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# East Oregonian

WEATHER FORECAST.

Tonight showers; cooler Wednesday; fair.

PENDLETON, UMATILLA COUNTY, OREGON, TUESDAY, APRIL 19, 1904.

NO. 5026.

## SECURITIES WIN TWO DECISIONS

### J. Hill Gradually Winning the Contentions Lost in the Supreme Court.

### UNITED STATES AND STATE COURTS ARE SCORING FAST.

Northern Securities Stock Will Be Distributed by Hill's System—Court Claims Such a Procedure is Not in Violation of the Recent Merger Decision—Merger interests Will Follow Another Route to the Same Destination—Suit to Restrain Falls.

St. Paul, April 19.—The United States circuit court this morning denied the right of Harriman and Pierce to file a petition against Hill's proposed pro rata distribution of Northern Securities stock. This is a victory for Hill.

Unanimous Decision. The court reached a unanimous decision, based upon the following grounds:

First, the plan of the directors of Northern Securities for the distribution of the stock of the Great Northern and Northern Pacific is not a violation of the decree in the Northern Securities case.

Second, no one but the state can successfully appeal to the court to enjoin an execution of that plan on the ground that it is in violation of the Sherman anti-trust act.

Third, that stock of the two railways is not in the custody of the court.

Fourth, an intervention is not necessary to enable the petitioners to protect any pecuniary interest or equity they have.

Thayer delivered the opinion.

### Suit to Restrain.

Jersey City, April 19.—The hearing in the suit against the Northern Securities Company, asking for a restraining order against the announced method of distribution of the company's holdings took place today. Secretary Nichols filed an affidavit similar to one in the Minnesota suit, as counsel for Broker Venner, the plaintiff, and demanded the production of the books, to which objection was made.

### Score for Securities.

Jersey City, April 19.—Vice Chancellor Bergen this afternoon dismissed an application for an order restraining the Northern Securities Company from holding its annual meeting at Hoboken Wednesday and voting on a plan for distribution of its holdings.

### Securities Advanced.

New York, April 19.—Northern Securities advanced one and one-half on the curb when the news of the merger decision was announced, while Union Pacific declined a fraction.

Vice-President Clough, of the Northern Securities, said he expected of this kind of a decision. Hill was not in his office, although supposed to be in New York today.

### JUMPED THE TRACK.

Engineer Killed in a Wreck Near Seattle.

Seattle, April 19.—An engine and coal train on the Columbia & Puget Sound, jumped the track and turned over near the Black Diamond this morning, instantly killing Engineer Joe Scanlon and severely injuring Fireman George Hoagland.

### Coal Strike Troubles.

Somerset, Pa., April 19.—A mob armed with rifles, has surrounded the Garrett coal works. An outbreak is expected between the strikers and scab miners in the company barricades. The latter are Italians and are said to have arms. Twenty shots were exchanged last night.

### Killed the Intruder.

Somerset, Ky., April 19.—George Troxell, intoxicated, broke into the home of Deputy Sheriff Foster, who was absent. His wife warned Troxell, who continued his depredations, when the woman shot and killed him.

### Yellow Fever in Texas.

Dallas, Texas, April 19.—A serious outbreak of yellow fever opposite Laredo is officially reported. It is expected a quarantine will be declared. Appears the earliest ever known.

## DEMOCRATS AT PORTLAND.

### State Convention Is in Session This Afternoon.

Portland, April 19.—R. M. Vatch was chosen temporary chairman, R. B. Montague, of Linn, temporary secretary and C. L. Reams, of Jackson, assistant secretary of the democratic state convention.

The convention will fight out on the floor instead of in committee, the question of endorsing Hearst, it seems probable that Chamberlain and his followers will succeed in sending an un instructed delegation to St. Louis, but that they will probably be men in favor of Hearst.

### Tachakoff Suicided.

Vienna, April 19.—A Bulgarian commercial agent named Tachakoff, shot himself this morning. He was recently discovered supplying the Macedonian insurgents with ammunition.

### Chicago Grain.

Chicago, April 19.—May wheat opened 92, closed 91½; old July opened 88¼, closed 87; new July opened 89¼, closed 85½. July corn opened 50¼, closed 49¾.

### Delaware Instructs.

Dover, Del., April 19.—The regular republicans today endorsed Roosevelt and instructed their delegates to vote for him.

## GREAT BRITAIN IS EMBARRASSED

### CHANCELLOR OWNS TO BEING HARD UP.

### The Commercial Depression Includes South Africa—Receipts of Government Fall Short About Fourteen Million Dollars of Estimates, While Expenditures Are Much Greater Than Had Been Allowed for.

London, April 19.—In introducing the annual budget the chancellor of the exchequer appealed for forbearance.

The cycle of prosperity prevailing at the time of the last budget seems to have been exhausted. Our commercial depression has been aggravated by that of South Africa, while foreign competition is keener than ever.

The exchequer receipts fall short their estimates 2,724,000 pounds. The repeal of the corn tax had proven a costly operation. The excise returns also fell short 1,500,000 pounds. The expenditures during the year were 147,000,000 pounds, exceeding the estimate by 3,000,000.

### KELSA'S WAGON TRAIN.

### O. R. & N. Conductor Has Exciting Experiences in Transferring With Wagons at Burnt River.

During the temporary tie-up of the O. R. & N. because of the washout of the bridge on Burnt river, Conductor W. H. Kelsay, of this city, has had charge of the transfer of passengers and mail across the river by way of the wagon road.

The veteran conductor had run all kinds of trains on the O. R. & N., from the pay car down to a hand car, but this wagon train, consisting of 20 horses and mule teams, was too many for him. The drivers didn't understand his signs, the mules cared nothing for his signals to increase speed, all his warning whistles for these un sophisticated country engineers to slow up around the curves were sounded in vain, his orders to the drivers to look out for rocks on the track were disregarded and this wagon train "run wild" for about three miles over the worst piece of country road in Eastern Oregon, despite the frantic effort of one of the oldest conductors on the system.

In his efforts to bring the mule train under control coming down the hill to the track, Conductor Kelsay frantically reached for the familiar bell cord, hoping to give the crazy engineer a signal that he would remember, and involuntarily grabbed the wheel mule by the tail, much to the consternation of the lady passengers on the wagon beside him.

Conductor Kelsay will arrive on No. 5 tonight, but will refuse to be interviewed on his experiences in Burnt River canyon.

### GRANT COUNTY COAL.

### New Croppings Found on Cottonwood 20 Miles From Long Creek.

Long Creek, April 19.—Miles Harper, a rancher living near this city, was in town Sunday on his return from a several days' stay at Cottonwood, 20 miles west of here.

Mr. Harper brought the news that coal croppings had been found on the ranch of Dillard Sterritt, of that neighborhood and that at present a force of men are at work sinking a shaft in hopes of finding a well defined body of that very valuable and useful article. The croppings found were several inches in thickness and of good quality and are thought to be stringers extending upward from the main body.

## CONGRESS AND CONGO STATE

### Cruelty to Americans in West Central Africa Will Lead to Investigation.

### COMMITTEE ON FOREIGN RELATIONS TO HANDLE IT.

### Major Rathbone, Convicted of Postal Frauds in Cuba, Seeks a Special Investigation—He Claims to Be the Victim of an Unjust and Excessive Sentence—Cornerstone Laying for Memorial Hall at Washington, D. C.

Washington, April 19.—The senate today agreed to a resolution by Morgan directing the committee on foreign relations to investigate certain charges of cruelty against American residents in the Congo Free State, and report what expression of opinion thereon should be made by congress.

### Rathbone Petition.

Senator Teller presented a petition from Major Rathbone asking congress to investigate his acts while director-general in Cuba. The document was referred to the committee on relations with Cuba. The petitioner represents that he was tried unjustly, convicted and sentenced to unusually severe penalties.

### Cornerstone Laying.

The cornerstone memorial service at Continental hall, to be erected by the Daughters of the American Revolution, was placed in position this afternoon before an assemblage of 5,000. The Masonic ritual was employed, and Grand Master Wetmore presided. The gavel was one used by Washington, in laying the cornerstone of the capitol. Chaplain Hale, of the senate, invoked the blessing. Mrs. Fairbanks spoke.

### NEIDERMEYER IMPROVES.

### Believed He Will Survive Until Hung Friday.

Chicago, April 19.—Neidermeyer continues to improve. The jail physician maintains he will be able to walk to the gallows Friday. Friends of the bandit will appeal to the governor for a respite until the man becomes stronger. Neidermeyer himself is apparently indifferent.

### FREIGHT TRAFFIC RESUMED.

### O. R. & N. Will Begin Handling Its Immense Business After Temporary Tie-up by Floods.

Beginning today freight traffic on the O. R. & N. east of here was resumed, after a 10 days' tie-up, on account of the Burnt River floods.

Traffic is worse congested at this time than for 10 years. There are now 300 loads standing on the sidetracks at La Grande, as many at Huntington, and about 200 at Baker City. The yards at Haines are also filled with cars, so great has been the congestion at the terminals.

Perishable stuff and livestock will now be received and traffic will begin to move. There will be trains every hour in the day for a short time, if power can be secured to relieve the blockade of freight cars. The first train was run across the Burnt river bridge at noon today.

## RIGBY-CLOVE FACTORY SHOULD BE KEPT IN PENDLETON

Judge T. J. Gelsler, of Portland, who is conducting the reorganization of the Rigby-Clove company, will send the necessary papers here tomorrow for stock subscription in the new company, when the matter will be presented to Pendleton business men and capitalists.

Under the reorganization the Rigby-Clove combined harvester factory will be retained in this city. It is now a permanent business institution here, but the Wade failure temporarily embarrassed the concern and the old company will be taken over and stock issued in a new organization.

The property inventories the sum of \$26,000. Ten combined harvesters are now under course of construction. The machines already sent out have proved to be a success from every standpoint, and the full capacity of the factory could be employed in filling orders for the machine in this and adjoining counties, had not the financial difficulty of Mr. Wade caused a temporary close.

## SKRIDLOFF IS VICE-ADMIRAL

### Successor to Makaroff at Port Arthur Appoints an Entirely New Staff.

### JAP SPIES SHOT ALONG SIBERIAN RAILROAD.

### Vast Military Preparations in Manchuria Include Twenty-three Depots and Twenty-three Hospitals—Jap Invasion of Korea Progressing Without a Hitch—Three Thousand Russian Soldiers Every Day—American Makes Submarines.

St. Petersburg, April 19.—Admiral Skridloff, appointed to succeed Makaroff, arrived here from the Baltic today. It was made the occasion for a spectacular ovation. He will remain a week to organize a new staff, that of Makaroff having been exterminated.

Two Japanese, one claiming to be an imperial prince, were arrested along the Siberian railway, on the Mongolian frontier, and hanged 24 hours after.

### New Military Depots.

Berlin, April 19.—The Lokai Anzeiger learns that Viceroy Alexieff has ordered the erection of 23 immense military depots and 23 field hospitals capable of accommodating 20,000 wounded, between Mukden and Harbin.

### Japanese Reinforcements.

Washington, April 19.—Minister Allen cables the state department from Seoul that another large force of Japanese has just landed at Chemulpo with horses, guns and ammunition.

### Fighting Along the Yalu.

London, April 19.—The Central News correspondent at Liao Yang, sends a dispatch via St. Petersburg, reporting that some important fighting between outposts has occurred on the banks of the Yalu river. Saturday night six Japanese were killed in an exchange of shots, and 40 Russians. More firing last night, but the results are not known.

Japanese scouts were dressed as Korean peasants, and in order to find the exact position of the Russian scouts, the Japanese shouted to them in Russian.

### Rushing Russian Troops.

St. Petersburg, April 19.—Rushing troops to the frontier continues. Three thousand men with supplies pass Harbin daily. Prince Khilkoff, minister of railways, left last night for Lake Baikal to personally direct operations for ferrying troops.

### New Russian Submarines.

Berlin, April 19.—The Klein Journal announces that an American engineer named Meyer, has left St. Petersburg for Port Arthur, to supervise the construction of three new submarines.

### Constant Skirmishing.

London, April 19.—A Chee Foo dispatch states that Chinnampo is now being used by the Japanese forces en route to Wiju and that three divisions landed recently.

The Russians are in strength at An Tung and constant skirmishes occur. Japanese warships are seen to

the north, evidently preparing an important movement. Japanese preparations to permanently occupy Korea are being made.

### TRIED TO DROWN.

### Girl's Clothing Acted as a Parachute and She Was Rescued.

Wheeling, W. Va., April 19.—Because of being accused of being in a conspiracy to swindle her employer, the Stifle Dry Goods Company, Mabel Fulton, aged 19, ran weeping from the store and in full view of hundreds climbed to the highest point on the new steel bridge and threw herself into the Ohio river.

The girl's clothing acted as a parachute and she struck the water 100 feet below so gently she suffered no injury. Men in boats rescued her.

### SON KILLED FATHER.

### Mother Is in the Penitentiary Under Conviction of Crime.

Steubenville, O., April 19.—Melvin Owens, aged 12, confesses in an affidavit that he accidentally shot his father October last during a scuffle with his sister, who attempted to prevent him going after chicken thieves in the night. The family agreed to keep quiet. Mrs. Owens was charged with the murder and convicted rather than place the crime on the boy. The verdict will be set aside.

## LIVESTOCK MEN WANT \$50,000

### AMOUNT NECESSARY FOR EXHIBIT AT THE FAIR.

### President Jefferson Myers, of Lewis and Clark State Commission Favors Setting Aside \$25,000 Each by the State and the Fair Corporation for the Livestock Exhibit—Oregon's Livestock Dairy and Poultry Interests Produced \$24,000,000—Should Have an Exhibit in Keeping With Its Importance.

The livestock men of Oregon are now making a strenuous effort to get recognition from the Lewis and Clark fair commission in the way of funds for the livestock display at the fair.

At a meeting of the fair commission in Portland yesterday, Richard Scott, president of the Oregon Livestock Association appeared before the fair board and asked for the sum of \$25,000 from the state commission, and a like sum from the fair corporation for the purpose of making a creditable display of the livestock industry at the fair.

The livestock association cannot take steps to collect an exhibit nor make any preliminary arrangements until it knows what amount of funds will be at its disposal, by which it can fix the magnitude of the livestock exhibit.

President Jefferson Myers, of the state commission, is favorable to the proposition to set aside the sum of \$25,000 from the state appropriation for the livestock exhibit, as this is one of the very foremost industries of the Northwest and he believes it should be properly set before the public. The production of the livestock, dairy and poultry industries during the past year in Oregon amount to the vast sum of \$24,000,000 and President Myers heartily favors making a display of this industry a keeping with its magnitude in the states to be represented at the fair.

When the livestock association gets a definite answer from the fair commission and the fair corporation steps will be taken at once to collect an exhibit and erect a building which will do credit to the great industry.

### AFTER THE GAMBLERS.

### Portland Law and Order Leagues Want Them Sent to Jail.

One hundred dollars each and costs was the amount of fine set by Judge Cleland at the state circuit court in the case of the 10 white gamblers recently indicted by the grand jury, says the Evening Telegram. These gamblers all pleaded guilty last week, and this morning was set for the time as passing sentence.

But one of the offenders was on hand to hear the decision of the tribunal. August Erickson sat on a front seat, and when Judge Cleland finished his remarks, Erickson hastened to the clerk's office. Here he produced a fat roll of paper money and subtracted \$200 therefrom, the second hundred being for his partner, George Fuller. He also laid down a \$5 gold piece for costs. Mr. Erickson then departed from the court house, leaving the county no the little richer.

The court decision will cause great consternation among the members of the numerous "law and order leagues" of Portland that have had hopes of seeing the gamblers sent up for a term of years. The amount of these fines are but a small drop in the bucket for most of the proprietors of sporting palaces, it is claimed.

## DOUGHERTY SIDE SHOOTING SCRAP

### Entirely Different Story From That Told by Morton the Herder.

### THE DEADLY ASSAULT WAS ENTIRELY UNPROVOKED.

### Morton Opened the Firing and Then Made an Advance With Mrs. Dougherty and Another Herder as Involuntary Shields—He Took Every Unjustifiable Advantage and Tried to Finish Dougherty After Bringing Him Down With Shot in Lungs.

Dr. W. G. Cole returned from the Dougherty sheep ranch last evening and gives a different version of the shooting from that told by Morton, the man who is in jail.

The first part of the story, concerning the herding of the lambs and the trouble with the other flock conforms with the story of the shepherd, but from there it begins to diverge. Morton told Dougherty that he would quit, and demanded his money. The camp where the men were at work was about five miles from the home place, and Dougherty told the man that he had neither money nor check book there, but that if he would wait he would fix the matter as soon as he had an opportunity to leave the band of sheep which he was tending.

Morton refused the offer, so the story goes, and came to town, and later returned to the camp in search of either money or revenge.

In the meantime Pat Dougherty had gone to the house, or sent, and Mrs. Dougherty had come to the camp and was helping him round up the flock, (left alone and untended by Morton when he left the place). The latter returned to the camp and demanded his money, and when refused drew his gun on Dougherty. Mrs. Dougherty sprang between the men and the sheepherder fired, the bullet passing over Mrs. Dougherty's shoulder and between her husband's legs. Dougherty was unarmed and ran. Getting away from his assailant, he went to the house, secured a gun and started back to the scene of trouble.

In the meantime Morton had commanded the woman to march to the house and had started for the place with Mrs. Dougherty ahead of him, carrying a baby in her arms. When about half the distance to the house they overtook another herder, who was tending a flock of sheep on the hillside, and Morton forced him into line.

The procession proceeded to a small bridge near the house, where it was met by Pat Dougherty, who had seen them coming over the hill and had waited at the crossing for them. When Morton saw the sheepman he poked a gun over the herder's shoulder and shot Dougherty. As the shot was fired the captive herder made a break for his liberty and got out of range, while Mrs. Dougherty sprang to one side. Dougherty attempted to bring his man down, taking one shot as he fell, which went wide of its mark. Morton then emptied his revolver at the fallen man without effect, and took to the range.

One of the Dougherty boys was also in the vicinity and unarmed, being compelled to see his brother shot without being able to either help, or avenge him. Mrs. Dougherty and the herder both tell the same story, and it is thought that Morton had deliberately planned the attack.

Mr. Dougherty is doing as well as could be expected today, and it is now thought that he will recover, provided no complications arise.

### DAMAGE BY HIGH WATER.

### Irrigating Flumes in the Vicinity of Foster Are Washed Out and Ditches Badly Damaged.

Echo, April 19.—High water has badly damaged several of the big irrigating ditches in the vicinity of Foster, especially the one on the C. B. Wade land near there.

The iron pipe put in place under the Umatilla river at Foster by C. B. Wade has been washed out and the headgates on the ditches destroyed. Some damage has been done on the Maxwell ditch also, and several minor washouts on private ditches will cause a loss of water and an expense for repairs.

### Armenian Massacre.

London, April 19.—News reaches here of a massacre by Turks in Armenia, which resulted in killing 442 Armenians, mostly women and children, in the neighborhood of Sassoun.