

WEATHER REPORT.

Showers and thunderstorms tonight or Thursday; cooler Thursday.



TO ADVERTISERS. Don't sit down in the meadow and wait for the cow to back up and be milked—go after the cow.

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WORLD FAMOUS FINE DON'T HOLD

Judge Landis is Reversed by United States Court of Appeals.

HAD FINED STANDARD OIL COMPANY \$29,240,000.

Federal Court Remands Case Back for Trial and Delivers Scathing Arraignment of Landis—Declares He Fined the Company When It Was Not Under Indictment or on Trial—Case Was One of Most Sensational Ever Tried—Reversal Is Blow to Government.

Chicago, July 22.—The federal court of appeals today reversed the decision of Judge Landis in fining the Standard Oil company of Indiana \$29,240,000.

The court ordered the case to be given a rehearing, remanding it for that purpose. The decision is a scathing arraignment of Landis, holding he imposed the fine when the company was not indicted and not even on trial.

Landis' decision was made nearly a year ago and was a sensation, the case being upon the alleged rebating on the oil shipped by the Standard. Landis assessed the highest possible fine in each separate alleged offense.

Today's decision is a great shock to the government.

The court of appeals is composed of Judges Peter Grosch of Chicago; E. Baker and William H. Seaman.

The Standard of Indiana, is one of the subsidiary companies of the Standard of New Jersey. It has a capital of only \$1,000,000, but the government's investigation showed that during some periods it earned more than 1000 per cent profits.

Grosscup read the decision, reading only in part he said: "Briefly the reason for imposing the sentence was because after being convinced before evidence was brought out in the examination of some of the officers, and stockholders of the Standard Oil company of New Jersey, that the stock of the Standard of Indiana, was owned principally by the New Jersey corporation. That corporation was not before the court for trial."

"Passing the fact that no word of evidence or other information supported the trial court's claim, if duly proven is to be found in the record, would justify a sentence such as this one that otherwise could not have been imposed."

"Can a court without abuse of judicial discretion, wipe out all the defendant's property before the court, all the assets to which the creditors look, in an effort to punish a party not convicted, tried or indicted? Can an American judge, without abuse of judicial discretion condemn anyone who has not had a day in court?"

"No monarch, no parliament, no tribunal of western Europe, for centuries has pretended to have the right to punish except after due trial. Can that rightfully be done here on the basis of a judge's personal belief that the party marked, deserves punishment? If that is so, it is because the man who happens to be judge is above the law."

The decision was unanimous.

Where Landis Erred.

The opinion declares Landis erred in excluding the testimony of the Hollands, the government witness, who wished to change his former testimony in which he stated he did not remember telling any one that a 6-cent commodity rate sheet had been filed with the interstate commission. The decision says the finding of the lower court was reversed because the "evidence thus proffered was excluded."

ROOSEVELT'S YACHT SINKS A SCHOONER

Washington, July 22.—The Mayflower with Roosevelt aboard ran down and sank the schooner Menawa, owned by C. E. Pemberton, of Isleton, Me., in a heavy fog at 1:15 this morning. The Mayflower lost the bowsprit, but no other damage was sustained. The Mayflower's crew rescued the captain, and five members of the crew of the schooner. The best evidence that the president sleeps soundly is the fact that he was not awakened by the heavy impact. He did not hear of the accident until he arose. Besides the president, the members of the party were Mrs. Roosevelt, Ethel, Kermit, Archibald, Quentin, Mr. Erlen, Roosevelt, and wife. C. H. Netherlands and John L. McGraw.

ed by the court for the sole reason that, as a matter of fact, the court (not the jury) found that the application sheeting contained this 6-cent commodity rate had not been filed with the interstate commission. A jury should decide this, not a judge." The opinion states that Landis erred in ruling that ignorance of the legal tariff rate on the part of a shipper in accepting rebates may not be pleaded as a defense.

NO MEEKNESS FOR TEDDY.

If Greatness Is Claimed We Must Be Ready to Make Good.

Newport, R. I., July 22.—Twenty-one guns greeted Roosevelt when he arrived here today. He was escorted to the war college by a delegation headed by Rear Admiral Morrill.

In a brief speech he declared to assume the attitude of meekness to ward other nations is sure to invite disaster and humiliation.

He said: "If we limit ourselves merely to defense in case of war it would be as well to give away Hawaii, Porto Rico, and Alaska. If we intend to put forward the claim of being a great nation we must always be ready to make the claim good."

COAST BUSINESS MEN WILL VISIT JAPAN.

San Francisco, July 22.—Members of the San Francisco Chamber of Commerce today decided to accept the invitation from five Japanese cities to send a delegation to visit them. The members are now waiting for a decision from the business men of Portland and Seattle who are included in the invitation. Tokio, Kyoto, Osaka, Yokohama, and Kobe sent their invitations.

San Franciscans have decided to sail September 25, arriving in Japan October 13, and leave for home November 4.

HARVEST GOOD IN ALL SECTIONS

ACTUAL YIELDS BETTER THAN EARLY ESTIMATES.

Reports From Different Parts of Umatilla Show That Conditions Are Similar to Those in Umatilla County—Oregon's Yield Especially Good—Much Better Than Expected.

As harvest advances this year the reports received from other sections of the inland empire show conditions to be much the same as in Umatilla county, to-wit: the actual yields are proving better than the pre-harvest estimates.

The general condition of the fall wheat crop seems to be good in practically every section where the harvest has begun and actual returns greatly increase the yield over the preharvest estimates.

Yields of 20 to 25 bushels to the acre are quite common in the inland empire thus far, no returns being received to date placing the cut at less than 15 bushels to the acre. Returns of less than 20 bushels are very uncommon and thus far are noted only in sections where the rain supply was short at least six inches from the normal.

Even in the condon district the returns are much better than expected. In that section it has been noted that by far the best returns are being received. In such a dry season the well cultivated wheat field suffers but little from drouth, but in sections where little attention was given cultivation and where wheat growers allowed nature to take the full burden of the crop, the initial reports of the yield were far from favorable—but still not so bad as had been forecasted in some of the early damage reports.

Oregon Yield Good. Returns of 25 to 30 bushels to the acre were lately received from Heppner Eight Mile, Gooseberry and several other spots of the Heppner section the yields are seldom ranging below 25 bushels to the acre, and never to date this season have they fallen below 20 bushels.

Uniform Apple Packing. At a meeting of the Willamette Valley Apple Growers' association held Saturday in the Board of Trade rooms it was decided not to enter the market actively this year. The annual apple fair was also postponed until 1909 says the Salem Journal. The most important action of the apple growers was their decision to adopt a uniform pack. The Lowndale pack will in the future be the official pack of the Willamette Valley Apple Growers' association, and a uniform label will be printed, which can be used by all the members of the association.

Baden Ferenczsky a Bulgarian violin maker of New York has died, leaving the secret of his famous violin polish, which has been the wonder of musicians to his only daughter. It is believed that he rediscovered the Cremona polish, once in use by violin makers in Italy.

FATE OF MANY MEN IN DOUBT

No Report Today From Steamer Pounding to Pieces on the Rocks.

SIXTY-THREE MEN LEFT ON BOARD.

Not Believed They Have Perished—Launch Leaves for Scene With Underwriters From San Francisco

—Details of the Accident Are Lack—Last Word From Ill-fated Boat Said She Was Leaking in Two Compartments and That Her Fires Had Been Extinguished.

Santa Barbara, Cal., July 22.—(Late)—The steamer Ynax arrived in the harbor today from San Miguel Island where the Kosmos line steamer Anubis went upon a reef early Monday morning and reports the rescue of all hands. The Ynax left the wreck at 4 o'clock Tuesday afternoon.

Santa Barbara, Cal., July 22.—No word was received here this morning from the scene of the wrecked steamer Anubis, which according to last accounts was pounding to pieces against a reef near San Miguel Island. Nothing is known of the fate of the 63 men left aboard the freighter, though it is improbable they have perished.

Early today the launch Charm, Captain Pillsbury, of the marine underwriters of San Francisco, left for the wreck from the oil port, Gaviota. The German steamer Anubis of the Kosmos line, went ashore at San Miguel Island at 12:20 yesterday morning and it is probable the vessel is a total loss. There are no details.

The Anubis sailed from San Francisco July 18 for Hamburg with a cargo of grain and a small amount of miscellaneous freight for Mazatlan, in command of Captain Solven.

There were about 77 persons, 19 of them passengers.

The Merchants' Exchange this afternoon received a dispatch stating that the Anubis was leaking in two compartments and fires were extinguished. The crew is engaged in jettisoning the cargo in the hope of floating the vessel when sufficiently lightened.

LEVEE WORK BEGUN.

At Present Rate Will Be Finished Easy by First of November.

Work on the levee repairs and extensions is now progressing rapidly and if it is continued at the present rate the entire work will easily be completed before the first of November.

W. C. Betts has sub-let the work of building the embankment to Contractor Jewett and the latter now has a crew of men at work on the 500 foot extension to the wing wall at the upper end of the levee. About two-thirds of the embankment work at that point has been completed and the rip-rapping will soon be underway.

When the force of men now at work on the wing wall finish there will be transferred to the lower end of the levee which is to be extended to the Matlock Island.

Mr. Betts himself is doing the work on the toe wall between the Main street bridge and the Lee street bridge. The foot wall is being built only where the condition of the levee makes it needed.

DRY FARMING WOULD APPLY HERE

That practically every foot of the semi-arid lands of Umatilla county will produce crops under the dry farming methods now in use in the arid districts of Kansas, Nebraska and Wyoming, is the belief of J. S. Welch of Chicago, a dry farming expert formerly of Cheyenne, Wyo., who was in the city today on his way to Portland on business.

"I have seen drier land than you have in Umatilla county converted into fine farming land which is now supporting a good population and yielding a handsome income to the owners. True, this land looked forbidding when the pioneer dry farmers went upon it. It was without water, had but little rainfall and was barren of vegetation and exceedingly unpromising. Some of it was fairly good range land for a portion of each year but it was not first class wild grass land.

"But the patient farmers have plowed it deep, cultivated it frequently, disc it, harrowed it, rolled it and packed it down with the moisture of the winter season in the soil and it is now yielding from 30 to 45 bushels of corn, good yields of dry land alfalfa and excellent barley, oats and cow peas.

AMERICANS BREAK OLYMPIC RECORDS

T. C. Irons Leaps 24 Feet 5 Inches in the Running Broad Jump.

BACON ESTABLISHES NEW RECORD FOR 400 METERS.

Dan Kelly of Baker City, Wins His Heat in Broad Jump With Leap of 23 Feet 3 1-4 Inches—Dole Throws Three Men in Preliminary Wrestling Bout—English Swimmer Seriously Injured in Making High Dive—Daring Rescue by Swedish Athlete.

America added another gold medal to her collection today when Irons, who broke the record in the preliminary heat, won the final running broad jump with a leap of 26 feet, six and a half inches. Kelley, of Baker City, was second and Bricker of Canada, third.

London, July 22.—T. C. Irons, of America, made a new Olympic record in the running broad jump, leaping 24 feet 5 inches, while competing in the combined sections five and six in the preliminaries to the final event.

Kerr of Canada, won first place in the first heat of the semi-finals 200-meter dash with a time of 22-2-5 seconds. The second was won by Cartmell of America, in 22-3-5 seconds. Clughen of America, won heat three in 22-3-5 seconds, and Hawkins of England, won the fourth in 22-3-5.

Dole of America, made a god showing in the first rounds of the feather-weight catch-as-catch-can wrestling bouts. In the first round he defeated Conkin, in the second round he got a decision over Webster of England. In the second round also Mocal, of England, defeated White of England.

Dan Kelly Wins His Heat.

In section one and two of the running broad jump of today's Olympic games, R. T. Cook of America, won first with a record of 22 feet 10 1/2 inches. In sections three and four Dan J. Kelly of Baker City, Ore., representing the Irish-American Athletic club of New York, won first place, jumping 23 feet 9 3/4 inches. In sections seven and eight Bricker of Canada, won first, jumping 23 feet 3 inches.

Striking the water sideways, Cane, an English swimmer, was seriously injured today in making the high dive. This is the first serious injury. His foot slipped as he was leaving the platform. He tried to right himself in the air, but failed, and struck the water with terrific force and was rendered unconscious.

Spanberg of Sweden, plunged in and saved the drowning Englishman, who was removed to a hospital where he was examined for internal injuries.

Dole then won his third victory in the preliminaries of the catch-as-catch-can match, defeating Mocal.

Establishing another new Olympic record, Bacon of America, won the final heat in the 400-meter hurdle race in 55 seconds. Harry Hilman of America, took second place and Tremmer of England, third.

An effort to teach insane patients at the Chicago asylum is being made by the management of the asylum. Miss Julia Lathrop will have charge of the first class and believes that they can be educated out of their insanity.

FLOAT RAILROAD BONDS.

Central Pacific Must Have Money to Pay Off Its Debts.

New York, July 22.—It was announced here today that the flotation of eighteen million dollars in Central Pacific first mortgage and refunding bonds will be undertaken at once by the Kuhn Loeb company, the Speyer company and the National City bank.

The price of the bonds is undecided, but it may be near the market price which is 97 3/4.

The money may be used for the liquidation of the Central Pacific's floating debt of fifteen million dollars.

The bonds will be guaranteed by the Southern Pacific. The Union Pacific will probably get the bigger portion of the issue because it is the Central Pacific's highest creditor.

BANDITS FARE WELL.

Hold-up Stage in Nevada and Take \$28,000 From Wells-Fargo Box.

Reno, Nev., July 22.—United States police are today watching every station along the Southern Pacific in the northern part of Nevada for the two bandits who held up the stage coach between Likely and Alturas late Monday night, securing the Wells Fargo box, containing \$28,000.

After stopping the horses they ordered the driver and express agent to throw down the box. They then made the driver whip his horses and leave the scene.

None of the passengers were aware of the hold up because it was accomplished so quickly.

The money was the pay roll of the Nevada California & Oregon railway and several stock camps.

BISHOP POTTER DIES IN PEACE

DEATH ENDS SUFFERING OF FAMOUS PRELATE.

Sudden Release Proves too Great Shock for Clergyman Who Had Been Ill Several Months—Brought Into Prominence by Liberal Temperance Views and His Model Seclusion.

Cooperstown, N. Y., July 22.—Henry Cadman Potter, seventh protestant Episcopal bishop of the diocese of New York, died tonight at Fernleigh, his summer home here, after an illness of several weeks, aged 74 years.

The bishop was unconscious all day and the end, which came at 8:35 o'clock tonight, was peaceful and quiet.

Gathered at the bedside of the dying churchman, were Mrs. Potter, wife of the prelate; Mrs. Mason C. Davidge, who came from California, and Miss Sarah Potter, his two daughters; Alonzo Potter, his son; Mr. Edward S. Clark, Mrs. Charles Russel and Mrs. William Hyde, his other two daughters who are abroad, have been notified.

Henry Cadman Potter was born in Schenectady, N. Y., May 25, 1835, the son of Bishop Alonzo Potter of the diocese of Pennsylvania. He was educated in the Episcopal Academy, Philadelphia, but like Phillips Brooks, he took his divinity course in the famous old Alexandria Theological Seminary in Virginia, graduating therefrom in 1857.

Bishop Potter had not long been in office when he began to exhibit the energy and vigor which later made him the leader of his church. One summer, instead of going to Europe, he decided to remain down in the city proper, and to look after the poor of that section. He came to know this life intimately, and it was about this time that he gave forth his famous utterance, "that the Episcopal church, in spite of its magnificent traditions, would be a monstrous impertinence" in case it did not exert itself toward the solution of social problems and the uplifting of the masses of the people.

The bishop's liberal views on temperance subjected him to considerable criticism. The most striking manifestation of this theory in this regard was the dedication of the famous "subway tavern" in New York, with prayer and address by the bishop. This subway tavern was a sort of saloon where the working man, it was planned, could go and get his drink quietly without being subjected to vicious influences. It became the center of sectional attention for several months in mercurial New York, but at length it lost its novelty, failed to attract the poorer classes, and within a year or so was abandoned, as a reform saloon, and became very like any other grocery. As a financial experiment also it was a failure.

The bishop took many journeys to Europe, where he was received, of course, with marked attention. That this did not disturb his poise in any way was shown by his utterance in London, and his repetition of the same

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EUROPEAN WAR TOO EXPENSIVE

Famous Military Expert Says it Would Cost Sixteen Billions Annually.

WOULD ALSO MAKE UNITED STATES SUPREME

"Next European War Will Involve at Least Four Powers," Says General Blume in Report to Emperor—Would Cost Germany Four Billion Dollars a Year—Other Nations Involved Would Suffer Accordingly—This Financial Burden Would Make America Supreme.

Berlin, July 22.—Showing that a European war at this time would cost sixteen billions annually and would result in the United States becoming the undisputed leader of the world, General Blume, a famous military expert, today submitted a report ordered by Emperor William, on the probable cost.

If Germany were to fight another European power Blume says it would cost the empire one billion and a half yearly in direct outlay, entailing a loss of two billion and a half annually in the paralysis of commerce.

Blume declares that owing to the delicate adjustment of European politics, the next war will involve at least four powers and that his estimate of cost applies to each. Such a financial burden would result in the supremacy of the United States.

THUNDER FAILS TO APPEAR.

Heavy Rain Fell Northwest of Town Yesterday.

As far as Pendleton was concerned the thunderstorm promised for last night did not appear. Though a small sized duststorm occurred between 3 and 4 o'clock yesterday afternoon not a drop of rain fell. Consequently last night was the hottest of the season and sleep was difficult during the early hours of the night.

Reports received here show that the windstorm was more severe in other parts of the county. Two hard blows occurred at Pilot Rock and the second, about 6 o'clock, darkened the town so that the lights had to be turned on.

Ten miles northwest of Pendleton it rained furiously during the afternoon and it is said three inches of rain fell at the W. P. Temple place.

Today Is Cooler.

Though today has been far from cool, the thermometer did not run as high today as yesterday. At 1 o'clock this afternoon it registered 106 in the shade on the north side and a breeze prevailing during a portion of the afternoon has helped matters materially.

MISS CARPENTER RESIGNS.

Declines to Accept Position Offered Her in High School.

Miss Clara B. Carpenter has written to the school board that she cannot accept the position in the high school to which she was elected this spring. She was chosen to fill Miss Davis' place in the high school faculty but has declined in order to continue teaching in the grades.

Through Miss Carpenter's declination another vacancy is created in the high school faculty and up to this time the board has no one for the post, though it will doubtless be supplied shortly.

To End the Opium Traffic.

A largely signed petition praying for the abolition of the opium traffic in New Westminster, B. C., is to be presented at the next meeting of the city council. The petitioners are Chinamen who have recently organized a branch of the Canadian Anti-Opium League.

SULTAN GRANTS TURKEY CONSTITUTION.

Constantinople, July 22.—

Against the advice of the councilors, Sultan Hamid today decided to grant a constitution to the people of Turkey.

This is understood to be the only means of checking the Macedonian revolt which has spread until it has affected the whole of the northern portion of the Turkish empire. The Sultan feared the intervention of Russia and France, which was decided upon Tuesday at St. Petersburg.

It is considered he has issued orders to General Bey to cease operations on the Turko-Persian border.