### DAILY EVENING EDITION

An intelligent message to intelligent people, profiting the sender and receiver, is advertising.



### DAILY EVENING EDITION

WEATHER FORECAST.

Fair and warmer tonight, Saturday fair and continued warm.

VOL. 18.

## KANSAS CANNOT REFINE HER OIL

Sworeme Court Declares That State Refineries Are Unconstitutional.

COURT SAYS SUCH INSTI-

TUTIONS ARE PROBIBITED.

Establishment of Refineries Is a Work of Internal Improvement Which the Constitution Prohibits-Says the Branch Pciittentiary at Which Convicts Would Refine Oil Is a Subterfuge-Governor Hoch Would Not Discuss Special Session at Which Laws to Defeat Rockefeller Would Be Passed.

Topeka, Kan., July 7.—The su-reme court today, by unanimous preme court today, by unanimous opinion, declared the state oil refin-ery law unconstitutional. The refinery is declared to be a work of inter-nal improvement which the state is specially forbidden to undertake and that establishment of a branch penitentiary at which oil would be refined by convicts is clearly a subterfuge.

Governor Hoch said today: "I ed in a tent, resting on a catafalque, had hoped to go ahead with the plan and lick John D. Rockefeller." He would make no statement with reference to calling a special session of be taken aboard the Brooklyn. the legislature to pass new laws to Admiral Sigabee's flagship, to be defeat the Standard Oil company.

Gas Trust Chested.

Topeka, July 7.—The supreme court today rendered a decision ousting the Kansas Natural Gas company from the state. The company was chartered in Delaware with a capital of \$2,000,000. It is the biggest owner of natural gas in the world.

Czar Will Issue Manifesto-Meager Reports From Potemkin.

St. Petersburg, July 7.-Reports vices from Moscow to the effect that the emperor is prepared to go to the Kremlin to issue a manifesto sum-moning representatives of the people.

#### Did Not Bombard Theodosia.

Theodesia. July 7.—Reports to the effect that the Potemkin bombarded the town were untrue. The present whereabouts of the Potemkin are un-The tornedo boat deknown here. stroyer Smetilvy arrived here several hours after the Potemkin departed, and after hurriedly coaling, put to

Sympathy for Mutheers.

Manila, July 7 .- The saffers of the interned Russian squadron are reported to be in a sullen mood and to be expressing sympathy for the Black Sea mutineers. A rumor that they contemplated murdering their officers has caused the American authorities to place the monitor Monadneck in close proximity to the Russian war-

Another Ship Joins Mutineers London, July 7 .- A dispatch from

St. Petersburg says it is reported that the crew of the battleship Catherine the Great has joined the mutineers. A dispatch from Theodosia says the Potemkin stoppeti a British steamer tieship. A quantity of coal was taken not believed to be armed. from the steamer. According to this dispatch the Potentkin left Theodoria last night.

Sailors Leave Potemkin.

temkin have escaped from that vesse and swam ashore.

WILLIAMSON TRIAL BEGINS.

Jury Second and Opening Statements Made Today.

Portland, July 7 .- A jury was se cured today to try Congressman Wil-liamson and others accused of land This afternoon the opening statements were made by attorneys.

Sultan Is Prostrated.

alarm. His nervous breakdown is complete and he is unable to attend to any business.

Murderer Powers Wins a Point. 4

Maysville, Ky., July 7.—Judge • Cockran, of the United States district court today held that the federal court has jurisdiction in the case of Caleb Powers attended to the federal court has jurisdiction in the case of Caleb Powers to the federal court has jurisdiction in the case of Caleb Powers to the federal court has jurisdiction in the case of Caleb Powers to the federal court has jurisdiction in the case of Caleb Powers to the federal court has jurisdiction and held in \$5000 ball. He is charged with missippropriating \$28,000. neys made a hard fight to have the case removed from the state courts.

PRESIDENT AND EDUCATORS. Delivered Address Before Educational

Association Today. Oyster Bay, N. Y., July resident left for Ocean Grove N. J. at 11 o'clock, aboard a special train of the Long Island railroad. At Long Island City a boat was in waiting to convey the party to Jersey City, where the president took a train for Ocean

The president delivered an address The president delivered an address before the National Educational as-sociation. Secretary Loob and several secret service men accompanied the president, who was joined at Jersey City by Senators Dryden and Kean

TRIED TO CHEAT GALLOWS.

Kentucky Murderer Attempted to Cut His Arteries Before Being Hanged. Owensboro, Ky., July 7.—Rebert Mathley was hanged in the jail yard this morning at 4:46. The prisoner attempted to cheat the gallows by cutting an artery in his wrist with his finger nails, but the plan was flus-

trated by the death watch.

Mathley was convicted of the murder of Miss Emma Watkins, whom he wanted to marry, at the same time killing James Gregson, the girl's consin, who opposed the match.

PAUL JONES COMING HOME.

Body of the Old Admiral Arrived at Cherbourg This Morning.

Cherbourg, July 7.-The remain of Paul Jones, with an escort of officials and officers arrived at o'clock this morning from Paris. The was officially received by the maritime prefect. The coffin was removed from the special car-and plac-

Tomorrow at noon the casket will be taken aboard the Brooklyn. Rear veyed to America.

Montana Ploneer Dead.

Helena, July 7. -Wilbur Pisk Sanders, former United States senator of Montana, leader of the vigilantes in the early days, died today aged 72.

# WILL CALL PEOPLE TOGETHER CONVICTS ARE

ONE ESCAPE FROM M'NEIL'S ISLAND IS CAPTURED.

Large Body of Citizens Have Gone to Gun Stores Are Exhausted Because of the Hunt for the Escaped Con- fired. victs-Great Excitement Prevails.

Tacoma, July 7.-A posse left this California morning for Vashen island where Stickney, one of the convicts that escaped from McNeil's island peniten-

tiary was captured last night. It is known that some of the convicts are still on the island and escape is impossible. A large body of citizens is hunting two convicts, supposed to be in the woods south of town. Gun stores and stocks of firearms are completely exhausted on account of the

Three Convicts at Bay.

Seattle, July 7 .- The police have been notified by the town marshal of cated. Port Blakeley that three of the es-

Copture of Four Is Certain.

have been sighted on Vashon island. and the posse is in close pursuit. It Odessa, July 7.—It is reported that is expected the capture will be made anese who escaped from prison was seen on the beach near Tacoma this afternoon. A posse is now in pur-

SURGEONS IN SESSION.

Next Meeting Will Be Held in 1906 at Geveland.

San Francisco, July 7 .- The Amertean Surgical association today de cided to meet next year at Cleveland, Ohio.

The officers were elected as fol-Constantinople, July 7.—The timess of the sultan continues to cause of Albany, N. Y.; vice president, Dr. J. E. Moore, of Minneapolis, Minn. second vice president, Dr. J. C Munroe, of Boston, Mass.; secretary, Dr. Allen, of Cleveland, O.; treasurer,

> of Philadelphia, Pa. Washington Banker Arrested Boston, July 7 .- Charles May, pres

> > Grafter Is Forced Out.

Philadelphia, July 7.-George E. Pierce, in charge of the bureau of city property, today resigned at Mayo o o o o o o o o o o o o o o o o o weaver's request.

PENDLETON, OREGON, FRIDAY, JULY 7,

MILLIONAIRE MINERS GUILTY OF STEALING.

\*\*\*\*\*\*

Helena, Mont., July 7.—The jury in the federal court today \*\*
awarded a judgment in the sum of \$195,000 for the complainants in \*\* the case of the St. Louis Mining & Smelting company, against the Montana company, limited. The defendants are accused of taking ore Illegally. The are the owners of the famous Drummond mine. Rothschilds are the principal stockholders.

# NEBRASKA HOT

Burlington and Union Pacific Merger of the Great Northern Boycotted Because of Refusal to Pay Taxes.

OPEN BOYCOTT DECLARED BY COUNTY OF SEWARD.

Deferred Payments of Taxes Amount to Over Half a Million and County Finances Are Suffering in Consequence—Special Session of Legislature May Be Called to Pass Reduced Freight Rate Bill as a Punitive Measure - Burlington and Union Pacific Have Joined Hands to Fight the Tax Levy.

Lincoln, Neh., July 7 .-- As a result of the refusal of the Burlington to pay taxes assessed last year, resorting to an injunction against the collection, the commissioners of Seward county have declared a boycott, refusing to ship county supplies over the road.

Other counties are preparing to adopt a boycott of the Union Pacific, which also refuses to pay and has joined hands with the Burlington. The deferred payments exceed a half million dollars, and county finances are suffering. The governor is con-sidering summoning a special session to pass a freight reduction bill as a punitive measure.

TAFT IN SAN FRANCISCO.

secretary of War Inspected Fortifications and Delivered an Address. San Francisco, July 7 .- Secretary Taft this morning made an inspection Vashen Island to Capture the Men of the fortifications that guard the Now at Bay There-All the Local port of San Francisco and was received with full honors at each fort, troops being fined up and salutes

TORNADO KILLS 35.

Meager Reports From Texas Town Show Large Fatality List.

Dallas, Texas, July 7 .- Today's meager reports from Montague county, in the northern part of Texas, indicate that the tornado which swept that section yesterday was as destructive as the earlier reports indi-

The larger towns, however, escap caped prisoners from McNeil's Island ed the violence of the storm, the are corraled there. The fugitives have greatest damage being in the country. and compelled her to follow the bat- little chance of escape and they are In the vicinity of Nacona 14 persons were killed and many injured and the total number of killed in Montague county is placed at 35. The tele-Tacoma, July 7.-Four convicts graph service is demoralized.

ELEVEN LOGGERS DROWNED.

Batteau Swamped in Chippewa River and Crew Lost.

Chippewa Falls, July 7.—Eleven log drivers were drowned in the Chippewa river at Little Falls this morning They lost control of the batteau in which they were crossing the river williamette valley remains quiet and and the boat swamped. None of the featureless except for the increased Barquet, Bert Larry, Byron Ferguson big pool, which is holding out strongand Adolph Toctauth.

Another Grafter Sentenced.

Milwaukee. July Dunne, former building inspector, was throughout the country. 'has increashouse of correction on a charge of ble the usual amount and this con-accepting a bribe of \$1500 from Col-dition alone has had the effect of in-G. R. Flower, of Brooklyn, N. Y.; onel Gustav Pabst, the brewer, for creasing the demand for hops on the recording secretary, Dr. B. H. Hart, a permit for a building with illegal part of the brewers, who are supspecifications.

by August 1, in what manner they \$13,000,000.

Berlin, July 7.—The insurance de- propose separating their premium re-

HILL TO COMBINE AFTER RAILROADS IMMENSE CAPITAL

> and Canadian Grand Trunk Railways.

WOULD MAKE HILL MASTER

OF THE PACIFIC COAST.

Such Combination of Interests Would Give the Hill Lines Terminii at Both all Scattle and Vaucouver and Would for speed. Give Them Control of the Trade With the Orient-New Combination Would Represent a Capital of \$1,-220,000,000-New Grand Trunk Line Would Be Rushed to Completion to Capture Canadian Trade.

Winnipeg, July 7.-It is reported that James J. Hill, is engineering a scheme to amalgamate the Grand and Canadian Northern the Great Northern, with a possibility of the Inter-Colonial, which will give a combination of two international It is also proposed to extend tempts to raise the vessel failed Hill's road into British Columbia.

This would give Hill and the new combination a terminus at both Seattle and Vancouver, the two principal ports in the North Pacific coast and would give Hill virtual control of the of the trade with the Orient.

The new combination, if consummajed, would rush to completion the Canadian Grand Trunk now being built from Quebec to Vancouver, in order to secure the shipping of the mmense wheat districts now being settled in Canada.

The combination would represent a capital of \$1,220,000,000.

EIGHT DAYS OVERDUE.

Steamer From Nome Is Delayed-Shipping Circles Auxious.

Seattle, July 7.—Seventeen out from Nome bound for Seattle, the Northwestern Steamship company's After luncheon he went to Berkeley steamship Olympia is being anxiously where he delivered an address in expected from day to day. Up to a the Greek theater at the University of late hour this afternoon she had not alifornia.

Miss Roosevelt spent the morning Port Townsend of Cape Flattery. The in her apartments at the Palace hotel. Olympia sailed from the north on This afternoon she will take an auto- June 20, and should have arrived dent of the office of secretary of about June 29, so is now eight days state. He will take office in a couple

Two theories are advanced in local marine circles to account for her delay. One is that she has been caught in the same ice floe which for a time held prisoner the steamship Ohio on her recent return voyage and the other is that she has become disable ed at sea, and has possibly put in at The theory that she is ice bound is considered probable in view of the steness of the season since it is usual for the ice floes in the Bering sea to break up in June.

The fact that the Alaska military telegraph is out of commission north of Valdez and no dispatches have been received from Nome for a week or 19 days, renders it possible that she has put back to that port without having been reported here.

Chicago Wheat Market. Chicago, July 7.—July wheat clos-ed today at 90 1-4. Corp. at 57 3-4. Oats at 32 1-8.

Hop Market at Standstill.

The hop market in this section of bodies have been recovered. They are inquiry and the consequent stiffening Sam Brackett, Louis Gokey, Max Bill- of prices, says the Salem Statesman. fid. Patrick Leiden, Ole Soren, Joseph Heloquet, Andrew Geneyid, Oscar and few iots are for sale outside the ly for 30 cents and better, and such lots as are outside the merger ntenced. scattering. The hot weather of the 7.—Michael past two weeks, which prevails sentenced to a year and a half in the ed the sale of beer to more than dou-

Pabst escaped by posed to be considerably short of the necessary amount to supply the trade.

There are three points on the Ore-

and on past Vale to Ontario,

Evening Telegram.

cause some difficulty in crossing. Ontario is another point which is ibility of that project, and so far favored for that purpose, but the everything looks very favorable. Idaho town of Payette, which is four miles below Ontario, is making a

strong effort to get the road. By building the road to Payette no + hills would have to be crossed, while NOW AFTER THE EQUITABLE to Ontario a bench would have to be + traversed. It is 16 miles from Vale to | Flight tramps are under arrest

There is an immense amount of wool and merchandise which is hauled bean policies from the and how they intend. The amount affect-companies is about of the plans of the plans of the new road are expected to be made public. partment of the German government serves on German policies from the has demanded of the Equitable Mu-to invest them. The amount affect-tual of New York and they declare ed by the two companies is about at an early date.

An Old Murder Mystery Solved by the LAW TO BE TESTED

SECRET OF A MONASTERY

Death of a Woman Masquerading as

Vienna, July 7 .-- A murder mystery

of 30 years' standing has just been

deared up, it is announced from Bu charest. In Moldavia an old man and

his three sons, all grown up, were dis

covered one morning murdered. Sus picion fell immediately on the

of the man, who was missing, and who

was known to have lived on exceed

ingly bad terms with her husband and sons, who were in the habit of beating

her very cruelly and otherwise ill-using her. Though a hue and cry

was raised, she was never found There has recently died in the mon-

astery of Tibucani, an aged monk called Vasile Popovitch. When the

body was being prepared for burial

it was found that the supposed monk

the missing murderess, it being found

she entered the monastery as a man the very morning of the murder,

which took place only a few hours

SOUTHERN PACIFIC RECORD.

General Manager Calvin Sets New

Mark on Road.

Salt Lake, July 7.—General Man-ager E. E. Calvin, of the Southern

Pacific, arrived at 10:30 this morning on a special train which broke

records of the Southern Pacific

The run from Ogden to Salt Lake.

made in 35 minutes. The entire run from Sparks, Nev., to Ogden, was

operated on for appendicitis, but is now recovering nicely.

Algerian Sailors Perish.

tombed in the submarine Farfaget,

have ceased to respond to the signals

of the divers, and it is feared all have pireshed. The third and fourth at-

WILL ASSUME HIS DUTIES

nently Until in September.

Official Announcement Issued From

Time Will Be Required to Close Up

Business Affairs and New Secretary

Will Not Be in Washington Perma-

of weeks but it necessarily will be some time before he closes his busi-

ness affairs. He will not be in Wash-

ington permanently until some time in

MAY BUILD TO VALE.

Activity Promised in Malheur County

Railroad Affairs.

September."

WITHIN TWO WEEKS,

Bizerta, Tunis, July 7 .- Sailors en-

was a woman. She was no other than

a Man.

NO. 5405

Washington Sheepmen Object to Paying Taxes in State of. Oregon.

CONSTITUTIONALITY OF THE

STATUTE TO BE TRIED:

P. Reser, of Walla Walla, Through His Attorneys, Halley & Lowell, Begins Sait to Prevent Collection of Tax on His Sheep Which Are Being Pastured in Umatilla County-Case Will Be Watched With Much Interest as it Will Determine the Validity of the New Law.

To test the constitutionality of the law passed at the last session of the legislature by which sheep brought into Oregon from another state for 37 miles over the O. S. L. tracks, was the purpose of pasturing or being driven through are made subject to made in very fast time, a speed of 91 a tax of 20 cents per head, a suit was miles an hour being attained at filed in the circuit court today. The times. Mr. Calvin came to the bed-action is brought by W. P. Reser, of side of his daughter, who has been walla walla county. Washington, action is brought by W. P. Reser, of Walla Walla county, Washington, and was filed this afternoon by Attoruey T. G. Halley.

A short time ago Mr. Reser brought a band of 100 bucks to this county for pasturage during the summer and at the demand of Stock Inspector Bean paid the \$20 tax due under the recently enacted law. However, he made the payment protest and the present suit is to re-cover the amount. However, the suit has a much greater object than merely to recover the tax for it is sought to annul the law by proving it unconstitutional.

The grounds upon which the law is held to be in violation of the consti-ortion of the state are mainly that it id contrary to sections one and three of article nine. These are that . tax shall be upon the valuation of ste and not per capita, and that all taxes shall be uniform and equal. Also it is held that a double tax is being levied inasmuch as foreign sheep are already subjected to one tax aside White House This Morning—Some from the one of 20 cents per head. idents are treated differently from residents by the law and that the object for which the tax is levied is

not stated. Under the recent law sheep that are brought here for pasturage are Oyster Bay, July 7.—The following liable to the tax whether they be bulletin was issued from the executive vate land, but sheep that are here officers this morning: "Elihu Root for feeding are not taxed. will accept the tender by the presi-

WORK AT MALHEUR.

Extensive Development Promised by Irrigation Project.

M. Fitzgerald, who has been at Vale and Ontario for several months past, returned home on Monday evening's B, stage, says the Burns News. Mr. Fitzgerald made the News office a call yesterday, and, asked as to the

status of the Malheur project, said: "The prospect of active work on the Progressive residents of Vale. the Malheur irrigation project being un-ounty seat of Malheur county, have dertaken seems now brighter than organized a company for the purpose ever before. During the past week of building a railroad from that place Engineers Whistler and Henny visitof building a railroad from that place to the Oregon Short Line, the exact ed the proposed reservoir site in the point to be decided at a later time. O. Harper basin for the purpose of esti-H. Byland, who with his wife have mating the value of the Pacific Livejust arrived from Vale to visit the stock company's ranch situated therefair says that the new company was in, which has to be purchased or conorganized last Thursday and that it is demned for reservoir purposes. They expected to have the new road in also had a conference with the repoperation by next Christmas, says the resentatives of The Dalles Military Wagon Road company at Ontario, for The road from Vale to the Oregon the purpose of arranging a satisfact-Short Line would have been completed ory basis upon which the road land years ago had it not been believed that of that, company could be signed up. the Corvallis & Eastern was going to The road company people made come through by that way, for that special trip from San Francisco for road has for many years owned a that purpose, coming from The Dailes right of way down the Maiheur river to Ontario in an automobile.

Officers of the new road, which will be called the Vale & Malheur Valley railway, are: Elmer A. Clark, president: J. W. McCuiloch, vice-president: F. Petrio, secretary, and M. G. Hope. Mr. Whistler thinks the difficulties treasurer. The capital stock is \$150 - valley in the way of granting a graduating scale of payments and allowing unpatented lands to bear their gon Short Line, either of which might share of the cost of purchasing the

be chosen as a terminus for the new existing vested rights. road. The nearest one of these to Vale Extensive investigations are also is Nyssa, but hills intervene and may being made in the Owyhee region for the purpose of determining the feas-

Train Wreckers Arrested.

Laramie, Wyo., July 7 .here for an attempt to wreck