

## WEATHER REPORT.

Fair tonight and Tuesday; continued warm.

COUNTY OFFICIAL PAPER.

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PENDLETON, OREGON, MONDAY, MAY 13, 1912.

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TO ADVERTISERS.  
The East Oregonian has the largest paid circulation of any paper in Oregon, east of Portland and nearly twice the circulation in Pendleton of any other newspaper.

CITY OFFICIAL PAPER.

# GOVERNMENT TO CANCEL PERMIT HELD BY BYERS COMPANY

## FEDERALS ROUT REBELS, MEXICO

Defeated Revolution Army Under General Orozco Making Last Stand at Pellano.

## TERRIFIC BATTLE IS ON

Five Hundred Killed or Wounded in Fight Sunday and Government Troops Capture Ten Cannon—Americans Rescued by Transport Buford.

El Paso, Texas, May 13.—Orozco's rebels, tired, hungry and desperate are making possibly their last stand at Pellano today against General Huerta's federal troops. Last reports are that the rebels are fighting desperately.

The rebels at Juarez are badly demoralized today as a result of Orozco's crushing defeat at Conejos. Twenty men from the Juarez garrison deserted today and crossed the border into El Paso. They report that another defeat of the rebels will result in wholesale desertions.

If General Orozco is defeated today it is believed he will retire and make Chihuahua his base of operations, if he is able to gather enough men to make a serious resistance.

### Rebels Routed Yesterday.

Conejos, Mex., May 13.—After routing the rebels yesterday and capturing ten cannon in a battle in which each side lost about five hundred killed and wounded, the federal army under General Huerta are today trying to annihilate the rebels under General Orozco. The rebels have fled to Escallon where they are making their last stand today.

### Americans Rescued.

Nogales, Ariz., May 13.—Small pox in a virulent form has again appeared at Mazatlan, on the west coast of Mexico, according to refugees arriving here today. Several deaths are reported, and there are more than one hundred cases of the disease. The United States transport Buford is en route to San Francisco, via Salina Cruz according to railroad men. She carries two hundred American refugees who were taken aboard at various west coast ports.

## MEDFORD CHINAMAN ROBBED BY FELLOW COUNTRYMAN

Medford, Ore., May 13.—Wo Lee, a Chinese, was robbed at an early hour today of \$800 in gold by an unknown Chinese. In a struggle with the robber, Wo suffered a severe cut over the heart. Wo Lee was attacked when he refused to give the robber the key to a chest where he kept the money. The intruder then stabbed him, got the key and took the money.

## LOCAL TEAM WINS 5TH AT U. OF O.

Competing against the star athletes of nearly twenty high schools and academies of the state, Pendleton high's team Saturday afternoon succeeded in scoring enough points to entitle it to fifth place in the annual interscholastic meet held at Eugene under the direction of the University of Oregon. At the end of the events eight points were set opposite Pendleton's name. Washington high of Portland captured the meet easily, her men winning every race from the 100 to the mile and Windagle, her crack distance runner, setting a new world's interscholastic record in the half mile by negotiating it in 1:56 4-5. La Grande won second place with seventeen points, Jefferson high of Portland third place and Columbia University of Portland, fourth. Though Baker won the championship of eastern Oregon, recently, her athletes only took one point in Saturday's meet.

Fee made seven of the eight points secured by Pendleton by taking second in the high hurdles, second in the javelin throw and third in the discus throw. Jordan annexed the other when he put the shot put for third place.

Payne, Athena's crack miler, made himself known when he ran a beautiful race and forged ahead of all the many runners except one, winning three points for his school.

The team will stay in Eugene during the week and on next Saturday will participate in another meet which will be held at Corvallis under the auspices of the Oregon Agricultural College.

## FLOOD CREST DUE SOON

Marooned Negroes Are Looting Louisiana Towns, Says Report.

New Orleans, May 13.—With the crest of the Mississippi flood expected Tuesday night the Louisiana state legislature, which convened today, is considering adjournment sine die because of the unsettled and dangerous condition of the flood. It was reported today that a number of marooned negroes have looted the towns of Batchelor, Fouché, and Grosse.

## MAN KILLED HERE IS FOUND AT LA GRANDE

Unknown Secreted in Lumber Car is Crushed When Load Is Shifted

Without an eye witness and with no sound to betray it, a tragedy occurred in the local freight yards last Saturday and no one knew aught of it until yesterday when the lifeless and crushed form of a man was found in a box car when it was opened at La Grande. The car with which the car had struck another when switched here Saturday had shifted its load of lumber and the man, who had evidently been stealing a ride, was caught between the mass and the end of the car. Death had without a doubt been instantaneous.

The discovery was made yesterday in La Grande when the car was opened for the purpose of rearranging the lumber. An investigation here revealed the fact that the car had been cut out of a freight train here for the purpose of reducing the train and had been run onto a switch. When it had been shot down the track, the brakeman discovered that the brake had been broken and thus had no way in which to check its speed. It struck a string of other cars with such force that the load of lumber was shifted. The lumber was too short for the car and thus a clear space was left at one end of the car. Here the man had been riding and when the car struck had been crushed without a moment's warning and without a possibility of escape.

According to Agent T. F. O'Brien, the reports from La Grande are to the effect that the identity of the victim has not been ascertained beyond the fact that a card found in his pockets showed him to have been a member of the I. W. W.

## TAFT WILL QUIT SLINGING MUD, HE ANNOUNCES

Marlett, Ohio, May 13.—Expressing a determination to eliminate all anti-Roosevelt personalities and confine his speeches to discussion of the administration and its accomplishments, in support of his claim for the presidential nomination, President Taft arrived here today to begin his final ten days' campaigning before the Ohio state primary. Colonel Roosevelt will arrive tomorrow. Mr. Taft appeared fresh and strong and made several speeches today at Marietta, Colwell, Newcomerstown, Cambridge and St. Clairsville.

## G. O. P. MAY HOLD TWO CONVENTIONS; ONE BOLTERS

Seattle, Wash., May 13.—Whether there will be two conventions at Aberdeen Wednesday depends on the action of the state central committee which meets tomorrow.

Taft leaders are alleged to be openly boasting that this pro-Taft committee will arbitrarily disregard a Roosevelt or La Follette majority and will send every Taft Delegate in the convention on roll call.

If the insurgents fail to get what they think they are entitled to, they will bolt and hold a separate convention.

## LA FOLLETTE WINDING UP CAMPAIGN IN CALIFORNIA

San Francisco, Cal., May 13.—Returning to San Francisco from San Diego, Senator La Follette arrived here today and will bring his campaign for the presidential nomination to a close with a big meeting at Dreamland Rink tonight. During the day he addressed large crowds at the Union Iron works, the Express Theater and the Relief Home.

## CALIFORNIA EXPECTS A RECORD VOTE TOMORROW

San Francisco, Calif., May 13.—A record breaking vote is expected Tuesday in the California primaries. Interest is centered in the Taft-Roosevelt-La Follette fight for the republican delegates to the national convention. The race between Clark and Wilson, democrats, is expected to be close.

There's nothing like a grouch for wearing holes in your disposition.

## START WAR ON JUDGE HANFORD

Delegates to Socialist National Convention Will Work for Removal From Bench.

## OTHER PARTIES TO AID

Democrats and Republicans Join in Protest Against Depriving Man of Citizenship Because of His Political Belief and Connection.

Indianapolis, May 13.—Delegates to the national convention of the socialist party today lined up behind a movement to compel United States Judge Hanford of Seattle to recall his decision, annulling the citizenship papers of Leonard Olson of Tacoma, because the latter admitted he was a socialist, or face impeachment proceedings.

Scores of telegrams from republicans and democrats in all sections of the country, in which they promised to help the socialists in an effort to prove Hanford permitted personal prejudice to rule his action, were read to the delegates.

The decision, the delegates say, will be carried to the United States supreme court for reversal, if necessary.

### Action Condemned.

Seattle, Wash., May 13.—Resolutions condemning the decision of Judge Hanford, depriving Leonard Olson of his right of citizenship because he is a socialist, will be passed by the executive committee of the socialist organization of the city at a meeting tonight. The committee will prepare a campaign to carry Olson's appeal to the United States supreme court if necessary.

## GIRL IS DANGEROUSLY AND TWO LADIES SLIGHTLY HURT; AUTO GOES OVER BANK

The little 5-year-old daughter of Mr. and Mrs. L. C. Rothrock was seriously injured, and Mrs. Dupuis and Miss Sturdivant were badly scratched this afternoon at 2 o'clock when the Rothrock automobile struck a washout near the Owens place on Wild Horse creek, two miles and a half from this city and went over a bank into a barb wire fence. Several of the other occupants were slightly hurt but only the three above mentioned were taken to the hospital. At present time, Doctors Parker and Ringo were in the operating room and it was impossible to learn the full extent of the injuries.

According to Mr. Rothrock, he was driving his car at a moderate rate of speed along the county road on Wild Horse when he struck the washout and, though he applied the emergency brake, could not prevent it from going over the bank. The little girl was the only one thrown out and one of her legs was badly cut by the barb wire. Mrs. Dupuis, who works at the Rothrock ranch, and Miss Sturdivant, a school girl living with Mr. and Mrs. William Roesch, were cut about the face with the wire. The other occupants, Mr. and Mrs. Rothrock, Mrs. Roesch and little baby, escaped with only slight scratches, though Mr. Rothrock's coat was torn off him.

Immediately he saw that some of the occupants had been injured, Mr. Rothrock hastened to the Owens telephone and before he had returned, Jesse Hale had arrived, picked up the injured persons, and hastened them to the hospital.

## STAGE SET FOR OPENING OF LEAGUE BASE BALL SEASON IN PENDLETON TOMORROW; STORES MAY CLOSE AT 4

With the stage all set, ideal weather promised and the whole town on its toes in expectancy, tomorrow afternoon is awaited impatiently, for with its coming will be ushered in the 1912 season of baseball here in Pendleton. The Buckaroos, fresh from their great victory of yesterday, are eager to tie into the Bears for another series and they as well as every fan in the city believe they will do better than break even this time.

An attempt is being made this afternoon to induce the merchants to close their stores at 4 o'clock tomorrow in order that everyone can be out to see the opening contest. The baseball club is not asking this of the business men but the lead is being taken by several of the more enthusiastic of the merchants themselves. Whether or not the doors be closed, there will be little business transacted for Pendleton intends starting the season in the most approved fashion. Most of the business men are signifying a willingness to allow the greater part of their employees to attend even if the trade sign is kept hanging out.

## RED CLAD, REDS MARCH

Funeral Cortege of slain I. W. W. Is Blood Streak in Streets.

Los Angeles, May 13.—Red clad men and women marched four abreast in the funeral cortege, three blocks long, today, of Joseph Mikolasek, an Industrial Worker of the World, who was killed during a riot at San Diego. Emma Goldman, the anarchist lecturer, delivered the funeral oration in a hall which was decorated with red flags and mottoes used in the "free speech" fight.

## STRIKE SPREADS TO FRISCO EXAMINER

Hearst Paper in Bay City Crippled by Walkout of Pressmen and Assistants

San Francisco, Cal., May 13.—The San Francisco Examiner issued an eight page paper today devoted largely to classified advertisements.

The paper carried a statement declaring that with no personal animus the local pressmen went out on strike, the men acting only on telegraphic orders. The orders came from the board of directors of the International Printing Pressmen and Assistants' Union of America.

The Examiner's statement declares that the curtailment in the size of the paper is only temporary.

A statement made by the union men says: "The strike was called, not because of local conditions, but because the abrogation by the Hearst papers of the contracts between local No. 7 of Chicago and Hearst papers of Chicago."

### Printers Reject Strike.

Chicago, Ill., May 13.—Strikers on several Hearst papers outside of Chicago are expected by union men today.

The publishers say they are encouraged by the action of the printers in voting not to join the striking pressmen.

## THIRTY DAYS NOTICE GIVEN BY THE INTERIOR DEPARTMENT

Uncle Sam Says Indians Need Water; Milling Company Must Give Up Privilege

## WOULD BE HARD JOLT FOR BYERS COMPANY

Proceedings Started May 1--News Sprung Today Before Water Board--Company Asks Stay of Proceedings to Permit of Filing of Contentions--Case Before Board.

There is good news for those who are interested in the long fight that has been made by William Caldwell, the East Oregonian and other local influences for the establishment of reservation irrigation rights to the end the Umatilla Indians may get justice and that their reservation may be developed and settled. This is it: The United States government, acting through the department of the interior, is preparing to cancel the permit under which the Byers Milling company has for years monopolized the water of the river and blocked the irrigation of the allotted lands and by so doing thwarted the advancement of Pendleton.

Under date of May 1 the government has notified the Byers people of its intentions and the following is a copy of the notice sent forth from Washington and received here.

### Will Cancel Right.

Washington, May 1, 1912. Sophia Byers McComas, Owner Pendleton Roller Mills, Pendleton, Ore. Madam: It appears from the records and files of this department that you are the owner and manager of the Pendleton roller mills and the present beneficiary under a certain permit issued July 5, 1870, to G. W. Bailey, et al, to construct a water ditch from the Umatilla river across a portion of the Umatilla Indian reservation to the town of Pendleton.

I have to call your attention to the fact that such permit was issued upon the express condition that no permanent rights should attach or become vested by the construction of said ditch and that any ditch or canal dug or constructed, and the use of the same, should be subject to the control of and might be discontinued at the pleasure of the secretary of the interior.

Because of the needs of the Indians for the use of these waters and their prior rights thereto, it is now desirable that such permit should be terminated. You will therefore be allowed thirty days from this date within which to show cause, if any you have, why such permit should not be revoked.

Very respectfully,

SAMUEL ADAMS,

First Assistant Secretary Department of the Interior.

As to what action the government will take when the proposition is fully before it remains to be seen. The department may insist upon cancelling the permit outright; it may modify the permit so as to make it more explicit in that the company may use water from the river so long as the use does not in any way interfere with the irrigation of the Indian lands, or it may refuse to cancel the permit. The tenor of the letter, however, indicates the purpose of the department to drive the company away insofar as its permit is concerned.

### From Attorney Johnson.

As to the status of the case, Attorney R. R. Johnson, legal advisor for William Caldwell, said:

"I regard the action taken as very satisfactory from the standpoint of Mr. Caldwell and the Indians. It is bad for the milling company. Should their permit be cancelled, the company will then be eliminated as a factor as far as the Indians are concerned in the adjudication of the rights of the river. It will be like knocking the last leg from under them since the company in the past has based its water right upon the permit from the government."

"However, as far as the Umatilla Indians are concerned, their rights will remain the same, regardless of whether or not the permit is cancelled. Their rights are based upon the provisions of the federal treaty and must be determined through an interpretation of that treaty by the federal courts."

### News Causes Sensation.

While the notice showing the government's intentions was sent forth May 1 the news did not become general in Pendleton until today. The fact of the Government's action be-

came known yesterday to parties interested in the suit from the Indians' Standpoint. However, the first intimation of the affair was given at the court house this morning by Judge J. A. Fee, when before the state board of control he referred to a notice received by his client and asked for delay in the hearing of the case before the water board so as to permit of attention to the new phase that had arisen. At that time Judge Fee did not go into details. (The water board has not yet acted upon his request for delay but it is the supposition that the Indian cases will not be tried out before the state board until the interior department has first acted.)

News of the government's action came as a very interesting piece of intelligence to all parties interested in the case. On the part of William Caldwell, chief fighter for reservation rights, and others who sympathize with him in his struggle, the news caused rejoicing, though it was not entirely unexpected. A request that the government cancel the Byers' company's right was made by Caldwell many months ago and he has pressed his case in every way possible since that time. Not long ago he made a trip to Washington and worked in person for two weeks upon the case. He was given much assistance in his fight by Senator Bourne.

### May Help the City.

It is regarded as probable that the action of the interior department, should it be continued, will materially assist the city of Pendleton in securing a larger water supply. In all efforts to secure more water the city has been constantly beset with the possibility of a suit with the Byers company which has claimed the right to all the water of the river. With its permit cancelled it would seem the company would be in no position to deny water to the city and local people would have to look only to the Indians for the privilege they desire.

### Great Value to Indians.

However, the chief benefits of ousting the milling company from its hold upon the river would seemingly fall to the Indians. Should the company's hold be broken and the Indian rights established it would then be possible for a very large portion of the reservation to be irrigated and settled, a bit of development that would mean much to Pendleton and all other towns tributary to the reservation.

Owing to the fact Judge Fee, legal advisor for the Byers company, was engaged in court this afternoon he could not be reached with a request for a statement from the company's side of the case.

### Board Now in Session.

Members of the state water board

(Continued on page five.)

## TO FIX R. R. RATES TO ROUNDUP TUESDAY

For the purpose of making the necessary arrangements for the transportation of the crowds to the Round-up this fall, the Northwest Passenger association will meet in Pendleton tomorrow. Between twenty and thirty representatives of different companies will be here and before they adjourn they will in all probability have fixed the rates and the sales dates for round-trip to Pendleton from various points over the northwest.

The directors of the Round-up will meet with the passenger agents and will also provide entertainment for them while here. At 9 o'clock the Round-up films will probably be exhibited to them and in the afternoon they will all take in the opening ball game of the season.

Besides fixing the rates for the Round-up, the association will also probably settle the arrangements for special trains to a number of county fairs.