# Oregon Supreme Court Declares It Unconstitutional.

STOCK TAX LAW VOID

# WAS FOR MIGRATORY HERDS

Plan Proposed Would Have Established a System Collection of Revenue That Would Have Been Unequal.

\*

The act of 1905, known as the m gratory livestock tax law, is uncor stitutional because it requires the live stock owner who has no real property to pay a tax at the rate of the pre vious levy, while he who has real proerty pays at the rate of the next levy. indictment must positively de clare who committed the acts charged. An action will not be enjoined if the party has a remedy at law.

SALEM, Or., Aug. 7.-(Special.)-The Supreme Court today declare that the immigrating livestock tax law passed by the last Legislature is void, because in violation of that section of the con stitution which requires that all taxation shail be equal and uniform. The deci-sion was rendered in the case of Lake County, appellant, vs. A. B. Schroder, respondent, from Lake County. The suit was brought to enforce payment of the tax under the new law and Judge H. L. Benson sustained a demurrer to the complaint and this ruling is affirmed in an opinion by Chief Justice Wolverton.

The immigratory livestock law provides that when livestock is assessed, the As-sessor shall collect the tax unless the owner has real property to secure the payment. If collected at the time of the assessment, the tax is to be computed at the rate of the cash levy. The owner who has real property must pay at the rate of the next levy. The Supreme Court holds that since the

rate varies from year to year, this plan stablishes a tax system that is unequal, for the man who has no real property will sometimes be compelled to pay a higher rate than the man who has, and vise verss. The opinion says that this objection could have been removed by the insertion of a provision for the re-imbursement of the livestock owner who pays at a higher rate, but this was not and the law is plainly unconstitu-

Other questions were raised but as this point disposes of the case, the Su-preme Court does not discuss the others.

## State vs. Eddy.

State of Oregon, respondent, vs. Jesse Eddy, jointly indicted with James Winkle, appellant, from Lane County, Laurena T. Harris, Judge, reversed and remanded; opinion by Justice Moore. The defendants were indicted and tried

the detendants were indicted and theo on a charge of robbery. In substance, the indictment charged that Eddy and Winkle, acting together, unlawfully and feloniously took from the person of Will-iam Dompire certain specified coins which were lawful money of the United States. The newful churce declarge that the money The next clause declares that the money was taken from Dompire against his will by violence to his person and by putting him in fear of force and violence, etc. The is an essential part of the crime of rob- rifle bullets, piercing many windows.

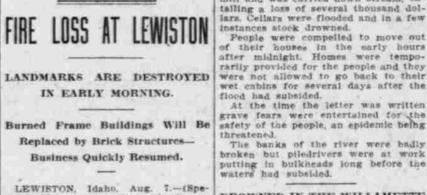
our statute which requires that the indictment must be positive as to the per-

peared suddenly. The discovery of the clergyman's clothing on the bank of Willamette River near Portland a few days thereafter was accepted by many as evidence of a suicide. Read was next heard of at Moline, III. An at-tempt to have bimself rejusted in the tempt to have himself reinstated in the ministry failing. Reed next came inti unusual prominence when he alfempt-ed to hold up the Cifizens' Bank in East Portland.

Before entering the bank Reed dis-guised himself with false whiskers, green in color, and armed himself with a gun. The altempt at robberly was entirely unsuccessful, because the tell-er refused to deliver over the coin, and a clerk from a bank upon the opposite corner came over with a shotgun and placed the minister under arrest. Reed was a poor preacher, and was addicted to reading dime novels. He was gen-

erally looked upon as weak intellectu-ally, as well as morally. He successfully evaded the authorities for a time, but was subsequently apprehended while in the act of "sweating" \$20 gold coins. Through the influence of various fra-

ternal organizations and the intercea-sion of friends. Reed escaped a sen-tence to the Penitentiary on a felonius charge, and was committed to the State Insane Asylum in July, 1896. Following his commitment, Mrs. Ellen SEATTLE, Wash., Aug. 7 .- A special letter to the Seattle Times from Fair-C. Reed, now deceased, was apointed guardian. In the following year he was discharged from that institution banks, Alaska, under date of July 6, says that a flood raging in Chena for several days had rendered homeless 700 to 1030 people. The flood was caused condition that his relatives provide on condition that his relatives provide for his immediate transportation to an Eastern Sinte. This was done, and the dissolution of the guardianship was made today on the showing that Reed is now competent to manage his own by a wind and rain storm that had reand carried down the stream, being lodged in front of Noyes' mill. A large affairs. Reed is now residing in this



state, being a resident either of Port-land or Milwaukie.

LEWISTON, Idaho, Aug. 7.-(Spe-cial.)-More conservative estimates on DROWNED IN THE WILLAMETTE this morning's fire place the total loss not to exceed \$50,000. Insurance car-ried will foot up nearly 50 per cent. Ray Kendall Tries to Rescue

The fire this morning was one of the most disastrous that has visited this city in years, and for a time it was thought that the entire business dis-trict would be swept by the flames. It started about 2:30. Frame structures owned by J. P. Vollmer, F. W. Kettenbach and Crutcher & Loeb were among the oldest land-marks in the city, and situated on Main street, at the head of Fourth, considered the choicest location in the city. These burned structures will probably be replaced by new brick. will The Adams block, adjoining, was com-pletely gutted, damaged 50 per cent, and will probably necessitate entirely new brick.

new brick. Every business firm im-mediately looked for new quarters, and tonight all are practically housed. The Commercial Trust Company moved to the new Dill building, leased two floors and immediately sublet the apper floor to other firms. The Northern Pacific Express Com-pany suffered a total loss, and the O. R.

BOISE, Idaho, Aug. 7.-(Special.)-Twin Falls today celebrated the com-pletion of the Minidoka & Southwest-ern Rallway, a branch of the Short Line to that place. An immense num-& N. Co. partial. Both have moved to temporary quarters. Thatcher & Kling's bookstore was a total loss. The origin of the fire is still a mys-tery, but it is asserted to have started in the rear of Gunderson & Kelley's great barbecue. Senator Heyburn and in four of force and violence, etc. clause regarding the force and put-in fear does not allege that Eddy Winkie were guilty of this act, which n essential part of the crime of rob-

The Supreme Court holds that under JAPANESE AND WHITES RIOT water was placed this Sums ur statute which requires that the in-

THE MORNING OREGONIAN, TUESDAY, AUGUST 8, 1905.

fights have taken place in the last few weeks. Yesterday several women were grossly insulted by drunken rowdies, whose insolence had to be tolerated in the absence of a needed police officer

Teachers Given State Papers. SALEM, Or., Aug. 7-(Special.)-The State Board of Education granted State Teachers' papers today as follows: State life diplomas-Sister Claire Marie.

Hundreds Are Made Homeless

Near Fairbanks, Alaska.

TANANA VALLEY IS SWEPT

Fears Are Felt Lest an Epidemic

Break Out Among the People

Who Were Hurried From

Beds at Midnight.

Cousin and Both Perish.

Kendall was visiting the Yockey boy,

Celebration at Twin Falls.

before noon today.

than half an hour.

Portland: Sister Mary Flavia. Portland: Clars Hawkins, Eugens: Marie Jeanette Alhompson. Eugens: Edna Inca Wells. Ashland: Martha Bowerman, Salem: E. May Jones, Jefferson:

Bowerman, Salem; E. May Jones, Jefferson; William Meisger, Vernonia. State certificates-H A. Darnell, Lenis, upon Kansas paper; Frank A. Bowerman, Trout-dale, upon Pennsylvania paper; Gussie M. Burns, upon examination, Junction City; Or-rin D. Byers, Independence, upon examina-tion; Loin Dale, Walla Walla, Wash., upon examination; Orietta Kraus, Aurora, upon examination.

## Liverymen Break Sunday Law.

PENDLETON, Or., Aug. 7 .-- (Special.) -Only two violations of the Sundayclosing ordinance were reported today. Carney & Kennedy and C. L. Bowers, livery stable proprietors, failed to observe the new law and appeared in Po-lice Court this morning to plead guilty. Each proprietor was given the mini-mum fine of \$5.

Deserted Wife Given a Divorce.

OREGON CITY, Or., Aug. 7.-(Spe-cial.)-On the grounds of desertion, Judge McBride today granted Agues ently swept the Tanana Valley. Keyes' sawmill had been swept away Walker Douglas a divorce from Rich-ard Deighton Douglas. The plaintiff also is allowed to resume her malden log boom broke from its moorings at the Tanana Development Company's mill and was carried down stream, enname, Agnes Walker Thompson

FIRES IN SOUTHERN OREGON

FORESTS ARE VERY DRY AND BURN LIKE TINDER.

grave fears were entertained for the safety of the people, an epidemic being Prospectors, Hunters and Stockmer

Said to Have Started Blazes for

Purely Selfish Purposes.

GRANTS PASS, Or., Aug. 7.-(Special.) -The past Winter and the present Summer have been dryer than for several years and the forests are like tinder-box. Fires are burning in almost every section of Southern Oregon and very heavy fires on the west fork of the Illinois River are destroying fine timber. Flames are ravag-ing the Siskiyou Mountains about the head of Illinois and Smith Rivers and on Applegate and Lower Rogue Rivers. EUGENE, Or., Aug. 7.-(Special.)-Two boys about 14 and 16 years old, Clyde Yockey, of Springfield, and Ray Kendall, of Eugene, were drowned in the Willamette River at Springfield just

There has been some loss of timber about Grants Pass and in other parts of the valley but no lives have been lost or puses burned.

who was his cousin, and the two to-gether with a third companion went The fires have been set by prospector swimming. The Yockey boy, who could to make it easier to find mineral deposits not swim, got into deep water, and Kendall went to his assistance, aland for revenge on timber men for tak-ing up land that was wanted for prospecting; by hunters, to make traveling better in the hills and to give better feed for game: by stockmen, to give better range for stock; by careless campers and many fires by hoodiums for pure wanthough he was not much of a swimmer, the result being that both were drowned before assistance could be summoned by the third boy. The bodies were both recovered in

.Fire Wardens are of little service for they never can catch a person setting a fire and public sentiment is against giving information as to who starts fires. res once under way cannot be put out except by an army of men, so wardens con do little to extinguish fires.

#### **Delegates From Forest Grove.**

FOREST GROVE, Or., Aug. 7 .- (Spe cial.)-The Board of Trade has selected the following delegates to represent Forest Grove at the Portland session of the Trans-Mississippi Commercial Congress, August 15-19:

Senator E. W. Haines, A. G. Hoffman, President W. N. Ferrin, Colonel Harry Haynes and W. K. Newell, Mayor C. N. Johnson has appointed an additional dele-gate, Harry Goff. For the Civic Conference, which meets the same days, the Mayor has named as delegates L. L. Hollinger, J.

ANY FOOL Knows enough to carry an umbrells when it rains, but the wise one is he who carries one when it is only cloudy. Any most will send for a doctor when he gets bed-fast, but the wiser one is he who adopts proper precau-tionary, preven-tive and curative measures when first appear the ills which, if un-checked and uncured, grow into serions illness. Impaired diges-tion and nutrition are generally the forerunners of a nervous or functional break-down.

Nature has provided remedies most abundantly for all such conditions in our native medicinal plants. With the use of chemically pure glycerine, of proper strength and at a proper sustained temp-erature, Dr. Pierce extracts from Golden Seal root, Queen's root, Stone root, Black Cherrybark, Bloodroot and Mandrake root, medicinal principles which, when combined in just the right proportions, constitute his widely famed "Goiden Med-ical Discovery." It restores the tone of the stomach, the activity of the liver and the stoadness of the nerver construct

the stomach, the activity of the liver and the steadiness of the nerves, pouring vitality into the blood till the once sick and debilitated one is so renewed in health, strength and power that he can resume his work, whatever it is, with vigor and elasticity. All medical authorities, of whatever school, agree that Hydrastis, or Golden Seal—one of the essential roots in the make up of Dr. Pierce's Golden Medical Discovery—is of very great value as a pure tonic, and as an alterative—value bladder.

Not colly the Original but the Description of the original but the best Little Liver Pills, first put Dr. R. V. Pierce, have been much imitated but never equaled, as thou-sands attest. They're purely verotable, being made up of concentrated and refined medicinal principles, estructed from the roots of American plants. Do not gripe. One or two for stomach corrective, three or four for cathartic. One or two for stor four for cathartic.

It scored one of the most unmistakable successes of anything which that pop-ular sorganization has appeared in during its eveniful season. Those who are familiar with Pinero will find him at his beat in this clever satire on modern London society. The play is clean and brilliant. The members of the company shine in it as they have never done before. The costumes are especially rich and the scenery strikingly beautiful.

LAST PERFORMANCE "I. O. U."

Unprecedented Run Closes Tonight-Two New Burlesques Tomorrow.

The last performance of the merry musical comedy burlesque "I. O. U." will will be given for the last time at the Mar-quam Grand Theafer tonight at \$:30 o'clock. The funny German comedians Kolb and Dill and their excellent com-pany of 40 funmakers have established a new record at this theater, both in point of attendance and the longest run in the history of the theater. "I. O. U." has been a tremendous hit, it is safe to say the biggest in Portland treatrical an-nals. Beginning tomorrow (Wednesday) night and continuing the remainder of the mask two new musical burdenous the week two new musical buriesques, "The Skindicate" and "The Kindergar-ten." a big double bill, both as funny as "I. O. U.," will be the offering. Seats are now on selling for the entire week.

### Body Found in Coos Bay.

MARSHFIELD, Or., Aug. 7. - The body of Charles George, a prominent citizen of this place, was found foat-ing in Coos Bay, opposite Marshfeld wharf, yesterday afternoon. Deceased left here Saturday evening for North Bend to attend a Knights of Pythias banquel. He left the room at recess, and that was the last seen of him.

These two words, Schilling's

Best, are perfect assurance of

A Skin of Beauty is a Joy Forever

DR. T. FELIX GOURAUD'S ORIENTAL

CREAM OR MAGICAL BEAUTIFIER

A BEAUTIFUL WOMAN.

is responsible for most of the beauti-ful shades of hair you see to day. It is absolutely harmless, easily ap-plied. Its me cannot be detected. Sample of hair colored free. Privacy assured correspondence. Imprint Chen. Mg. CO., 15 W. 234 St., N.Y. d. by Woodard. Clashe.

Faily halfber charms lies in the ploty of her hair. The Imperial Hair Regenerator

Tan, Pimples, Moth Patches, and skin Diseases, and every bientish on beauty, and de-fies detection. It has stood the test of 87 years, and is to harmiess we tastell to bewurelt

getting your money's-worth.

At your grocer's; meneyback,





Transfers of money to or from any part of

Canada by letter or telegram.

A General Banking Business Transacted.



is fatally defective and that the Lower Court erred in over-ruling the demurrer

#### Mercantile Co. vs. Payette Bank.

Moss Mercantile Company, respondent, vs. First National Bank, of Payette, ap-pellant, from Malheur County, George E. Davis, Judge: roversed and remanded. Opinion by Justice Bean.

Dimion by Justice Bean. Heid that where an action at law has been commenced by one person against another, a stranger cannot enjoin the action by a suit in equity, but, if it be assumed that he could, the suit could not be maintained if all the defenses would be available in the could as a would be available in the action at law. Upon this ruling it is held that the Upon this ruling it is held that the Lower Court erred in over-ruling the de-

murrer to the complaint. Morris A Zollinger was admitted to the bar today upon a certificate from the Su-preme Court of lowa. He resides in Port-land.

# PASSED UP TO THE OFFICIALS

# Railroad Commissioners Give Com-

## plaints Made in N. P. Territory.

SEATTLE, Wash., Aug. 7.-(Special.)--Chairman Harry Fairchilds and John S. McMillen, of the State Bailroad Com-mission, held two conferences today with Third Vice-Fresident C. M. Levey, Gen-eral Traffic Manager L. G. Woodworth and General Western Freight Agent Henry Blakeley of the Northern Basile. Blakeley, of the Northern Pacific. Mr. Levey came over at the instance of the commissioners, and as Mr. Woodworth was on the Const and Mr. Blakeley just taking hold of the department he become taking hold of his department he brought them with him.

The commissioners outlined in a get eral way their policy and recited to the officials the charges of discrimination in shippers from Pullman and other points. These latter were left in the hands of Mr. Levey in the hope that he would be able to settle them without resort to the commission

The railroad officials, Commissioner Mc-Millan says, indicated a disposition to ersdicate many of the evils complained of in this state and gave the commis-sioners an insight into the railroad policy on many matters likely to come up. This information was sought, as the commis-sion has left tonight for Eastern Wash-ington where they will interview ship-pers and get their side. Tuesday will be spent by the commissioners at North Ya-kims, Wednesday at Walls, Walls, Thursday at Coltax and Friday and Saturday at Spokane, from where, on Sunday morn-ing, they will proceed to Deadwood, S. D., to attend the national convention of Railroad Commissioners and the Inter-state Commerce meeting.

All the delegates to the convention will tour the Coast at the conclusion of the meeting, leaving Tacoma August 22 at midnight for Portland, where three days will be spent before going to California.

#### EX-PREACHER REED SANE NOW

# Tried to Rob East Portland Bank

## and Sent to Asylum.

OREGON CITY, Or., Aug. 7 .- (Special.)-The dissolving of the guardian-ship of James C. Reed in the Probate Court here this morning recalls the sensational career in these parts a few years ago of the ward, who was at the time the pastor of the First Baptist Church of this city. Suspected of having become involved

in a scandal with a member of his flock. Reed, who was held in popular esteem by the members of his congregation and the general public, disap-

Trouble Started Over Stabbing by Oriental at Cannery,

BELLINGHAM, Wash. Aug. 7.--A special to the Herald from Blaine says that a riot between Japanese and white mea on the streets of Blaine this morn-ing resulted in the serious injury of one white man and at least four Japanese. The trouble grew out of a fight between an American and Oriental at one of the canneries. The Japanese stabbed his antagonist. On being arrested and taken to prison by the Marshal, a crowd session for confirmation. clashed.

#### Consul Appeals to Governor.

OLYMPIA, Wash., Aug. 7.-(Special.) -Military protection for Japanese fish-ermen at Blaine, Whatcom County, is asked by Japanese Consul Hizamadra of Seattle, in a telegram received by Governor Mead this evening. The Jap-SEVENTEEN · YEAR · OLD GIRL anese Consul asserts that several Japa-uese were killed in the riot at Blaine with white men today, and that the

Wanted to Go to a Picnic, but Her

with white men today, and that the trouble is still in progress. Governor Mead sent a telegraphic in-quiry to Sheriff Williams, of Whatcom County, and Mayor Fred Brown, of Biaine. He received replies tonight that the local authorities, it was be-lieved, were able to cope with the diffi-culty. The Governor will make a fuller investigation tomorrow, and promises to take immediate steps to protect lives and property if the occasion de-mands it.

## Cows Condemned at Asylum.

SALEM, Or., Aug. 7 .- (Special.)-To take SALESM, OT. Aug. 1.-(special)-10 take the place of about 40 cows that were con-demned because slightly afflicted with tuberculosis, the State Insane Asylum management has been buying an equal number of dairy cows. The prices paid range from \$25 to \$35.

The number of patients at the State Insame Asylum increased from 1,386 to 1,377 during the month of July. there having been 62 received, four escapes re-turned, 18 discharged, eight died and nime The boy was working in the garden nes his home when attacked by the snake. escaped. The cost of maintenance was \$10.69 per capita

# Threshing Engine Blows Up.

# PENDLETON, Or., Aug. L-(Special.)

Soveral harvest hands had a narrow scape from death this morning when the crown sheet blew out of a thresh-ing engine on the farm of John Grigham, nine miles north of the city. For-tunately the men were standing on the opposite aide of the engine and no one was hurt. The engine was put out of commission.

#### Indian Sues for Divorce.

PENDLETON, Or., Aug. 7.- (Special.) -Robert Henry brought action for di-vorce today against Alice Patawa. Both are full-blooded Indians of the Umatilia reservation. Cruel and inhuman treat-ment, drunkenness and adultery are the grounds for the suit. They were mar-ried first according to Indian customs Seward, Alaska-Please convey to citizens of Seward my thanks for t and later intermarried in accordance with the laws of the state.

ALL KINDS OF BABIES.

ALL KINDS OF BARLES. Single bables, twin bdbigs and triplets, all do equally well on Meilin's Food. There are a few pictures of them in the Meilin's Food Exhibit at the Portland Exposition. We have bundreds more pic-tures in the Meilin's Food office in Bos-ton, and lack of space prevented our showing you all of them. but there are enough in the exhibit to show you that Meilin's Food bables always look healthy and happy. Meilin's Food Exhibit, Agri-cultural Bidg. and happy. h

Dr. Earle Made a Captain. ASTORIA, Or., Aug. 7.-(Special.)-Dr. Baylis H. Earle, government quarantine officer in charge of the several stations

Summer by di-

other in charge of the several stations in Oregon, received notice from President Roosevelt this morning of his appoints ment as past assistant surgeon in the marine hospital service. The promotion dates from April 10, the time of the recent examinations, and carries with it the rank of captain as well as guite an advance in salary. The appointment will be submitted to the Senate at its coming

DROWNS HERSELF.

Mother Said She

Must Not.

MISSOULA, Mont., Aug. 7 .- Miss Geor-

Garden Near Pendleton.

NORTHWEST DEAD,

Jack Smith.

ication with them

SUICIDE IN FIT

drowned.

cable co

Woods, Colonel Harry Haynes and Harry Goff. Traffic in Indian Girls.

VANCOUVER, B. C., Aug. 7 .- A report has been made to the Provincial Police by Constable Jones, who has just returned from the Indian village at Cape Mudge, stating that in that settlement there is open traffic in Indian girls. Jones found a number of weil-authenticated cases where halfbreed and quarter-breed girls have recently been sold to white men at PIQUE prices ranging from \$200 to \$100. A complete investigation will be made by the authorities.

# Collins Will Be Extradited.

VICTORIA, B. C., Aug. 7.-George D. Collins, the San Francisco lawyer, whose extradition for perjury is sought by the State of California, will prob-ably be committed for extradition tomorrow. After lengthy argument on a motion for dismissal before Judge motion for dismissal before Judge Lamman, the Judge decided against the fugitive this afternoon and refused the application for dismissal.

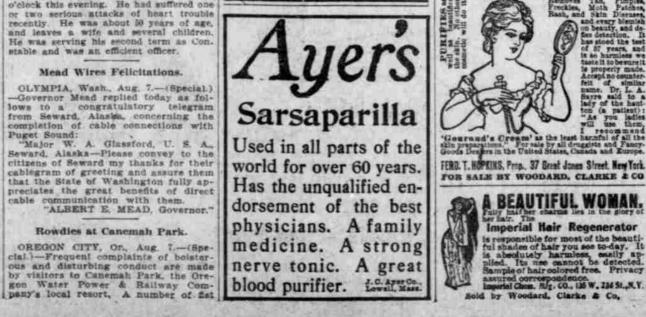
#### Bride Drowns While Fishing.

gia White, aged 17, wanted to go to a ABERDEEN, Wash., Aug. 7.-(Spe-cial.)-The funeral of Mrs. Leonard Schwab, who lost her life Sunday afterpublic picnic, but her mother said she could not. The girl became despondent, threw berself into a stream and was noon by drowning, will take place from th Episcopal Church tomorrowy. Mrs. Schwab and her husband were fishing BOY BITTEN BY RATTLESNAKE from a raft when both fell under a log. Mrs. Schwab never appeared above the surface. She was 19 years old and had Wilbur Wilhelm Was Working in been married ten months. At the Theaters

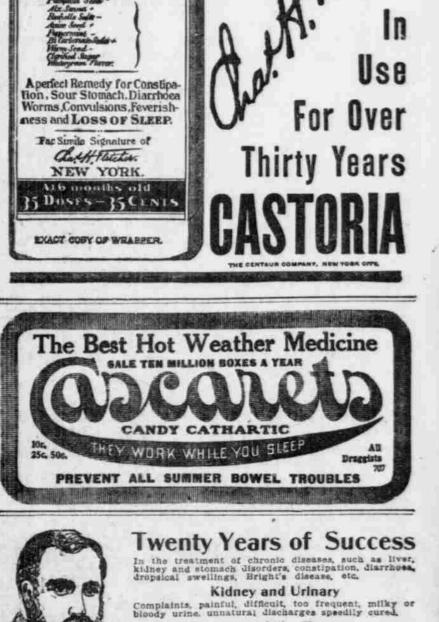


## The New Belasco Bill Pleases Immense Audience.

Last night at the Belasco the Belasco stock company gave the first perform-ance of "Lady Bountiful" in this city. EUGENE, Or., Aug. 7.-(Special.)-Jack Smith, Constable of Eugene District, fell dead at his home in this city about 6:30







Diseases of the Rectum

Such as piles, fistula, fissure, ulceration, mucous and bloody discharges, cured without the knife, pain or confinement

## Diseases of Men

Diseases of Men Biood poison, siect, stricture, unnatural losses, im-meters increased with anglite emissions dreams, exhausting drains, bash-TOTAG MEN troubled with anglite emissions dreams, exhausting drains, bash-totages, averaion to society, which deprive you of your manhood, UNFIT YOU interes, averaion to society, which deprive you of your manhood, UNFIT YOU Biller aged MEN, who from excesses and strains have lost their MANLY mindler aged MEN, who from excesses and strains have lost their MANLY Mindler aged MEN, who from excesses and strains have lost their MANLY Mindler aged MEN, who from excesses and strains have lost their MANLY Mindler aged MEN, who from excesses and strains have lost their MANLY Biller aged MEN, who from excesses and strains have lost their MANLY Districture, Enlarged Prostate, Sexual Debility, Varicocele, Hydroody King DEUGS. Catarrh and rheumatism CIRED. Dr. Walker's methods are regular and eclentific. He uses no patent nos-treatment His New Pamphlet on Private Disteases sent free to all men who da-answered in plain envelope. Consultation free and sacredly confidential. Call or address DR. WALKER 181 Flort Starter

DR. WALKER, 181 First Street, Corner Yamhill, Portland, Or