

DAILY CAPITAL JOURNAL.

FORD THROWS A BOMBSHELL

Lawyers Overlook the Fact That While the Governor Vetoed the Appropriation Bill, He Did Not Veto the Bill Amending the Referendum Law. The Emergency Clause in This Bill Provided It Should Go Into Effect On Its Approval by the Governor. It Was Filed Without His Approval and So Would Not Become a Law Until Ninety Days After That Filing, Or Not Until May 25, and the Old Law With Which the Petitions Comply Strictly, Was in Effect.

WITNESSES CONFRONT ORCHARD A DRAMATIC SCENE

Confessed Murderer Faces and Identifies Witnesses Whose Evidence He Knows Will Be Used to Prove Him a Perjurer.

Boise, June 25.—When court resumed today Orchard was brought to identify Bill Alloman, T. C. C. and others, who are going to the stand to impeach his evidence. Orchard denied having a conversation with Max Mallich in the Windsor Turkish baths at Denver on June 15, wherein he told Mallich he would kill Steunberg, if it was his act, because he had made him pauper. He also denied ever telling John D. Elliott, a railway man, that he had been employed two years by the mine owners. He also denied telling Elliott that it had been decided by the mine owners to let the officers of the federation out of the way by having them arrested for a crime they did not commit, and intimating that Steunberg would be killed. The conversation was alleged to have taken place November 28, 1905. He denied telling D. C. Copley, in Frisco, December 4, 1904, that Bradley got what he deserved, and that Steunberg would get his when the opportunity resulted, although he admitted that Steunberg's name had been mentioned. He denied a similar conversation with Charles A. Sullivan, in Cripple Creek; Frank Maugh, in Alliance, and a dozen others. Rather dramatic was the confronting of Orchard with the witnesses who are to impeach him. As they were called by name they came down the aisle to confront him. Orchard would catch his hands tightly and gaze demurely at the witness, turn to Richardson and emphatically deny all impeaching questions. Richardson demurely jolted Orchard when he handed him two pictures of himself, taken immediately after his arrest. The contrast between the man when arrested and the witness on the stand was startling. Hawley attempted to have them ruled out, but, after denying the question, Wood admitted the picture of Orchard with two other men, the witness having a smoking revolver in his hand. Richardson declined to intimate what he could prove by this picture. Orchard was asked regarding a statement he had made against Steunberg to eleven persons, and named all of them. Mary King was the first witness. She told of running a boarding house at Cripple Creek, and said Orchard visited Detective Sterling at various times at her house. Orchard always came in the back door. Frances King, daughter of the first witness confirmed her mother's story. Alice Fithugh, who lived in Cripple Creek ten years, where she saw Orchard in his rooms a number of times, and he always came from the day or at night. C. W. Aller, who worked in the shaft of the Florence mine at Cripple Creek for several years, knew Orchard and Sterling. He saw Orchard consult Scott a number of times during the strike. F. J. age, and Ira Blizard were called, but not responding, a recess was taken.

JAPS HUNTING TROUBLE.

Leave the United States to Stir Up the Japanese. Victoria, B. C., June 25.—By the Empress of Japan advices have been received from Tokio that Yamaska Otaklehl, of Seattle, who with Yamada, of San Francisco, are in Japan arousing public opinion against the United States regarding the San Francisco affair, in an interview with Viscount Hayashi they urged the adoption of reprisals, and that Japan reject the American-Japanese treaty mutually restricting immigration. A request was made that commissioners be sent to San Francisco by the Tokio government to investigate the trouble.

Cloudburst in Montana. Billings, Mont., June 25.—A cloudburst here this morning did damage to the extent of \$100,000, sweeping out five bridges across the Stillwater river, north of here, and drowning out miles of crops.



JEFFERSON DAVIS. New United States senator from Arkansas and ex-governor of the state.

Texas Shuts Out Consumptives. Chicago, June 25.—A dispatch to the Record-Herald from Austin, Texas, says:

All persons suffering from tuberculosis in an advanced stage are to be debarred from entering Texas. Dr. W. H. Brumby, state health officer, said last night that within a few days he would issue a proclamation establishing a rigid quarantine against all person afflicted with the disease in an acute degree. In doing this he classes tuberculosis in the same category with yellow fever and smallpox.

Dr. Brumby has just returned from a trip of investigation in Southwest Texas, where he says he found many health-seekers who had just entered the state suffering from tuberculosis.

Jap Robbed Saloon.

The Dalles, Or., June 25.—Nenonia, a Japanese employe of the White House saloon, was arrested here yesterday by Deputy Sheriff Wood, charged with robbing the cash register of the saloon some weeks since, when \$300 was taken, apparently by some one familiar with the premises. Today the boy confessed his guilt, laying the cause of his downfall to gambling. He had been a trusted employe of the saloon for two years past.

Eleven Killed by Heat.

Pittsburg, Pa., June 25.—Eleven persons are dead and many prostrated as a direct result of the warm weather experienced in the Pittsburg district within the past 24 hours. The maximum temperature yesterday was 82.

ARGUMENTS AGAINST THE REFERENDUM

Two Injunctions Sought to Keep People From Killing Grafts--Mandamus Demanded to Compel Secretary of State to Give People a Vote On University Tax

The case of Eugene Palmer and Cyrus H. Walker, of the Linn County Grange Council against Secretary of State Benson was argued all Monday afternoon before Judge Gallo-way by some of the ablest lawyers in the state of Oregon, and the court adjourned at 9 o'clock until Tuesday morning at 9 o'clock, when Tilmon Ford concluded the argument for the petitioners for the referendum. A sensation of the case was when counsel for the Grangers objected to George G. Bingham appearing for the regents of the University, as they were not parties to the case, and had given out that they were not interested in the decision of the matter. The objection was sustained, and then Mr. Bingham asked leave to appear as associate counsel for the secretary of state, and to this the attorney-general consented. Mr. Bingham then sprung another surprise, saying he might differ with the attorney-general, who held the only matter needed to be heard was the question of the sufficiency of the title to the bill which was sought to be referred. Mr. Bingham said he

would attack the form of the petition, for not having the warning clause, and this was again objected to by Ford and Pogue, as it had been stipulated that the question of title alone should be brought into court, all else being regular.

So Mr. Bingham was admitted into the case as associate counsel for the attorney-general, and one counsel for the state differing with the other, Crawford holding the warning clause not being material, and Bingham declaring that omission from all the referendum petitions to be vital. If his contention is upheld, and it is the same as that of Malarkey and Logan, then all the referendum petitions would be knocked out, and the people would be deprived of the right to vote on any of the bills sought to be held up. On the other hand if the law is strictly construed as to the title of the bill being required, it cannot be liberally construed in the absence of the warning clause. Following is a report of some of the points made in the great debate:

(Continued on page four.)

LAKES TO THE GULF

Wants to Dig Canal to Parallel the Mississippi

Washington June 25.—Lakes-to-the-Gulf deep waterway enthusiasts are looking forward to the presentation of a new scheme to connect the inland seas with the Gulf of Mexico. Word has reached here that plans are being prepared by Capt. Robert E. Orr, of Illinois, which contemplates practically the abandonment of the Mississippi river south of Cairo and the utilization of a chain of lakes in establishing the proposed new route. It is reported that a \$50,000,000 appropriation will be sought to put the scheme in operation.

Capt. Orr's figures, according to reports, estimates that the cost would be about the same per mile as railroad construction. He would have the work begun at Lake Borgne and would carry it north to Cairo, dividing the operations into five sections of about one hundred miles each. From the western end of this lake a cut would be made to lakes Pontchartrain and Maurepas. From these lakes the channel would follow a course slightly northwest until Spanish Lake was reached, when it would assume a north trend and parallel the Mississippi river until it got to Cairo, where connection with the Illinois river would be made. Once into the river the proposed route would be that already discussed and connect with the lakes through Chicago's sanitary canal.

Capt. Orr expects to enlist the Lakes-to-the-Gulf Deep Waterway Association in the matter and will

ask that organization to support his plan. This is the logical association to press the fight before the next congress, if one is to be made, for the National Rivers and Harbors congress, while it is the most representative organization of its kind in the country, is committed to no individual plan of betterment and believes only in the general proposition that the Federal government should expend \$50,000,000 a year on the work of general waterways improvement. The congress, which counts its members in every state and territory in the Union is endeavoring to increase its membership so as to further its program at the coming session of the National legislature. Capt. J. F. Ellison, of Cincinnati, secretary and treasurer of the organization, is bending all his energies to this end.

To return to Capt. Orr's plan, he estimates that it will require four years to complete each of the sections, or twenty years to finish the entire Mississippi portion. His scheme to take the work by a section at a time, completing each link and throwing it open to traffic, Capt. Orr is confident will work great economies. He believes that it would be possible to secure big returns from the gigantic undertaking almost from the beginning of work, and at the same time build up new territory and give shippers transportation accommodations which such a waterway naturally would afford.

Capt. Orr is said to have made a personal survey and close study of the route he has selected. It lies east of the Mississippi and close to the foothills, where soil, as he explains it, is to be found that will furnish a splendid foundation. In addition it will be possible to use this soil in the construction of banks and dikes. The proposed canal will be fitted with locks, but how many the reports do not indicate. It is said that Capt. Orr is firmly of the opinion that it is cheaper to lift a vessel than to compel it to force its way against a heavy current.

WERE AFTER PLENTY.

Gang Tried to Steal Russian Nest-Egg.

Victoria, B. C., June 25.—A plot to steal \$50,000,000 from the Russian office at Tschita, where the money is kept for enterprises in Siberia, has been discovered, and 30 Russians arrested. They had made a 40-foot tunnel from the hotel to the safe.

Attempted Suicide.

San Francisco, June 25.—Grieving over the report of the bar association, recommending that he be disbarred for habitual drunkenness, Superior Judge J. C. B. Hebbard who gained considerable notoriety lately on account of his eccentricities, attempted to blow out his brains in the chambers of his court room this morning. Before he could pull the trigger a newspaper man, who was seeking an interview, succeeded in wresting the revolver from him.



JAMES B. DUKE. Head of the Tobacco trust and many times a millionaire.

Collided in the Fog.

Los Angeles, June 25.—Running at terrific speed through the fog at 5 o'clock this morning the Redondo car, crowded with Mexican laborers, crashed into a freight train, and was almost totally demolished. The motorman was fatally wounded and 11 Mexicans seriously hurt.

A DOZEN MADE HAPPY.

Cupid Takes a Pot-Shot at Marion County Couples.

County Clerk Allen this morning broke all his previous records in issuing marriage licenses. There were six couples who received a legal permit this morning to commit matrimony. The licenses were issued to:

- Albert Goodwin, of Salem, aged 30, and Lyda Lee, of Salem, aged 24; Kate V. Nostran witness.
- Guy W. Chapman, of Portland, aged 23, and Lulu Elva Barnett, of Turner, aged 24; John J. Barnett witness.
- E. S. Cole, of Silverton, aged 29, and Rosa M. Martin, of Salem, of Salem, aged 27; W. B. Scott witness.
- Orley F. Durr, of Mehama, aged 23, and Inez A. Waggoner, of Mehama, aged 19; J. W. Denison witness.
- Wm. H. Carter, aged 26, and Dorothy Geer, aged 24, both of Sublimity; Frank L. Carter witness.
- Tracey C. Poorman and Flora M. Livesley, both of Woodburn; issued upon affidavit of Charles L. Ogle, notary public.

Success in life is accompanied by increase of enemies. That's why Holister's Rocky Mountain Tea has so many imitations; it's a success. 35 cents, Tea or Tablets. Dr. Stone's Drug Store.

STRIKE MAY REACH PORTLAND

STRIKERS ARE FIRM

Situation Some Better in San Francisco, But It Seems Certain That Either Los Angeles, Portland Or Seattle Will Be Called Out

San Francisco, June 25.—Further improvement was made in the telegraph service today, business being moved much better than yesterday. The Western Union has about 65 operators at work on both sides of the bay. The Postal force is only slightly increased. The strikers are standing firm, and confident of ultimate victory. Small is keeping his plans secret, but the general impression is that before the end of the week he will have ordered a strike in another large coast city. It is thought it will be either Portland or Los Angeles. The strike order may come as early as Thursday. This is only conjecture, but there are strong indications they will be fulfilled.

CHINESE REBELLION GROWING

Victoria, B. C., June 25.—Hong Kong advices say refugees are flocking there from the revolutionists in South China. The rebel forces are moving toward Canton. Huichou Kowleon, on the main land opposite Honk Kong, has been captured and the government troops worsted. At Hong Kong a customs official was killed and rebel banners were sprinkled with his blood. Officials and their families drowned themselves in a well.

JAPANESE MINERS MUTINY

Victoria, B. C., June 25.—Ten thousand strikers burned the main buildings and killed the chief of police at Sultoto, in the copper mining districts at Miyonowshita, Japan. Armed with rifles, the miners attacked a regiment sent to quell the riots in the mines, which were damaged a million dollars.

On Trail of Robber.

Fresno, Cal., June 25.—The robber who yesterday held up the Yosemite stages at Bruno's Mine, has been traced to Texas Flat, on the Fresno river. A posse is in pursuit. The man was seen early this morning, traveling south.

Dr. J. F. COOK
THE BOTANICAL DOCTOR.
MOVED TO 840 LIBERTY STREET
FOR ANY DISEASE CALL ON DR. COOK. CONSULTATION FREE.