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WEATHER FORECAST.

Increasing cloudiness tonight; Wednesday showers and thunderstorms; cooler.

COURTMARTIAL RIOT LEADERS

Polish Workmen Sentenced to Death for Taking Part in Labor Disturbances.

JEWISH SOCIALISTS ARE DISPERSED WITH BULLETS.

There Are Indications of Unwarranted Aggressions by German Upon Chinese Territory Through Semi-Official Denials of Such an Occurrence Are Filled and It is "Regarded as Doubtful" at Shanghai—A Japanese Warship Has Gone Ashore and a Mine Sinks a Steamer.

Warsaw, May 16.—In a court-martial today the workmen implicated in the riots last January were convicted and sentenced to death. A reprieve has been granted the convicted men, however.

Socialists Fired Upon. Warsaw, May 16.—A gathering of Russian Jewish socialists in Nalewski street was dispersed at midnight by a volley from an infantry patrol, and several were wounded.

German Chinese Aggressions. London, May 16.—Adspatch to Reuters from Tokio, stating that German troops have occupied Hachu, a town of Shantung province in China, has created a sensation here.

Warship Gone Ashore. Tokio, May 16.—Ninko Maru, the naval auxiliary vessel, has gone ashore off Fushan, Korea, but it is believed will be floated at high tide.

Sunk by a Mine. Tokio, May 16.—The steamer Kiko struck a mine and sank off Port Arthur the night of May 11. The crew was rescued and brought to Osaka.

Occupation Denied. Berlin, May 16.—The report that German troops have occupied Hai Chu, China, is officially denied.

Regarded as Doubtful. Shanghai, May 16.—The reported landing of German troops in Shantung province is regarded as doubtful here. The rumor possibly originated from the presence of a German boat in the harbor on a surveying expedition.

CONSIDERED IMPROBABLE.

Experts Discard Theory of How Arsenic Got Into the Stomach.

Chicago, May 16.—In the Hoch murder trial today, Prof. Haines, the chemical expert, took the stand for the prosecution. He expressed the opinion it is highly improbable if not impossible for arsenic to find its way to the stomach of Mrs. Walcker Hoch through the casket and soil of the cemetery. Moyer, another expert, confirmed the opinion of Haines.

INTO THE WORLD'S MARKETS.

Protectionists Hoar Over Secretary Taft's Decision.

Washington, May 16.—Secretary Taft's decision to go into the world's markets for supplies for the Panama canal, has raised a storm of protest from the protection wing of the republican party. It is understood all the members of the commission except Taft are against the proposition. It is said strong pressure will be brought to bear on the president to overrule Taft's decision.

RECEIVER APPOINTED.

Supposed to Have Gone to the Wall Because of Bigelow.

Milwaukee, May 16.—A receiver was appointed today for the National Electric company, capitalized at \$3,500,000. Frank Bigelow, former president of the First National bank, was its president, but resigned when his alleged defalcations became public.

Reversed by Supreme Court.

Jefferson City, Mo., May 16.—The cases of Charles F. Kelly and Charles Gutke, convicted of hoodluming in the St. Louis municipal assembly, were today reversed and remanded by the supreme court on the ground the informations on which they were indicted were not properly verified.

Gull Was Bound Over.

Milwaukee, May 16.—Henry G. Goll, former cashier of the First National bank, charged with doctoring books to aid Frank Bigelow embezzle \$1,500,000, today waived preliminary examination and was bound over to the federal grand jury.

TRANSATLANTIC YACHT RACE.

Fleet Becalmed in Heavy Fog Off Sandy Hook.

Navesink, Highlands, N. J., May 16.—The Kaiser's cup contest, the first open transatlantic yacht race ever sailed, started from the Sandy Hook lightship at 2:50 this afternoon. Eleven yachts started in the 3000 miles contest, which will end at the rocky ledges of Lizard, off the coast of England.

A nasty wet fog hung like a blanket over the sea this morning. An early morning breeze out of the southwest died away to practically a calm. The committee in charge will send the yachts away unless in a dead flat calm, which will make steeringway impossible.

Start in a Fog.

At 11:30 the fog is still heavy and wind light, from the northeast.

The Atlantic was the first boat to start for the line, going out under tow. The Atlantic, Hildegarde, Endymion, Alisa and Hamburg. The Valhalla is believed by competent judges to have the best chances in the race.

Decalmed in Fog.

The fog is so thick the vision is obscured 40 feet away. The wind has breezed up a bit, but the prospects for a start today are small.

RIVER DYKE BREAKS.

Causes Heavy Damage to Iowa Farm Property.

Lincoln, May 16.—The Elkhorn river dyke at Nealgah, broke this morning, flooding thousands of acres of farm lands and causing heavy losses of livestock and crops.

Zinc Smelter Burned.

Altoona, Kan., May 16.—The Coker smelter was destroyed by fire today. Loss, \$100,000.

KNOCKOUT FOR THE POOLROOMS

STATE SUPREME COURT DECIDES AGAINST THEM.

Held to Be Gambling Places Pure and Simple, and Not Legitimate Places of Business—Conducting Them Regarded as a Nuisance at Common Law—Decision Made in a Case Brought From Portland to Determine Issue—Opinion Rendered by Justice Bean.

Salem, Ore., May 16.—In an opinion rendered by Justice Bean, of the supreme court this morning, it is held that conducting poolrooms in this state is against peace and public decency, and is prohibited by the laws of the state. This opinion was rendered in the case of the state of Oregon vs. M. G. Nease, the latter being proprietor of the Turf Exchange, of Portland. Action was brought to close up places of business where pools were sold on horse races on the different tracks of the country. Affirming the decree of Judges Frazer and George, Justice Bean says:

"That such a house is a gambling or gambling house and conducting it punishable as a nuisance at common law, whether betting on a horse race is a crime or not, has so often and uniformly been held by the courts that it is no longer open to discussion. There is no dissent in the adjudged cases, and it is unnecessary to do more than cite authorities.

"By its charter the city of Portland is authorized to prevent and suppress gaming and gambling houses, but not to make such places lawful by licensing them, nor, as we understand it, are these positions seriously controverted by the defendant, but his contention is that there is no law in this state for the punishment of the keeper of a common gaming house."

History of the Case.

The appellant was indicted November 17, 1904. The act complained of was that between October 29 and November 1, 1904, the defendant did for gain habitually sell pools upon horse races and procure idle and evil-disposed persons to come to his house to buy pools and bet upon horse races, to the common nuisance of all good citizens, and contrary to the statutes in such cases made and provided and against the dignity and peace of the state of Oregon. A general demurrer was overruled and the trial resulted in a verdict of guilty. A \$200 fine was imposed and the defendant appealed.

The only question presented on the appeal was whether keeping a house where pools upon horse races were bought and sold constitute a crime under section 1930 of the code. The prosecution contended that that section of the code is a re-enactment of the common law upon the subject of public nuisance in the particulars specified, and that to learn of the meaning of such phrases as "grossly disturbs the public peace," or "openly outrages the public decency, and is injurious to public morals," recourse must be had to the common law nuisance.

VARIED AND INTERESTING PROGRAM AT CONVENTION

The Order of the Day Controlled by Circumstances and Has Never Failed to Be Most Entertaining.

Splendid Discussion of the Tuttle Road Tax Law—Committee on Resolutions Appointed—Governor Chamberlain's Address Closely Listened to, as it Deserved—He Was Followed by Dr. James Withycombe, Ex-Senator Probstel and Colonel R. W. Richardson, Whose Addresses Were Models of Thought, Very Interesting and Highly Appreciated.

Variety and surprises are the spice of conventions as well as of life, and the most pleasant feature of the Good Roads and Development League convention is that the regular program is not being followed strictly, but speakers and subjects are introduced as best fits the hour.

The discussion on the Tuttle road tax law was closed last evening by C. A. Barrett, of Athena, and John S. Beall, of Portland, and after appointing a committee on resolutions, consisting of Judge Stephen A. Lowell, Judge T. F. Ryan and Tom Richardson, the convention adjourned until 10 o'clock this morning.

Governor Chamberlain and wife, Dr. James Withycombe, ex-Representative Henry Rinehart, of Union county, several delegates from Baker and Morrow counties and increased delegations from different parts of Umatilla county, arrived last night.

Forenoon Session. When Vice President A. Bennett, of the Oregon Development league, called the meeting to order this morning, the parlors of the Commercial Association were filled to overflowing.

Governor Chamberlain was introduced by Vice President Bennett and after being greeted by enthusiastic applause, addressed the convention in part as follows: "Gentlemen of the Good Roads and Development league, conventions: To say that I am pleased to see the interest that is being taken in the subject of good roads by the people of Oregon.

"All reforms move slowly. Such movements as this are necessary to set in motion the wheel of great reforms. "Agitation is the first step in all such movements. Before you can get results you must have preparation; you must have crystallization of sentiment and I feel that the issue growing out of the small beginning which marked the inception of this good roads movement will be one of the greatest of modern industrial campaigns.

"I am amazed to find opposition to government and state aid for good roads, when in former years immense and magnificent land grants were given to promote corporations for railroad and private military wagon road building. If there could be no objection to giving land grants to such purposes, why should there be objection to state and government aid for good wagon roads by which all the people will be directly benefited?"

"The people are gradually being educated to tax themselves for road building and the time will soon come when a road tax will be considered just as legitimate tax as any other. It is the legitimate sphere of the state and government to assist in building good roads. Vast land grants which have been given to private corporations have done immense good to the country. Then why will not government aid to public road building, do immeasurably more good to the country? And why should such aid find opposition from state or government officials?"

"In Marion county, with the cooperation of Judge Scott, we are building a few miles of good roads by convict labor and the results are highly satisfactory. People said I had no law to back up my action in this matter, but I replied that I did not care whether there was law to warrant a thing or not, so long as it would benefit the people. I would undertake it."

"I am here to assure you, gentlemen, that I will always do whatever I can, as public official and private citizen, to further this matter of good roads, and I believe this movement, started in such an unostentatious manner, will gather force and impetus until it will soon become one of the most overwhelming public issues of the entire country."

Other Speakers.

Following Governor Chamberlain's address, Dr. James Withycombe, of the Oregon Agricultural college, made a brief address complimenting the Development league and the Good Roads association for the work being done by them. He called attention, briefly, to the vast resources of Oregon, which must be developed largely by the aid of better highways and hoped to see the time when every county could boast of its model coun-

ty roads as the foremost evidence of progress.

Ex-Senator George W. Probstel of Weston, made a brief address on the work of the convention, and Vice-President Bennett closed the session of the development league at 11 o'clock, and the meeting was taken in charge by President Scott of the State Good Roads association.

Col. Richardson's Address. The first speaker to address the Good Roads session was Col. R. W. Richardson, secretary of the National Good Roads association, whose address in full will be found in today's East Oregonian on pages 3 and 6.

At the close of Col. Richardson's address the meeting adjourned until 2 o'clock.

Afternoon Session. The afternoon session was opened with an interrogation point, or question session.

Judge Scott announced that a few minutes at the beginning of the afternoon session might be profitably employed in asking questions concerning the various topics before the convention. As a result a spirited session of questions and answers was held, in which it was clearly shown that all classes of people were thinking deeply on the subject of good roads.

Following the open session, the regular program was resumed and A. Bennett, of Irrigon, addressed the convention on "Oregon's Needs in Roads."

Mr. Bennett compared Oregon's roads to the magnificent roads of Virginia and Maryland and drew a graphic picture of the old Cumberland highway running out of Washington city, traversing several eastern states, binding communities together and adding to the wealth of the country by making farming land more valuable and manufacturing and transportation more easily accomplished.

Following Mr. Bennett's address, T. G. Halley delivered a thoughtful address on the "Business Phases of Good Roads." Mr. Halley touchingly referred to the pleasures and comforts denied the country districts by the failure of counties to provide good roads for them. He spoke of the drift of the country people toward the cities, because of a lack of facilities for travel and communication in the country. "Good roads add to the moral as well as the business interests of the community," said Mr. Halley.

"The free, open, God-given air of the country life, made more enjoyable by good roads by which people may commute and visit, is the inspiration of all best citizenship, the foundation of the lives of all our great men from Washington to Roosevelt."

At time of going to press the resolutions were being discussed. Judge Thomas F. Ryan, of Clackamas county, was scheduled for an address on "Co-operation in Road Building." Many of the delegates left for their homes on the delayed train which passed here at noon and the convention will adjourn this evening.

Resolutions Presented. The following resolutions were presented by the committee on resolutions immediately after the opening of the afternoon session:

To the Joint convention of the Oregon Good Roads association and Oregon Development league: We, your committee on resolutions, beg to report that we have attended to the duty assigned us, and submit for your consideration the following resolutions:

The Oregon Development league and State Good Roads association in joint convention assembled in the city of Pendleton May 15-16, 1905, recognize that the work done has been of value, and that conclusions reached should be promulgated to the people. Therefore, be it resolved:

I. We recommend that the county courts of the several counties of the state make provisions for construction of some permanent road in their respective counties during each year.

II. We recommend that public officials, before proceeding with any permanent improvement, employ competent engineers to assure proper grades and safe estimates, to the end that the cost of the different plans may be fully understood.

III. We favor the use of convict and county prison labor, as far as practicable, on public work, especially the

improvement of the roads and streets and in the preparation of road and street material.

THREAT TO ORDER OUT THE TROOPS

Mayor Dunne Will Resort to the Military Provided the Strike Should Spread.

THREATENS TO REVOKE CAB DRIVERS' LICENSES.

Liverymen Enter Vigorous Complaints Because of Drivers' Threats—Hearing Evidence in Injunction Cases Is Postponed—Unions Are Willing to Arbitrate—There Is a Chance for Peace, But the Employers' Uncompromising Attitude Is Provocative of Trouble.

Chicago, May 16.—Whether the strike will spread to all the teamsters in Chicago or enter upon a stage of peaceful negotiations for settlement, is the question that is hanging in the balance today.

The coming of President Gompers and the executive board of the brotherhood is looked upon as favorable to peace methods on the part of the teamsters. On the other hand, the importation of more strike breakers today, with the uncompromising attitude of the employers, gives the situation a more warlike aspect.

President Shea, President Dold and Joseph O'Neill, representing the freight handlers, and other labor leaders had a conference with Mayor Dunne this morning. It is said the mayor asked the labor leaders not to spread the strike and to use every effort to prevent further disturbances pending the mayor's effort to bring about arbitration through the medium of council committees. The labor men promised the mayor to use their utmost authority to keep the situation peaceful, but insisted the employers take no steps tending to incite the teamsters to radical action.

Willing to Arbitrate. They also agreed to submit their side of the controversy to the council arbitration committee, which will meet today to investigate conditions and endeavor to effect a settlement.

Several hundred strike breakers arrived from St. Louis this morning. Two hundred additional policemen were detailed to guard the wagons to be sent out today. Several cases of minor disorders were reported this morning.

Taking Testimony. Judge Kohlsaat this morning continued the eight injunctive cases against the labor men until the hearing of testimony before Master in Chancery Sherman is concluded. The taking of testimony is being continued today.

Promised to Order Out Troops. The mayor has informed the strike leaders that a spread of the strike will immediately lead to the calling out of troops. He told them he is determined to preserve the peace in all events.

A committee of liverymen called on the mayor and complained that the cab drivers in their employ refused to carry passengers to strikebound stores. The mayor promised to revoke the licenses of any cabmen who are remiss in their duty to the public.

NEW RATES ON GRAIN.

O. R. & N. Company Grants Reductions to Eastern Points. On May 15 the O. R. & N. company will make effective a new rate on wheat and flour shipped east from territory east of The Dalles and south of Winona, Wash., to equalize rates from all territory of this road east of the Cascades.

Flour to St. Paul, Minneapolis and Duluth will pay 45 instead of 55 cents a hundred. South of Winona wheat will pay 50 instead of 55 cents to Missouri river points, and north of Winona the rate will be reduced from 52 1/2 to 50 cents.

From points south of Winona, wheat and flour will be cut from 55 to 52 1/2 cents to St. Louis and Chicago.

Old Lady Breaks Both Arms. Mrs. S. S. Gray, living near Star, the mother of Mrs. Elmer E. Forshay of Boise, had the misfortune to be thrown from a wagon at her home last evening, lighting on the ground in such a manner as to break both of her wrists and dislocating one of her wrists. She was driving through a gate when the gate flew shut, catching the hind wheels of the wagon, causing it to be overturned.

Mrs. Gray is nearly 70 years old, and it will probably be some time before she recovers the use of her arms. —Boise Capital News.

The annual coal output of Washington averages 3,000,000 tons, and 5000 men are employed in the coal producing industry.

CANDIDATES FOR THE JUDGESHIP

FRIENDLY CONTEST BETWEEN LOWELL AND FEE.

Judge R. S. Bean, of the Supreme Court, is likely to become a Candidate as Well as Judge Eakin, of Union, and Burnett, of Salem—Portland Oregonian, it is Said, Will Support Judge George, of Portland, for the Place—Three Portland Judges Are Candidates.

Regarding the candidacy of Judge James A. Fee for the position left vacant by the death of Judge Bellinger, announced this morning, Judge Lowell stated to the East Oregonian today that the contest between Judge Fee and himself would be a friendly one; that if the honor went to Fee, the public would be faithfully and honestly served.

Upon his own candidacy, Judge Lowell stated that the place was worthy the ambition of any man, and that he was doing what he could honorably to secure the appointment, and was receiving assurances of support from all over the state.

Advice are received to the effect that Judge R. S. Bean, of the supreme court, is likely to become a candidate, as well as three of the circuit judges in Multnomah county, Judge Eakin, of Union, Judge Burnett, of Salem, and several other possibilities. It is reported that the influence of Editor H. W. Scott, of the Oregonian, which is likely to be potent with the president, is likely to be thrown in favor of Judge George, of Portland.

THE ARMOURS WERE PINCHED.

Reaction at Minneapolis Boosted Wheat 7 Cents.

Chicago, May 16.—A bulge in May wheat on the Board of Trade today is said to have caused a heavy loss to the Armour, who are short. Options jumped from 50 1/2 to 54. James A. Patton is said to be a heavy winner among the longs.

Seven Cent Jump at Minneapolis. Minneapolis, May 16.—The result of the bullish tendency in the market wheat jumped from \$1.13 to \$1.20 today, closing at \$1.15 1/2, and is expected to go higher.

Bowen Files Rebuttal.

Washington, May 16.—Former Minister Bowen this morning in person filed with Secretary Taft a formal reply to the statement of countercharges made by Assistant Secretary Loomis.

Died of Blood Poisoning.

Bel Port, L. I., May 16.—Kirk Lashelle, the theatrical manager and playwright, died at his home today from blood poisoning, resulting from an injury to his leg.

Near Harrisburg, Texas, a locomotive left the track and turned over, catching the engineer, Frank Cox, beneath it. He was burned and scalded to death.