

East Oregonian

AN INDEPENDENT NEWSPAPER

Published Daily and Semi-Weekly at Pendleton, Oregon, by the

EAST OREGONIAN PUBLISHING CO.

MEMBER UNITED PRESS ASSOCIATION

The Daily East Oregonian is kept on sale at the Oregon News Co., 325 Morrison Street, Portland, Oregon.

Northwest News Co., Portland, Oregon.

Chicago Herald, 309 Security Building, Washington, D. C., Bureau, 501 Fourteenth Street, N. W.

Entered at the postoffice at Pendleton, Oregon, as second-class mail matter.

Telephone Main 1

Official City and County Paper.

IN GEORGIA.

I.

When falls the frost in Georgia land
It's then you take the happy stand
And hold contentment by the hand.

When falls the frost in Georgia
The friendly fields with golden store,
The blue-bright heavens bending o'er,
And plenty smiling in the door,
When falls the frost in Georgia.

II.

The smoke that curls from cabin-places,
The flame that up the chimney races,
The firelight's glow on sweet home-faces,
When falls the frost in Georgia.

Give me a place there, with the rest,
Where every golden minute's best—
There, at the hearth life loves the best,
When falls the frost in Georgia.

—Frank L. Stanton.

MR. McCOURT'S LETTER.

The East Oregonian publishes today a letter from John McCourt, United States district attorney for Oregon, in which he discusses at length the Caldwell-Byers suit and the subject of reservation water rights. For the frankness with which he speaks Mr. McCourt is entitled to compliment but with his views and conclusions this paper begs to differ utterly.

Mr. McCourt says: "No occasion exists for the government to commence a suit. Indeed, no controversy exists upon which it can get into the court as plaintiff; either on its own account or on behalf of an Indian."

We cannot see it that way. Why cannot the government get into court in behalf of the Indians? The Indians are greatly concerned in the suit brought by Mr. Caldwell. Mr. Caldwell has rented some 250 acres of allotted land. It is bottom land and was rented for alfalfa raising purposes. It is so specified upon the leases which he holds and which the government approved. For one tract of 40 acres belonging to A-la-ta-la, Mr. Caldwell pays \$12.10 per acre a year in rent and he agrees to put 23 acres into alfalfa at a cost estimated at \$150.

Now this land would not bring the rental Mr. Caldwell is paying if it could not be irrigated. A-la-ta-la will lose if the water right does not go with the land. None of the bottom land Mr. Caldwell has leased may be rented continuously at irrigation prices unless there is water for it. So the allottees are heavily concerned in the suit.

According to Mr. McCourt's statement a survey made shows that 5300 acres of bottom land along the river may be irrigated. To irrigate that land would mean to increase its value \$100 per acre, at a conservative estimate. In other words it would add \$530,000 to the wealth of the Indians owning that land.

Then why is it the government cannot get into this case "either on its own account or in behalf of an Indian." The government is guardian for the Indians. Why does it not act for them and establish their rights? It can if it wants to. "Where there's a will there's a way."

The United States will prove itself an unnatural guardian if it sits idly by and sees its wards lose \$530,000 which it could get for them almost by a turn of the hand. The excuse that the government has no occasion for interfering in behalf of the Indians is frail indeed in view of the facts in the case. That excuse seems unworthy a man like John McCourt.

It is plain Mr. McCourt is not being influenced so much by the legal aspects of the case as by what he

deems moral considerations. He says that to establish the reservation water rights would be to deprive Pendleton of a gravity water supply, would affect the local mills and would injure the irrigation projects in the west end of the county. Let us consider these questions for a moment.

If Mr. McCourt interprets the law aright Pendleton is already "up against it" with reference to a gravity water system. He says he has sold the water board that the rights of the city are secondary to those of the Indians, so that situation exists whether we like it or not. But it is not as bad as it may seem to some. It may be easier to get water from the Indians than from the Byers mill. It should be possible for the city to obtain a gravity water supply for a reasonable consideration. The Indians are not versed in the subtle, obstructive methods that have been employed in behalf of the Byers mill.

Mr. McCourt's fear that the establishment of reservation water rights may injure the local mills to some extent seems well founded. It is regrettable that this is true. Yet this does not affect the legal or the moral status of the case. Surely Mr. McCourt does not hesitate to act on this account. He is no longer attorney for the Byers milling company and should not view the matter from their standpoint. He is attorney for the United States and for the government's wards, the Indians. His duty is to the redmen, not to the milling interests. Furthermore by going his duty he will be rendering the "greatest good to the greatest number."

The declaration that the irrigation of the reservation would jeopardize the west end projects has no bearing on the legal issues involved because the Indian rights are prior to west end rights. But Mr. McCourt's declaration is not justified by the facts. It is ridiculous to say that the watering of 2300 acres of land near this city will hurt the Furnish project or the government project. Both are storage projects and are entitled to flood waters only. Then again enough water is going to waste every year at Umatilla to water three times as much land as there is in the government and Furnish projects combined. Who deprive the Indians of their share?

From whom did Mr. McCourt learn that the watering of the reservation would injure the government project? Was it from Oliver P. Morton? If so then the situation will be interesting to waterusers whose rights are contested by Mr. Morton in behalf of the government. Mr. Morton says that waterusers along the river need but two and a half acre feet per annum. Now the Cold Springs reservoir has a capacity of 26,000 acre feet. In other words it will store enough water to give the land under the project the requisite amount of moisture per acre. Why ask for more? Wont Mr. Morton's rule work both ways?

If the present west end projects are so shy of water that they cannot let the poor, deluded Indians have their just share why has the United States government been figuring for months on extending the Umatilla project to cover 70,000 acres or more lying west of the Umatilla river? How can government officials figure there is plenty of water in the river to irrigate an additional 70,000 acres in the west end but not enough to water a paltry 5300 acres adjacent to Pendleton? Why such discrimination against this part of the country?

Mr. McCourt intimates this paper has been misled by someone having a personal interest at stake in the Caldwell-Byers suit. He is wrong. The East Oregonian took up this subject without discussing the matter with Mr. Caldwell or anyone else. Mr. Caldwell has never asked for our support. The East Oregonian is interested because it knows that the irrigation and settlement of the reservation would be a splendid thing for Pendleton. We are also moved to champion the cause of the redmen because they have no newspapers of their own, for the reason their cause is just and because the officials whose duty it is to protect their legal rights and welfare have themselves been led astray.

- NOVEMBER 8 IN HISTORY.**
- 1674—John Milton, English poet, died. Born December 9, 1608.
 - 1772—William Wirt, candidate of the anti-Masonic party for president of the United States in 1829, born. Died, Feb. 18, 1824.
 - 1779—Bonaparte effected a revolution in Paris, and the Council of Ancients and Five Hundred, adjourned to St. Cloud.
 - 1854—Abraham Lincoln was re-elected president of the United States. General McClellan resigned his command in the army.
 - 1874—Japan accepted \$100,000 indemnity from China and withdrew her troops from Formosa.
 - 1880—Sarah Bernhardt made her American debut in Booth's theatre, New York.
 - 1886—Fred Archer, noted English jockey, died.
 - 1890—President proclaimed Montana a state of the Union.
 - 1892—Dynamite explosions caused by Anarchists in Paris.
 - 1897—United States, Russia and Japan signed treaty for protection of seals in Behring sea.
 - 1898—Theodore Roosevelt elected Governor of New York.
 - 1899—Memorial of Miss Winnie Davis unveiled at Richmond, Va.
 - 1901—United States and Great Britain sign Isthmian canal treaty.
 - 1902—Reciprocity treaty between United States and Newfoundland signed.

A CERTAIN CURE FOR CATARRH

The mucous membranes of the nose and throat are exposed to the irritating influence of dust, impure air, etc., and for this reason are the places Catarrh usually first manifests itself. But these are simply exciting causes, the inflammation and discharge being really produced by an impure and vitiated condition of the blood. It is well enough to use some local treatment to cleanse these membranes, but any one can readily see that if the inflammatory matter is left in the blood, such treatment cannot possibly have any permanent effect. S. S. S. cures Catarrh by purifying the blood of all impure catarrhal matter and irritating germs and at the same time builds up the system by its fine tonic effects. When S. S. S. has purified the blood, the mucous surfaces are all nourished and made healthy. There can be no inflammation of the membranes then, because the blood is pure, and every tissue receives nourishment instead of irritating matter. Our book on Catarrh will give proper advice as to what is best to use as a local aid while S. S. S. is purifying the blood. This book is free, also any special advice you may feel you need. S. S. S. is sold at drug stores.

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1910—The Louisiana legislature authorized the loan of \$4,500,000 for the New Orleans-Panama exposition.

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