

AMONG CAYUSES ANY OLD THING IS MARRIAGE

The state Supreme court has rendered a decision in the case of Kalyton versus Kalyton, involving a tract of Indian allotted land, the title to which rested on the validity of tribal marriage. The plaintiff claimed to be sole heir of Joe Kalyton, an Indian of the Cayuse tribe. About April 21, 1891, Joe Kalyton was allotted in severalty 157 acres of land in the Umatilla reservation. He thereafter lived with the plaintiff's mother and died intestate about January, 1899, seized of the real property allotted him, and after his death plaintiff was born. The defendant, who is Joe Kalyton's sister, claiming to be his sole heir, took possession of the premises and secured the rents therefrom.

The complaint after alleging the facts above stated, avers that in 1893 plaintiff's mother married Kalyton according to the customs and laws of the tribe to which they belonged; that thereafter they lived and cohabited as husband and wife, and that plaintiff is the issue of such marriage and the sole heir of the deceased. The answer denied the marital allegations of complaint and averred that the marriage was not performed according to law and was therefore void; also, that Kalyton and plaintiff's mother, being allottees of land in severalty, were citizens of this state, and that he died unmarried without any lineal descendants. A demurrer to the first defense was overruled and after trial a decree was rendered in favor of the sister, Mary Kalyton, and plaintiff appealed.

The opinion of the supreme court refers to the treaty of 1855, recognizing the Cayuse Indians as a tribe, which treaty, ratified in 1859, set apart for them the the Umatilla reservation, also to the act of 1885 authorizing allotments in severalty, the "Daves" act of 1887, declaring allottees to be citizens, and the act of 1891, which provides that whenever any male or female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life, the issue of such cohabitation shall be (for the purpose of inheritance) taken and deemed to be the legitimate issue of the Indians so living together.

The testimony in this case shows that there was no regular form of marriage among the Cayuse Indians, that Joe Kalyton asked Louise to live with him, she consented, and did live with him, and that other Indians, including Kalyton's sister, were married in the same way. The supreme court concludes that since this was the tribal custom, the marriages as valid.

It was contended that the marriage could no be legal because Louise already had two living husbands. Louise, testified, however, that before marrying Joe Kalyton, she had separated from the former husbands in the Indian way, and it is held that this was sufficient to show that she had been divorced.

The decision declares Agnes Kalyton to be the sole heir of Joe Kalyton and entitled to possession of the property of which he died seized.

Good Progress at Worley.

J. H. Hunter, superintendent of

the Worley, in the Greenhorns, was here a day or so, returned this morning. He has a force of men at work sinking and states that good progress is being made.

SOME KICK ON NUDE FIGURE FOR FOUNTAIN

The Sacajawea Statue association, now comprising several thousand of the leading, patriotic citizens of the Northwest, has raised an objection to the model as a public fountain, to be made by E. J. Barrett, the Portland sculptor, for the Lewis and Clark exposition, in which the figure of Sacajawea, the Shoshone girl who guided Lewis and Clark across the Rocky mountains, is presented as a naked, ungraceful savage.

The fountain represents a figure of "Civilization," mounted, accompanied by a naked Indian, which he has called Sacajawea, and is not artistic in a high degree.

The conception of the fountain is very good, but the idea of representing the Indian girl guide in a nude figure has raised a storm of objection, and it is likely the Lewis and Clark commission will not accept the model of the fountain, as the official ideal.

The Sacajawea association is striving to picture the girl as near like nature as historical tradition will permit and there is nothing in the history of the exhibition which will allow the artistic conception to be stretched to picture her as a naked figure. The explorers speak of her buckskin dress, her careful attention to mending and making her garments, and repairing those of the explorers and her husband, Chaboneau, and it is the intention of the statue association to follow the truth as closely as tradition will permit.

The members of the Sacajawea Monument association will be held responsible for all the publicity given the Indian guide, and they wish all the historic matter concerning her to lead to a high and elevated ideal of their heroine.

The members will make every effort to have Mr. Barrett change his model, and clothe Sacajawea, as she leads the horse on which the figure of "Civilization" pushed toward the West, in the traditional buckskin garb of her tribe.

The statue of the girl, which will stand near those of Lewis and Clark in the exposition building, will be a typical Indian girl, clothed in the picturesque garb of the early Indians, and all the figures of Sacajawea must conform to this ideal or they will not meet with the approval of the monument association.

Miss Alice Cooper, a sculptress of Denver, will carve the Sacajawea statue, which will stand with those of Lewis and Clark, and the figure will be typical of the Indian of 100 years ago, with their tastes in dress freshened and stimulated by their contact with the dashing French voyageurs of the eighteenth century.

WILL RESUME WORK ON 16 TO 1 IN THE SPRING

G. T. Kelly, one of the owners of the 16 to 1, in the Greenhorn district, left this afternoon for Spokane, to spend the winter. Mr. Kelly will return in the spring when work will be resumed at the property. Operations for the winter were closed some time ago.

WILDEST CAMP IN WEST WAS FLORENCE, IDAHO

"The statement made in the Tribune Sunday that history accredited Florence in the stampede days with being the wildest camp in the west is true," said an old pioneer yesterday in reciting instances of the early days when he was a resident of the old Idaho county camp.

"It is a fact," he continued, "that the hum of bullets fleeing down the streets could be heard during the entire night, and only the extremely careless or the fellow who was joining the bombardment ventured out. It is impossible to give an accurate estimate of the number killed during the two years that Florence was at its best. Killings were so common that they attracted little or no attention except on the part of the victim's friends, and his only recourse was to use a gun and increase the number of funerals. It was simply a case of a gun being the law, and if you wanted to be the court, the entire camp would make room for burying your dead, if in the meantime somebody hadn't located you.

"It is no exaggeration to state that men were more desperate in those days than they are today. They seemed to be a fearless swing to everything. I guess it was due to the awful isolation of things. Everybody was away from home; everybody was a stranger, and everybody was in luck or out of it. Such con-

ditions would make men reckless, especially when there was no staying hand, and you simply had to shoot when the play came up right. It was the only argument and the only court.

"The only social meeting place was the gaming table and here men of all classes met to play the limit. The population of Florence was easily 10,000. People simply came from everywhere. The late Senator George Hearst, the founder of the Hearst fortune, and Jaquin Miller, the poet of the Sierras, were among the transient residents of the camp, but such class did not control. The saloons, the dance halls and the gambling games sustained the desperado class and they in turn sustained Florence. That is they defined municipal law and that law was fight. To kill was simply an epidemic."—Lewiston Tribune.

Mysterious Metal Found in California

The state mineral bureau reports the discovery of a new and mysterious metal in a mine in Mariposa county. The metal carries a good percentage of gold and antimony and traces of copper. When scratched it sparkles and shines. It is soft and cuts away with a knife. If scratched with the finger nail sparks are emitted the same as if flint was struck with a piece of metal. The university laboratory is making an investigation. Men working in the mine strike fire with every blow of the pick, thus making a weird display.

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His First Complaint

"The writer regrets the necessity of lodging complaint concerning your usual excellent service, but in a friendly spirit begs to submit the following: Yesterday you sold me lower nine, car three, on The Pioneer Limited. But you neglected to advise me that it would be necessary to have the porter waken me in the morning, and as there was so little motion to the car, I overslept. I have covered a large area on some of the famous trains of the United States and this is the first complaint of this character I have made. I trust you will see to it in the future that passengers are advised."

The Pioneer Limited runs daily from St. Paul to Chicago via the

Chicago, Milwaukee & St. Paul Railway

H. S. ROWE
General Agent 134 Third St., Portland, Ore.