of the injunction and endorses conservation.

Kern Nominated, Indianapolis, April 28.—John W. Kern was nominated for the United States senate late today.

Minto-Ingersoll Wedding, New York, April 28.—Miss Anita Ingersoll, daughter of Mrs. Robert Taylor Varnum, and Roger Minton, were married today and will sail shortly for Europe.

This being the last case on the docket which was ready for trial at this time, the men who had been held here for several days on jury duty were allowed to go to their several homes.

Portland is in line for some high water.

According to the weather reports being sent out, the Willamette river is still rising rapidly at Portland as the result of last week's warm weather, aided by showers, and will probably continue to rise at about the same rate for the next three or four days. A stage of 15 feet is predicted for today, 15.5 feet for tomorrow and 16.2 feet for Saturday. At the 16-foot stage the lower floors of several of the Portland docks will be inundated.

RETURNED MISSIONARY WILL SPEAK TONIGHT

W. P. Bentley, a missionary for 17 years in China, will speak at the Christian church tonight. At present he is superintendent of the oriental work on the Pacific coast. Everyone is invited to hear the address this evening.

Hissing or other hostile demonstrations seldom if ever helped or hindered a cause.

PAULHAN WINS \$50,000 PRIZE

Nervy French Aeronaut Outdistances His English Rival in Air Race.

MADE 44 MILES AN HOUR FOR OVER FOUR HOURS

Daring Aviator in Farman Biplane Travels from London to Manchester—White Lands at Polesworth and Wives Congratulate—Paulhan's Wife and Farman Are First to Greet Winner—Machine Worked Perfectly.

London, April 28.—When Louis Paulhan alighted today at Manchester, winning the London Mall's fifty thousand dollar prize, his wife and Henri Farman, inventor of the aeroplane which was used in the flight, were the first persons who greeted him.

Claud White, who raced with Paulhan for the prize, descended at Polesworth, but may reascend and continue to Manchester.

Paulhan said his machine worked perfectly and could have continued on another hundred miles.

White wired his congratulations to Paulhan. The best man won, he said. The Daily Mail wired congratulations to both Paulhan and White. "Cordial congratulations to Paulhan, mingled with sincere sympathy for White, his gallant rival," the message read.

The people at Lynchfield received Paulhan in silence but cheered awhile when he landed. The authorities ordered the soldiers to guard the Frenchman's machine until he was ready to reascend. White has decided to abandon the flight and will not start from Polesworth. Paulhan averaged forty-four miles an hour and White thirty-eight. Paulhan was in the air four hours and eleven minutes.

White reconsidered his determination not to reascend and resumed his flight at 5 o'clock this afternoon.

The Paulhan Aeroplanes.

New York, April 28.—The thirty days extension of the government bond granted by the treasury department to the Paulhan aeroplanes which have been in litigation between Paulhan's manager, Edwin Cleary, and the French aviator, since the latter gave his recent exhibitions in this country, expires today. The machines will become the property of Uncle Sam if some one does not come forward and pay the duty or have the machines exported.

TAGGART LOSES IN PRELIMINARY BATTLE

Indianapolis, April 28.—Despite the strenuous opposition of Taggart, the Marshall plan was carried on the floor of the democratic convention. A big fight is now expected over the naming of a candidate for the senate. Taggart himself is the avowed candidate.

The platform adopted favors the income tax, condemns ship subsidy, denounces indiscriminate use of the injunction and endorses conservation.

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Hissing or other hostile demonstrations seldom if ever helped or hindered a cause.

Several hundred residents of Pendleton have not yet been enumerated according to reports that have reached the office of the East Oregonian. As there are only two remaining days in which to complete the work it is evident that Pendleton will not be given the showing to which she is entitled unless someone takes interest enough to see that a systematic movement is started to get everyone counted.

According to reports, some parts of the city have been missed entirely and in those which have been visited it is said that little or no effort has been made to list those who were temporarily away from home. It now seems that the only way for a complete census to be secured is for every citizen in each block who has the welfare of Pendleton at heart to make it a point to see that all other residents of that block have been counted.

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T. R. ARRIVES IN BELGIUM

Roosevelt is Given Tumultuous Reception When He Lands in Brussels.

IS GUEST OF KING ALBERT DURING DAY

Thousands Gather at Depot to Welcome ex-President of United States and His Family—Entertained by King at His Country Palace—Whole Family Guests at State Dinner—Parisians Give Colonel Great Send-off and Teddy Returns Thanks.

Brussels, April 28.—A tumultuous welcome was given Roosevelt when he arrived here today. The burgomaster and American Ambassador Bryan met the colonel at the station. Thousands gathered at the depot to welcome the American visitor. The colonel was notified by representatives of King Albert that the king would await him at the great exposition hall this afternoon and would formally welcome him at a public reception.

Later the king and Roosevelt rode together to King Albert's country palace at Laeken and afterwards Mrs. Roosevelt, Ethel and Kermit joined them there. The Roosevelts were guests of the king at a magnificent state dinner at which were present leading civil and military dignitaries of Belgium. Roosevelt will start for The Hague tomorrow.

"Bully Time" at Paris.

Paris, April 29.—Col. Roosevelt departed this morning for Brussels, being attended at the station by many celebrated men and thousands of Parisians who gathered to give him a hearty farewell. "Paris is great, France is great, I have had a splendid time, and will never be able to thank you enough," was Roosevelt's parting message as the train pulled out.

FREIGHT PLUNGES INTO YAKIMA RIVER

Elensburg, Wash., April 29.—A Milwaukee locomotive and five freight cars loaded with lumber plunged into the Yakima river at the second steel bridge east of Nelson station, forty miles north of here today. Engineer Ruff of Seattle, was injured, but how badly is not known. The fireman and head brakeman jumped and are reported to be safe. The accident was caused by high water in the river which washed out a fill at the bridge approach and five bents of the bridge itself. Several cars of valuable bonded merchandise are standing on the fill, which is rapidly being eaten away and there is danger of their going into the river at any moment. Wreckers and work trains are being rushed to the scene.

Y. M. C. A. Campaign, Toronto, Ont., April 28.—With a view of raising \$600,000 for the erection of four modern Young Men's Christian association buildings in Toronto, a spirited collection campaign was commenced today and will continue to May 16. Several hundred young men are engaged in the work and they confidently expect to secure the large amount before the expiration of the time limit set for the campaign.

WILL INDIFFERENCE REDUCE POPULATION OF PENDLETON?

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"PROSECUTION" REBUFFED.

Bullinger Investigating Committee Refuses Important Demand. Washington, April 28.—The Bullinger investigating committee today rebuffed Attorney Brandels, representing Louis Glavis, when it refused to allow him to demand that Attorney General Wickersham be called upon to produce the documents showing the exact date his famous summary was prepared. These papers were prepared by Wickersham at the request of President Taft and formed the basis of the president's letter exonerating Bullinger. The date of the summary is deemed important by the "prosecution" which seeks to show that Wickersham prepared the summary after the president's letter has been written. Attorney Verrees for Bullinger said today he expected the end of the hearing next week. Bullinger may be called to the stand next Saturday.

HIGHLAND MINES ARE READY TO SHIP ORE

Baker City, Ore.—Favorable reports come from Rock creek, west of Baker City, where the Highland gold-mines company has employed all winter from 28 to 35 men doing development work and blocking out ore. At the present time 30 men are employed, and about June 1 the management expects to increase the force to 50 men. Over 3000 sacks of shipping ore is ready to go out and shipping will commence about May 1 or as soon as the roads will admit hauling. The Highland seems to be one mine under practical management and ore reserves are to be had before large sums of money are invested in mill and reduction plant.

JUDGE BRINGS HYDE DEFENSE TO TIME

SAYS METHODS EMPLOYED ARE ALMOST CRIMINAL

Judge Latschaw Replies to Objection With Startling Vigor—Says There Will Be Wide Latitude in Admission of Testimony—Hyde Spends Night in Jail.

Kansas City, April 29.—"It has been the practice of the attorneys for the defense to do things almost criminal in this case," said Judge Latschaw today in overruling the objection of Dr. Hyde's lawyer to the permission granted to Druggist Becklein to allow jurors to smell the capsules containing cyanide of potassium. "Notes of the grand jury proceedings have been found in your possession. You have no cause for complaint of the methods employed in this trial. There will be a wide latitude in the admission of evidence."

Hyde's perpetual smile is missing today after he had spent the night in jail because of the revocation of his bonds last night. Tom Swope testified that on the night of December 18 he saw Dr. Hyde, while near the Swope home, drop something and step on it. After Hyde had gone the witness picked up the object which proved to be a pill box containing two capsules. He said the odor of the capsules was similar to the cyanide potassium produced in evidence by Druggist Becklein.

LEBANON WILL BUILD \$10,000 CITY HALL

Lebanon, Ore.—Lebanon is to have a new city hall. Plans have practically been accepted by the city council, the building to cost between \$10,000 and \$12,000. The building will be 60x90 feet, of cement up to the first windows, and from there up of brick, with a pressed brick front.

The lower floor will be divided into an office for the marshal, three cells for prisoners, a fireman's room, and a room for the fire apparatus. The second floor will be an assembly hall, council chambers and office for the city recorder.

HELIK WINS GAME FROM ADAMS TEAM

(Special Correspondence.) Helix, Ore., April 27.—Last Sunday a big ball game here between Adams and Helix resulted in a victory for Helix by the score of ten to eight. The feature of the game was a home run hit by Roy Blake of Helix, which brought in four runs. The batteries were as follows: For Helix, Morrison and Milton; for Adams, Wallan and Owen.

Next Sunday a game will be played here between Holdman and the local team.

Men Die in Vinegar Tank.

Watsonville, Calif., April 28.—August Greenfield and Roy Phillips were suffocated last night in a vinegar tank. Phillips entered the tank for the purpose of cleaning it and Greenfield attempted to rescue Phillips. The men were found dead in each other's arms.

"Democrats are very happy," says the Oregonian. Yes, they have noticed that there is to be a republican assembly.

PLAN TO CARVE OLD UMATILLA

Movement Started in Milton and Freewater for Division of County.

PROPOSE TO CUT OFF NORTHEASTERN SECTION

Citizens of Freewater and Milton Preparing Initiative Bill to Divide Umatilla County in Two—Weston and Athena Would be Included in New County—Would Name it "Orchard" or "Williams"—Petitions Start Monday.

If too much opposition in the part of those most interested does not develop, the proposition of dividing Umatilla county will be submitted to a vote of the people at the general election in November, according to Attorney J. P. Neal of Freewater. Neal was in Pendleton yesterday for the purpose of securing data which the promoters of the enterprise think will be of assistance to them in the work of securing signatures to the petition.

According to Mr. Neal not more than 20 men have thus far interested themselves in the proposition to create a new county, but he is very optimistic regarding the outcome of the movement. He says the county, if secured, will either be named "Orchard" as an advertisement for its fruit industry, or "Williams" in honor of George H. Williams who died recently at his home in Portland. By using the name of Williams they would hope to secure the signatures of Portland residents to the initiative petition and their votes when it is finally placed before the people.

Only Four Towns Included.

The proposed new county would only include four towns. These are Milton, Freewater, Weston and Athena. The only place where the movement has so far met with any favor is in the Milton and Freewater country. Six railroad flag stations are also included. These are Vancycle, Stanton, Killian Junction, Hillsdale, Grand View and Watterman.

The boundary line of the proposed county would start at that point on the state line between Oregon and Washington where the line between townships 32 and 33 intersects. It would extend south along this range line 10 miles, more or less to a line running east and west between townships 4 and 5, thence east six miles to the range line between 33 and 34, thence south along said line five miles to the southwest corner of section 30, township 4, north of range 34; thence east six miles to a rough line between ranges 34 and 35, thence south 4 miles to the southwest corner of section 15, township 3, north range 35, thence east, following section lines for 11 miles, more or less, to the center of the channel of the Umatilla river, thence in an easterly direction following the center of the channel of the Umatilla and the North Fork thereof to the county line between Umatilla and Union counties, thence along said line to state line between Oregon and Washington; thence west along said state line 35 miles to place of beginning.

Would Have 8,000 Population.

According to the promoters the proposed new county will contain approximately 650 square miles or 250 square miles more than enough to comply with the state law. The population is estimated at 8,000 while the required population is but 1200.

Those who have interested themselves in the proposition are a very few residents of the far east end and they hope to secure Freewater or Milton for the county seat. They propose to make Milton the temporary county seat and at the end of two years they would have the question submitted to the voters of the county. In order to secure the support of Athena people they are promising that Athena would be put in the running for a permanent county seat, though there is little likelihood that that town would stand a show to be selected should the movement to create the new county succeed.

Few Taxpayers in Movement.

N. A. Davis, J. H. Hall and Henry Frazer have been named as a superintendent.

(Continued on Page Eight.)

HOWLING NEGROES GREET JOHNSON.

Los Angeles, April 28.—Five hundred howling, cheering negroes greeted Jack Johnson today when he stepped from the Chicago train. Johnson, who appeared fat, will go four rounds at Vernon Pavilion tonight with his sparring partner. He expects to leave for San Francisco Saturday to begin training soon after May 1.

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