

SUIT COURT NULLIFIES IT

Adverse to Initiative Referendum Amend-

CONSTITUTIONALITY IS BROUGHT INTO QUESTION.

the Constitution Was Not
in the Adoption of the
Does Not Affect the
of the City of Portland.

July 3.—Judge John B.
the state circuit court,
handed down a joint-ses-
sion in which the initiative
referendum amendment to the
of Oregon is held to be
no part of the present
constitution.
The court was given on a demur-
complaint in the case of A.
and others against the
of the amendment was
to question.
The court's decision is
adverse to the initia-
referendum, is based on the
regularities on the part of
the legislative assembly in dealing
with amendments proposed to the
constitution.

cases leading up to the ad-
judication began in a proceedings
to measure the cost of im-
provement of East Burnside street.
The suit was filed to re-
voke the action of the city. The
alleges among other things
that the city had been adjudicated
void; also, that the city
of 1903 did not become a law
in 1903.

the course of the suit it be-
came necessary for the court to pass
on the initiative and referen-
dum because, if this
were constitutional, the
city would not take effect
until after the adjournment
of the legislature. The proceedings
began before the expiration of
months. L. A. McNary,
city attorney, and John P. Kava-
deputy city attorney,
that the referendum
was not a part of
the constitution; for the reason that
amendments were awaiting
the legislature, and electors
in this amendment was pro-

WINNING A SNUB.

and Policy Say Let Rus-
Affairs Alone.

burg, July 3.—The for-
warding Roosevelt's de-
to forward a petition in
the Russian Jews; "The
can decide whether the
will be received, but Alex-
could never have received
it."

from a Guildhall meet-
ing of the lord mayor of Lan-
don, was returned through
office as being "inconven-
ient." Foreign office hopes Amer-
ican would resent any anti-
slavery sentiment.

WE FIND AT BOISE.

Hands in an Old Tin Can
Excavating at Boise City.
In excavating for a
on Main street, this
morning found an old rus-
about six feet below the
on sticking his pick into
to find that it con-
of human hands cut
into.

in a very good state of
and appear to be from
of some easy occupation
not marked by hard la-
but there is absolutely
no doubt.

Are Picnicking.
July 3.—President
family are picnicking
the island coast. The
once since his return
complete rest.

SHAMROCK III IN TRIAL RACE.

Proving Herself to Be a Remarkable
Boat.

Highlands, July 3.—The Sham-
rocks race over the cup course today
under perfect conditions and with a
nine-knot breeze. The ship challeng-
er at 10:20 started with all sails
set first and had the lead at the
mooring buoy, but in two cable
lengths Shamrock III overhauled and
swept past.

The third then took down her baby
jib and in two minutes the first
caught up and passed. The challeng-
er then sent up more sail, but at
10:45 Shamrock III was a quarter of
a mile ahead.

Won By Shamrock I.
Shamrock I first shot past the Sandy
Hook lightship at 2:29, the chal-
lenger being 30 seconds later.

MISSING STUDENTS FOUND.

Lost in the Swiss Mountains During
Researches.

Geneva, July 3.—The seven miss-
ing students from the Zurich high
school, were found alive by the party
that went in search of their bodies.
They suffered terribly from cold and
exhaustion after being lost. It is be-
lieved all will recover. They were
searching in the mountains for new
and unfamiliar flora, under the guid-
ance of an expert botanist.

MRS. M'CUK'S DECISION.

Is Convinced That Her Husband is
a Bigamist.

Chicago, Ill., July 3.—Mrs. W. K.
McCue, the wife of Lieutenant McCue,
left last night to return to her father's
home in San Francisco. Her
husband's repeated denials of a pre-
vious marriage in the face of what
she believed convincing testimony led
her to the decision.

Heat Causes Shut-Downs.

Parkersburg, July 3.—On account
of the heat work in the immense steel
plants has been suspended. Heat
prostrations yesterday caused all the
mills save one to shut down this
morning.

TOM JOHNSON AT LINCOLN

CELEBRATING JULY FOURTH AT BRYAN'S HOME.

Speaking Will Be in Huge Tent Pur-
chased for the Occasion—Many
People Already Arriving.

Lincoln, Neb., July 3.—William J.
Bryan is preparing to touch off a
mine of enthusiasm tomorrow at his
country home near this city. He has
secured at his own expense a tent of
several thousand seating capacity in
which to hold a demonstration.

Mayor Tom Johnson of Cleveland,
County Attorney Taylor, of Chicago,
and Louis F. Post, of Chicago, will be
the speakers. Johnson and his wife
arrived this morning. Bryan gives
a reception in his honor tonight to
several hundred guests.

Large delegations of his personal
followers are coming in from sur-
rounding towns.

WILL BOYCOTT TELEPHONES.

Spokane Trades Council Notifies In-
land Company to Settle by Monday
Noon.

Spokane, July 3.—The Spokane
Trades Council, the most influential
commercial body in the city, has no-
tified the Inland Telephone Company
to the effect that a boycott will be
declared against it in Eastern Wash-
ington, if the grievances of the strik-
ing operators are not adjusted by
Monday noon.

Many sympathizers are now order-
ing the phones out of their houses
and a general demoralization of the
telephone business is feared if the
company refuses to act.

Public sentiment is with the strik-
ers who are acting in a most sensible
and business-like manner.

WILL CONTEST THE WILL.

\$110,000 Missouri Estate Involved—
Most Was Willed to Adopted Child.

St. Joseph, Mo., July 3.—Mrs. H. C.
Register, of Long Beach, Cal., who
came here to contest her father's will
three days ago, died this morning
of nervous prostration, as a result of
attending her father's funeral yester-
day. Her father left \$110,000 to
William Jewell College and \$100,000
to an adopted daughter, cutting Mrs.
Register out entirely. Her son will
carry out the contest.

Manila Cable Completed.
Honolulu, July 3.—The cable ship
has arrived and the shore ends of the
cable will be joined today.

THREE WRECKS RECORD ONE DAY

Twenty Cars Were Smashed
Into Kindling Wood at Peo-
ria, Illinois.

TWO PASSENGER TRAINS ON CANADIAN PACIFIC.

Two Killed in St. Louis Street Car
Collision and Several Others Will
Probably Die—Long List of Pas-
sengers Were More or Less Injur-
ed.

Peoria, July 3.—Charles Fisher, a
fireman for the Rock Island, was killed
and three others injured in a head-
end collision in the local yards this
morning. A freight smashed into a
switch engine. Both were hurled
into kindling wood.

Railroad Men Won't Talk.

St. Paul, July 3.—It is reported
that both the east and west-bound
imperial limited Canadian Pacific
trains were wrecked, one at Rosser
and the other at Moosejaw, but there
are no details. The company declines
to give out information.

Bad Wreck in St. Louis.

St. Louis, July 3.—Two electric
cars collided at Jefferson and Olive
streets this morning. Twenty-five in-
jured were taken to hospitals. Both
cars were totally wrecked. The Olive
street car was struck in the middle
when crowded with business men and
women. The Jefferson car motorman
lost control.

J. Kellen, a motorman, and Peck, a
motorman, were fatally injured.
The following are seriously and pos-
sibly fatally injured.

Frank Noon, Conductor Rogers,
and James Wessels. Others sustain-
ed broken limbs, cuts and bruises.

FIRE AT POCATELLO.

Oregon Short Line Shops Have a
Close Call—About \$15,000 Damage
Done to Buildings.

Pocatello, July 3.—Fire in the Ore-
gon Short Line yards last evening
did \$15,000 worth of damage to build-
ings, equipment and rolling stock.
The origin of the blaze is unknown,
but it is thought to be incendiary. At
one time the entire shops were in
danger of destruction, but the prompt
work of the department and employes
got it under control.

Several passenger coaches in the
yard were destroyed before they could
be moved out of the way.

EXCESSIVE HEAT.

Usual List of Prostrations in Chicago
Unprecedented in Philadelphia.

Chicago, July 3.—A number of pro-
strations are reported from heat today
but no fatalities. The highest tem-
perature is predicted for tomorrow.
The mercury stands at 90 today.

Same in Philadelphia.
Philadelphia, July 3.—One death
and many prostrations from heat to-
day. The conditions prevailing are
very unusual.

Schwab in Poor Health.

Pittsburg, July 3.—President
Schwab arrived home from Loretta
today to spend the Fourth. His fam-
ily physician this morning examined
him and said he is far from well.

ENTOMBED COAL MINERS ARE CREMATED

Hanna, Wyo., July 3.—The Union
Pacific mines, in which 235 coal
miners are known to be entombed,
are now roaring furnaces, and all
hope of rescuing the men is aban-
doned. The fire has reached the low-
er levels and escape is impossible.
Fire and smoke prevented the explo-
ration of any part of the work and
all efforts are now directed toward
extinguishing the fire. A crowd of
frantic women and children cluster
around the entrances and many of
the rescuers have been overcome
with the foul gases escaping from the
burning pits.

The bodies found on the first levels
yesterday and left temporarily in the
mines to be removed after the others
were found, have undoubtedly been
cremated, as the fire is now raging
where they were left lying. No fur-

DESTRUCTIVE TEXAS FLOODS

Unprecedented Rains in North-
ern Part of That State and
in Indian Territory.

ELEVEN SECTION HANDS DROWNED AT NORMANDA.

Watercourses Are All Out of Their
Banks—Train Leaves the Grade at
a Washout and Six People Are
Drowned—Gainesville Is Under
Water.

Dallas, Texas, July 3.—A mesage
from Gainesville early this morning
says the city was struck by a cloud-
burst last night and the entire city
flooded. It is feared many lives were
lost. Thousands were forced to take
refuge on housetops. The water in
places is six feet deep and a whirling
torrent. The creek through the city
is a mile wide and also the creek west
of town. Another flood is reported
coming down from St. Joe.

Train Ditched.

The Santa Fe passenger has been
ditched three miles from Gainesville,
a long stretch of track being wash-
ed out. By telephone it is learned
that the engineer, fireman and ex-
press messenger are missing.

The damage to the train has been
great, but as most of the cars were
engulfed very gradually on account of
the grade sinking slowly, it is believ-
ed most of the passengers escaped
with their lives. They are, however,
cut off from immediate escape.

Great Storm Is Raging.

Dennison, July 3.—The most seri-
ous rainstorm in years is raging over
Northern Texas and the Indian Ter-
ritory. All water courses are out of
their banks, farming lands badly
damaged and railways crippled.

The first reports sent out from
Gainesville this morning were exag-
gerated, as no lives were reported
lost up to noon. In the Santa Fe
wreck near there the engineer, fire-
man, messenger and three others
were killed.

Eleven Men Drowned.

A report from Normanda says 11
section men were drowned near there.
They were engaged in an effort to re-
pair the grade when a sudden on-
rush of water bore down upon them.
The grade melted away beneath it
and the entire gang was swept away
and drowned.

Earlier Reports Confirmed.

Reports show the storm damage
will exceed a million dollars. Gaines-
ville reports no lives were lost.

Corrected reports received here
this afternoon state that the Santa Fe
train near Valley View turned over
from the tracks into a body of water.
It is not known whether any passen-
gers have been rescued.

Last night's reports from South-
western Texas confirm the stories
that a dozen or more lives were lost
yesterday.

Automobile Awards.

Dublin, July 3.—The official
awards for the automobile race were
made today as follows: Janety, Ger-
man, first prize; Deknyff, Frenchman,
second; Farman, also a Frenchman,
third. The Frenchmen have entered
a protest against Janety, claiming
he received assistance at one of the
control stations.

PUGILISM AT BUTTE.

First-Class Event Pulled Off There
Tonight.

Butte, Mont., July 3.—Mose La Font-
ise will be heavily backed by his
Montana admirers when he enters the
ring this evening for a 20-round bout
with Joe Walcott. To the outside
critics the match may look like easy
money for Walcott, but in Montana
La Fontise is considered a wonder
and his admirers are willing to go
the limit in backing up their views.
In favor of their argument it is point-
ed out that La Fontise has made a
good showing in all of his recent
bouts, and undoubtedly has improved
during the past year, while Walcott,
on the other hand, is generally con-
sidered to be on the downward path.
With both in good condition, how-
ever, they should be able to put up
an interesting fight no matter who
wins, and the Montana Athletic Club,
under whose auspices the bout is to
be pulled off, expects a great crowd to
be present.

Board of Trade Men Acquitted.

Chicago, July 3.—Efforts to have
members of the Board of Trade in-
dicted on charges of bucket shopping
failed this morning when the grand
jury declared after hearing but one
witness that there was no evidence
of irregular dealings.

Borrowed on Big Scale.

Munich, July 3.—A warrant has
been issued for the arrest of Baron
Neukuell on a charge of obtaining
money under false pretenses. He
borrowed \$200,000 from friends which
he promptly spent in high living. His
father is a millionaire who disowned
him, leaving him in penury.

Got a Dent by Accident.

Bristol, July 3.—An inspection of
the hull of the Reliance this morn-
ing showed an indentation five feet
long. It is not serious or an indica-
tion of weakness.

Brick Plant Burned.

Des Moines, July 3.—The Capital
City Brick Company's plant was de-
stroyed this morning by fire. Loss
\$50,000.

THE DALLES-CELLO PORTAGE

CAN BE BUILT INSIDE THE APPROPRIATION.

A Corps of Topographical Engineers
Will Report Officially Concerning
Its Cost, in the Near Future.

Salem, Or., July 3.—Engineer A. E.
Hammond, of Portland, who was ap-
pointed chief engineer by the state
board of portage railway commis-
sioners, to make a survey of the propo-
sed site of The Dalles-Cello portage
railway, and to make a detailed re-
port of his conclusions to the board
at the earliest date, came up from
Portland yesterday and held a brief
consultation with the board and
made a preliminary verbal report.

Mr. Hammond says that, from the
preliminary survey that he has made
of the proposed route of the railway,
he is of the opinion that the road can
be built within the appropriation,
\$165,000. Further than this, he would
not say anything concerning the mat-
ter, except that he has a corps of
topographical surveyors in the field,
and that he hopes to be able to ar-
rive at some definite conclusion in
the near future so that he may be
able to make a full and intelligent
report to the board. He departed for
Portland again on the afternoon
train.

CROWDS AT UNION.

Four-Day Celebration Starts Off With
Good Prospects—A Special Train
From Elgin Each Day.

Union, July 3.—A light shower on
Tuesday is the only setback experi-
enced by the big celebration here, so
far. The crowds have increased daily
and tomorrow is expected to be the
best day of all.

The Women's Relief Corps is hos-
teess today and the day was given over
to their program. Tomorrow the
general Fourth of July program will
be rendered and the sports scheduled
pulled off.

One feature of the celebration has
been the special train from Elgin
each day. Although Elgin is to hold
a celebration tomorrow, the crowds
from there have been immense.

Shot in the Back.

Los Angeles, July 3.—A dispatch
from Tucson says: "M. L. Dawson,
a mining man prominent in Arizona,
was murdered at Chihuahua by a
Mexican whom he invited to share his
lunch. He was shot in the back. His
partner was shot at but escaped. The
murderer was captured by Mexican
soldiers."

FOURTH OF JULY IN PENDLETON

All Visitors Will Feel Amply
Repaid for Coming to the
City.

ALSO DANCING AND BASE. BALL IN TOWN TOMORROW.

Ninth Cavalry Band Will Play in Half
a Dozen Parts of Town—Dancing
in the Big Tent on the Island—
Splendid Display of Fireworks

Word was received yesterday by
the committee having in charge the
settling of the business of the de-
funct celebration, that the man who
was to have furnished the balloon as-
cension had another job on, that he
would cancel his engagement here if
it was to the liking of the local com-
mittee. When the celebration was
called off the band and the balloon as-
cension had been contracted for, and
the committee had to pay for them,
so that it was decided to have them
carry out their part of the program.

But in the meantime the aeronaut
had been in conference with the man-
agement of the celebration at Mos-
cow, and had been told that he could
come there on the Fourth. In conse-
quence, he asked the committee to
release him if they were of that mind.
He claims that the exhibition which
he will give at the new place will not
yield him as much by \$25, but that
in deference to the wishes of the
people he would take the smaller job
hoping that they would give him con-
sideration at some later date.

Cavalry Band Concerts.

This evening the Walla Walla
band will give the first of their con-
certs on the corner of Main and
Court streets. Tomorrow from 8:30
to 9:30 they will play on Court street,
near the Golden Rule hotel; from
10:30 to 11:30 they will play between
the corner of Court and Main streets
and the Hotel Pendleton; from 1:30
to 2:30 they will play on Main street,
by the St. George hotel; from 3:30 to
4:30 they will play on Main street
near the Savings Bank. The place
where they will give their evening
concert has not yet been decided
upon, for it has not as yet been de-
termined where the fireworks will be
displayed. It is probable that this
part of the day's entertainment will
be from some of the high business
houses in the main part of the town,
and wherever this is, there the band
will be.

The fireworks are those which were
procured for the illuminated parade
which has been abandoned, and in
order not to disappoint the little ones
all of the stock will be set off during
the evening from some place where
all can see. There are over 4,000 Ro-
man candles alone, and this in addi-
tion to the other part of the display
will make a very entertaining exhib-
it.

Several Dances.

There will be several dances during
the day and in the evening. The big
tent is being erected and will be in
readiness for the dancers at the prop-
er time. A platform is being con-
structed, and everything will be done
for the comfort of the guests.

In the afternoon there will be a ball
game as scheduled, and to this an
admission of 25 cents will be charged.
The game will be called at 3 o'clock
in the afternoon, and will be an in-
teresting one. While the city will not
officially celebrate, a good time will
be shown to all the people from the
surrounding country who care to at-
tend.

Wreck on W. & C. R.

A peculiar wreck occurred on the
Washington & Columbia River rail-
road yesterday morning as the regu-
lar freight was en route to Walla
Walla. Eight miles from Hunt's
Junction, on a sharp curve, a heavily
laden lumber car capsized, seriously
injuring one man and badly scaring
two others. The men were stealing
a ride. M. Murray, who claims to be
a blacksmith, was the injured man,
and he may die. He was taken to
Walla Walla on the train and placed
in the hospital.

Iron and Steel Imports Increasing.

Washington, July 3.—The bureau of
statistics' report will show iron and
steel imports for the past fiscal year
to be \$50,000,000, or nearly double
the preceding year.