

NEW TRIAL GIVEN TO LOUIS GLASS

Appellate Court Holds That His Conviction is Invalid.

Irrelevant Evidence Admitted by Judge and Instructions to Jury Were Not Right—San Francisco Telephone Official Convicted of Bribery to Be Tried Again.

San Francisco, April 15.—By a decision of the District Court of Appeals, handed down today, the conviction of Louis Glass, ex-vice president and general manager of the Pacific States Telephone company, found guilty of having offered a bribe to Supervisor Thomas F. Loneragan to influence his vote on the granting of a franchise to the Home Telephone company, is reversed and a new trial ordered.

The reversal is based upon two points: First, the admission to evidence of matters pertaining to certain transactions in relation to the Home Telephone company franchise at Oakland, held by the appellate judge to be irrelevant to the case on trial; and second, that Judge William P. Lawlor refused to instruct the jury as requested by the defense, not to allow the refusal of E. J. Zimmer, an official of the Pacific States Telephone company, to testify to influence their minds, nor to view his refusal as an indication that he was withholding evidence which might incriminate the defense.

The decision of the appellate justices sustains the indictment under which Glass was tried, though after an exhaustive discussion of its text, they declare it to be "not a model," while sufficient for its purpose.

The verdict against Glass was brought on August 30, 1907, and on September 5, 1905, he was sentenced by Judge Lawlor to serve five years in the state penitentiary. The health of the prisoner was very poor, and he was liberated on bail on that account, pending the result of his appeal. The first case against Glass resulted in a mistrial, and his conviction followed the second presentation of the evidence.

KILLED IN RIOT.

Clash of Church and State Authorities in Mexico Serious.

City of Mexico, April 15.—The rioting at Velardeha, the big coal mining camp in the state of Coahuila, last Saturday, according to a dispatch received tonight, was more serious than at first reported, 30 men being killed and many injured.

The trouble was instigated by Father Ramon Valenzuela, the parish priest, it is asserted, who lies near death in a hospital.

Many Americans reside in Velardeha, the camp being controlled by American capital. The leaders of the mob, which was well organized, avoided attacking Americans or destroying American property.

The fighting occurred when the jefe politico of the town, an officer corresponding to a mayor, attempted to stop a religious procession headed by the village priest, Mexican laws forbidding such parades. A thousand parishioners followed the priest, wishing to witness the annual burning of Judas, and the mob, becoming enraged, stoned and later burned the house of the jefe.

That official and his wife escaped by climbing a rear wall and seeking protection in the American colony. The rioters then stormed a Chinese hotel, looting it of all liquors and foods and terrorizing the neighborhood by the night orgy.

The police force fired in their endeavors to restore order. The officers were forced to retreat, leaving six of their number dead in the street. Later troops, which had been telegraphed for, arrived on a special train, and a fierce fight with the rioters ensued.

Father Valenzuela was arrested. One of his followers succeeded in smuggling in a knife to his cell and the priest stabbed himself six times in a vain attempt to commit suicide. He was discovered by the guards just in time to save his life.

Objects to Adjournment.

New York, April 15.—A protest against the continuation of the present hearings in the government's suit against the coal carrying railroads was entered at today's session here by Frank H. Platt, of counsel for the Lehigh Valley Railroad company, who declared he would be compelled to attend a hearing before the Interstate Commerce commission on tidewater coal rates during the week beginning April 19. Attorney McReynolds, for the government, declared that he would not assent to adjournment.

Wagner Loses License.

San Francisco, April 15.—Captain Nicholas Wagner, master of the bark Star of Bengal, which was wrecked on the Alaskan coast last September, more than a hundred lives being lost, has received word from the Alaskan board of inspectors that following a further hearing of his case his license as master and pilot has been revoked. Wagner filed an appeal from this judgment with Supervising Inspector Birmingham today.

"Coffin Nails" Barred.

St. Paul, April 15.—Governor Johnson today signed the anti-cigarette bill which makes it a misdemeanor to manufacture, sell or give away cigarettes or cigarette papers within the state.

BEAN IS APPOINTED.

Supreme Judge of Oregon is Nominated and Will Be Confirmed.

Washington, April 16.—The president sent to the senate yesterday the following nominations:

United States district judge for Oregon—Robert S. Bean.

United States district judge, first division, district of Alaska—Thomas R. Lyons.

United States marshal, first division of the district of Alaska—Daniel A. Sutherland.

Judge Bean will probably be confirmed early next week. His nomination was referred to the senate judiciary committee, and is expected to be favorably reported when next that committee meets. There is not known objection to his confirmation.

The nomination of Mr. Lyons, formerly law partner of Representative Ellis at Pendleton, was returned to the senate, the charges upon which the original nomination was withdrawn having failed of substantiality.

McBride for Bean's Place.

Salem, April 16.—Announcement was made yesterday afternoon at the office of Governor Benson that as soon as the resignation of Justice Bean from the Supreme bench shall have been received, Circuit Judge Thomas A. McBride, of the Fifth district, will be appointed to succeed him.

To succeed McBride, Representative J. U. Campbell will be named by the governor. Mr. Campbell has been practicing law at Oregon City for about 15 years and has served two terms in the legislature, in 1907 and 1909.

MENACED WITH WAR.

Serious Revolutionary Movement in Turkey is Feared.

Constantinople, April 16.—The third day of the revolutionary movement in the capital was marked by more disorders, the most serious of which was a lynching during a demonstration by marines, who objected to the new minister of marine, Vice Admiral Adjem Pasha.

The marines gathered in force and seized and conveyed to the palace Arif Bey, commander of the battleship Assar-I-Tefik, a member of the committee of Union and Progress, who ordered the guns of his ship trained on the Yildiz Kiosk when the rising was at its height. His intention was to support the committee.

Arrived at the Yildiz Kiosk, the men lynched Arif Bey, notwithstanding the efforts of the palace guard to save him.

Ethem Pasha, the new minister of war, and Nazim Pasha today made the round of the barracks and exhorted the soldiers to obey their officers. They were heartily cheered.

Porte circles are disquieted by news from Salonika and Monastir, where the influence of the committee of Union and Progress is strong. Officers of the Porte have received telegrams from these sections demanding the re-establishment of the status quo, failing which the committee leaders threaten to march into Constantinople with the entire Third army corps, whose officers are now in communication with the Second army corps with a view to co-operation.

CALHOUN TRIAL BEGINS.

Honey Undertakes to Prove Charges of Bribe Giving.

San Francisco, April 16.—After three months spent in completing a jury the trial of Patrick Calhoun, president of the United Railroads, yesterday attained the stage where the taking of testimony was commenced, and when court adjourned for the day.

Ferdinand P. Nicholas, the ex-supervisor who is accused of accepting a bribe paid through Abraham Ruef, had been ordered to answer the first vital question in the case. The final acceptance of Michael Murphy, a retired police sergeant, as the 13th juror, prepared the way for the actual inauguration of the trial, and Assistant District Attorney Honey, after outlining to the jury the case he expects to prove, gave way to the first witness.

Sultan Again Holds Helm.

London, April 16.—The news from Constantinople today brings into clearer perspective the latest turn in Turkey's difficult path toward constitutionalism. The counter revolution involves at least the temporary overthrow of the Reform party and the partial triumph of the reaction spirit. The sultan virtually has gained control of the helm of state and all Europe looks anxiously for the next move. The situation closely resembled that of 1877, when the fall of Midhat Pasha left the constitution to a lingering death.

Forest Fires in Mexico.

City of Mexico, April 16.—A great forest fire is raging in the Zitacuaro mountains, in the state of Michoacan. Thousands of persons have been rendered homeless by the fire, and a great quantity of the dye woods in which the region abounds has been destroyed. Owing to the isolation of the region, the fire will have to burn itself out. Already a number of valuable haciendas have been swept by the flames, and scores of villages destroyed.

Measles Delays Troops.

Norfolk, Va., April 6.—An epidemic of measles in the United States training station at St. Helena, with an outbreak of the same disease aboard the United States auxiliary cruiser Prairie, will delay for 20 days at least the transportation of from 1,500 to 1,800 seamen to Panama en route to the Philippines. It is said that fully 500 men have the disease.

Waters-Pierce Company Ousted.

Washington, April 14.—The Waters-Pierce Oil company was finally ousted from Texas today by a decision of the United States Supreme court. The court denied a rehearing of the three cases of the Waters-Pierce company versus the state of Texas. The cases were brought in the courts of Texas. The company was charged with pooling combinations in restraint of trade. As a result the company is denied the right to operate within the limits of Texas.

Gregory Has Been Recalled.

Washington, April 13.—John H. Gregory, Jr., United States charge d'affaires at Managua, Nicaragua, has withdrawn because of slights put upon him that had become unbearable, not only personally, but as a representative of the United States. The State department has not given out details of his grievances.

A BRIEF DAILY REPORT ON THE WORK OF CONGRESS

Thursday, April 15.

Washington, April 15.—A new tariff bill for the Philippine islands, prepared by a board of experts in the islands and approved by the Philippine government and the War department, was submitted to both houses of congress today by President Taft with a message recommending that it be passed at the present session.

Washington, April 15.—In the senate today Bailey introduced an amendment to the Payne tariff bill placing a tax of 3 per cent on incomes exceeding \$5,000 annually, which, he said, would provide a revenue of from \$60,000,000 to \$80,000,000 annually.

Aldrich announced that he would speak upon the tariff bill next Monday, to which time the senate adjourned.

Bailey said he did not introduce his amendment because he desired to tax prosperity, but he "preferred to tax the incomes of prosperous people rather than to place it upon the backs and upon the appetites of people who are at best doing none too well."

Stone introduced a bill providing for free trade with the Philippines and for the independence of the islands within 15 years.

The senate agreed to a house resolution asking that the tariff bill be returned to that body so it might be amended to place upon the free list the products of petroleum, as well as crude and refined petroleum. The bill was returned to the senate when this amendment had been inserted.

Wednesday, April 14.

Washington, April 14.—For more than four hours the Democratic members of the senate conferred today in an effort to agree upon a tariff policy. After the session Culberson, the minority leader, announced that the Democrats had agreed to support an income tax amendment, to stand for substantial reductions and to fight for a decrease in the rates on the necessities of life.

The decision is not binding and the meeting was not entirely harmonious. Some senators admitted frankly that they would seek protection for the industries of their states.

Tuesday, April 13.

Washington, April 13.—In the house the statement that the Aldrich amendments to the Payne bill tend to increase the duties on luxuries and reduce them on necessities is taken with a grain of salt.

Aldrich will make a brief statement to the senate Thursday, explaining the absence of revenue producing features in the amendments to the house bill.

The message from the house asking that the Payne bill be returned for correction of the petroleum schedule, will be received Thursday. In view of the fact, however, that the bill had been referred to the finance committee, amended and reported back to the senate, it is not likely that the bill will be permitted to go back to the house. Senate leaders take the position that there is no necessity for the return of the bill to the house, as the finance committee intends to offer amendments to the petroleum schedule that will efface the error.

Monday, April 12.

Washington, April 12.—The house today adopted Payne's resolution asking the senate to return the tariff bill, accompanied with the direction that it would be sent back to the senate as soon as the engrossing clerk had altered it so as to place petroleum, crude and refined, and all its products, on the free list.

This action was taken to overcome the "joker" in the measure, which, while placing petroleum on the free list, puts a high protective tariff on all of its products.

Washington, April 12.—The amended tariff bill is now on the senate calendar and consideration of the measure will be begun Thursday. It was laid before the finance committee with the Democratic members present this morning and after 30 minutes' parley a vote was taken on the question of making a report to the senate today, all the Republicans voting in the affirmative and the Democrats in the negative.

Soon after the senate met, Aldrich presented the amended bill. Daniel, on behalf of the minority, protested that the Democrats had not been given an opportunity to examine the measure, and Aldrich replied that they could make their examination by Thursday. He said also that, as the majority was responsible for the bill, its course in hastening the report was not warranted.

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Fulton Refuses Ambassadorship.

Washington, April 17.—Ex-Senator Charles W. Fulton will not go to China as ambassador extraordinary and minister plenipotentiary. According to information received here today, which is not official, but which is nevertheless considered reliable in every way, Senator Fulton has informed President Taft that he will not accept the appointment as Chinese ambassador. It is understood the senator has decided not to accept the proffered appointment, owing to his desire to remain in Oregon and practice his profession, the law. He has decided that he cannot afford to accept the appointment and allow his law business to futher lapse from lack of personal care and attention.

"Surface Right" Rules Issued.

Washington, April 17.—Regulations for the government administration of the "surface right" law enacted at the last session of congress have been promulgated by the department of the interior. This law allows holders to retain the rights of land even if after they have filed upon it as a homestead, it is discovered that there is coal or other mineral beneath. The regulations stipulate that the law apply to entries made prior to its passage, as well as to those made afterward, if the lands were not classified as coal lands until after the date of entry.

Arrange for Japanese Guests.

Washington, April 17.—L. Gerlinger, representing the Portland chamber of commerce, is here, with representatives from Seattle, Tacoma and Spokane, to endeavor to arrange the itinerary of the delegation of 30 prominent Japanese, who will come to America in September. They will call on the president to present their ideas and seek his co-operation. If possible they will procure concessions from the Interstate Commerce commission as to the railroads granting special train privileges.

Taft to Take Up Jap Problem.

Washington, April 16.—Secretary Nagel, who independently investigated the immigration problem on the Pacific coast, it was learned today, will report to President Taft on the subject. Nagel's report will cover statistics regarding Chinese and Japanese coolie labor in California and deal with the situation generally. Taft believes he can solve the problem without agitation and it is generally believed he will assume an attitude more sympathetic toward the Pacific coast than did Roosevelt.

Seabee Succeeds Swinburne.

Washington, April 17.—Orders were issued today for the detachment of Admiral Swinburne from command of the Pacific fleet and designating as his successor Admiral Seabee, now commanding the second division of the first division of the squadron of the fleet. Admiral Barry, who has been supervisor of naval auxiliaries at the New York navy yard, will succeed Admiral Swinburne as division commander. Admiral Swinburne will retire on account of the age limit, August 24.

New German Patent Treaty.

Washington, April 16.—The senate committee on foreign relations today ordered a favorable report on a new patent treaty between the United States and Germany. Under the existing arrangement, an American who patents an article in Germany or a German who patents an article in the United States is required to manufacture the article in the country where the patent is taken out within three years. The new treaty eliminates this requirement.

Umatilla Lands Under New Board.

Washington, April 15.—The controversy between two boards of directors of the Umatilla Water Users' association was settled today, so far as the government is concerned, when Secretary Ballinger instructed the reclamation service land office to recognize the so-called "new board." Hereafter the government will recognize only certificates of membership signed by this board, unless the matter is taken into court and decided otherwise.

A.-Y.-P. Stamps on June 1.

Washington, April 13.—Postmaster General Hitchcock has approved a rectangular design for a special issue of stamps on June 1, commemorative of the Alaska-Yukon-Pacific exposition. The stamp bears a ribbon inscribed: "Alaska-Yukon-Pacific, 1909," and a circle frames the picture of a fur seal standing by a cake of ice.

Perry Statue Plan Fails.

Washington, April 13.—Much to the disappointment of the promoters, Count Okuma and Mr. Otani, a well known business man of Japan, sufficient subscriptions have not been received to erect the proposed statue to Commodore Perry, which was to have been unveiled at Yokohama July 1.

John R. Williams, House Clerk.

Washington, April 13.—John R. Williams, of Scranton, Pa., who for several years has been file clerk of the house of representatives, died of an acute attack of Bright's disease at the Pennsylvania club here hearily today.

Congressmen to Junket.

Washington, April 13.—A party of representatives of congress will sail for Panama Wednesday to inspect the canal.

JURORS SWORN IN.

Outlook for Start in Calhoun Trial is Much Improved.

San Francisco, April 14.—Already assured of a place unique in the annals of California criminal jurisprudence, the trial of Patrick Calhoun, who is charged with having offered a \$4,000 bribe to a former supervisor, made a great stride toward completion yesterday. The twelfth juror was sworn to try the case, and when the hour of adjournment was reached the attorneys were engaged in an honest effort to discover a thirteenth talesman, free from disqualifying opinions and beliefs. There is a possibility that the alternate juror, who will hold himself in readiness to serve if any member of the original panel is disqualified, will be selected today, in which event the taking of testimony will be begun Thursday.

Thirteen weeks have elapsed since the president of the United Railroads appeared in court to answer the first of seventeen indictments charging him with complicity in the tangled scandals charged against the municipal administration headed by Mayor Eugene Schmitz and Abraham Ruef. During that time sixty-two juries have been devoted to the trial, and 2,370 citizens have been summoned to attend the sessions as prospective jurors.

MANY FAMILIES HOMELESS.

Rochester, N. Y., at Mercy of Flames for a Time.

Rochester, N. Y., April 14.—Swept along by a 25-mile gale, fire yesterday destroyed several sections of the city and did damage estimated at \$500,000. For a time it was feared that a great portion of the city would be burned and aid was summoned from Buffalo and Syracuse.

One hundred families are homeless and militiamen guard what little they have saved of their household effects. Some of the homeless are quartered in precinct houses and a large number passed the night in a public school building. A heavy rain set in and, while it helped to extinguish the blaze, it was a hardship on the homeless.

The Palmer building, a four-story brick structure devoted to manufacturing interests at Main and Gibbs streets, was the starting point of the blaze, which spread over a wide area and started a second series of fires.

Taft Favors Statehood.

El Paso, Tex., April 14.—A special to the Times from Santa Fe, N. M., says:

Governor Curry announced yesterday that he would remain as governor of New Mexico until statehood is secured. He received a letter from President Taft assuring him of the president's confidence and co-operation. The Taft letter was not given out. Mr. Taft gives assurance of the early passage of the statehood bill.

Governor Gillette Vetoes Bill.

Sacramento, Cal., April 14.—Governor Gillette announced officially yesterday that he would not sign the change of venue bill. The measure was introduced in the recent legislature by Assemblyman Grove L. Johnson. It gives to every defendant in a criminal action the right to a change of venue by simply alleging in an affidavit that he believed the judge to be biased. The Citizens League of Justice of San Francisco appealed to the governor to veto the bill, claiming that it would interfere with the graft prosecutions.

Excursions in Airships.

Berlin, April 14.—Preparations for the international aeronautical exhibition to be held at Frankfurt next July are approaching completion. All sorts of air craft will be seen in flight and facilities will be offered visitors to make trips in airships starting from the exhibition grounds. For sixty days during the exhibition there will be races and other contests. The Zeppelin and the Parseval airships will travel to Frankfurt by air and take passengers on excursions along the Rhine.

Castro Is Not Prisoner.

Paris, April 14.—The French government does not regard Cipriano Castro in any sense as a prisoner. Should Castro come to St. Nazaire the government has no intention of molesting him unless he tries to foment public disorder. It is believed, however, that Castro will leave the Versailles at Santander, Spain, April 22.

750 Appeal to Roosevelt.

Des Moines, Ia., April 14.—More than 750 Des Moines school children have signed a petition to Theodore Roosevelt asking him to change his mind and not kill defenseless animals in Africa. The letter is in the hands of Mrs. Elizabeth Baird, secretary of the Humane Society, who will send it to Mr. Roosevelt.

Jail for Smoking Pipe.

Galena, Kan., April 14.—Because Ace Raines, 18 years old, son of the postmaster here, smoked a pipe yesterday, he was taken to jail. He will face trial Thursday on the charge of having violated the newly enacted law prohibiting minors from smoking.

Sixty Per Cent Tubercular.

Des Moines, Ia., April 14.—An investigation conducted by the Des Moines Tubercular Association has resulted in the discovery that six out of every ten children examined are infected with tuberculosis.

GOVERNMENT ENDS BIG PACKING CASE

Rebating Charges Are Given Up On Orders From Washington.

Attorney General Wickersham Decides No Conviction Can Be Had in Case of Morris & Co.—Further Efforts to Obtain Indictments Are Therefore Useless.

Chicago, April 13.—Uncle Sam has abandoned the prosecution in all investigations of the rebate cases, the affairs of the packers and the alleged Argo peonage system, which have been before the present grand jury. This follows the dispatching of a letter from Attorney General George W. Wickersham, in Washington, D. C., to Morris & Co., officially announcing the abandonment of efforts to obtain indictments of rebating against that firm on evidence that has been heard thus far.

This does not apply to the inquiries on the part of the Department of Justice, which have not been presented before the grand jury. The probe of the National Packing company, which grew out of the Morris & Co. investigation, has not yet been heard by the Federal inquisitorial body.

Fees for services and funds for the transportation of the grand jurors during their session have amounted to \$10,000, while that of witnesses have totaled \$5,000.

HOW RAILROADS SUFFER.

Commerce Commission's Estimate of Loss by Panic Wrong.

Chicago, April 13.—An advance abstract of statistics of American railroads for the year ending June 30, 1908, as compiled by the bureau of railway news and statistics, was made public here today. It says:

"Instead of a decrease of only \$164,464,941 in gross earnings as the result of the temporary financial depression of 1907-08, as set forth in the preliminary income report of the Interstate Commerce commission for the year ending June 30, 1908, the panic of 1907 resulted in a loss of more than \$330,000,000. The loss in net earnings is \$129,540,460, instead of \$111,051,006, as given in the commission's report.

"The two-cent passenger fare legislation caused a loss of \$25,000,000 in gross earnings, although more passengers were carried. The heavy loss in net earnings is partly accounted for by the expenditure of approximately \$32,000,000 necessitated by arbitrary innovations in accounting methods and requirements in regard to the hours and conditions of labor."

FORFEIT IDAHO TIMBER.

Government Takes Evidence Against Barber Lumber Company.

St. Paul, April 13.—Forty thousand acres of timber land worth from \$1,000,000 to \$3,000,000 is at stake in the case in which testimony was taken today by Peyton Gordon, of Washington, special assistant to the attorney general of the United States.

The proceedings were begun several years ago by the Federal government against the Barber Lumber company, of Eau Claire, Wis., to cancel patents that the government had issued between 1901 and 1903 for timber land in the Boise basin, Idaho. The government's complaint declared that the patents had been obtained through fraud.

Mr. Gordon has been securing testimony on behalf of the attorney general's office in Idaho, Nevada, California, Washington and elsewhere. The case will be tried this year in Boise.

Japan Wants Submarines.

New York, April 13.—The Japanese government is negotiating with an American builder of submarine boats for the purchase of plans and specifications for a new type of submarine of smaller model than the type now in common use, but of double speed. It is stated that the proposed new craft would have about the same destructive power as the present type. The purpose of the Japanese government is to send draughtsmen to New York to make drawings, but to build the boats in Japan.

Ice Surrounds Ferries.

Menominee, Mich., April 13.—Surrounded by immense ice windrows, which stretch in a circle of 50 miles on Green bay, or slowly pounding their way through the ice of Chambers island, Ann Arbor car ferries 1 and 3, which left Frankfort yesterday, and were due here this afternoon, have not been located. Lighthouse keepers on a small Green bay island near Death's Door have been communicated with, but none have seen the boats.

Rumor Snake Is Dead.

Muskogee, Okla., April 13.—There is a rumor here that Crazy Snake, chief of the Creek Indians, who has been sought by the state militia for the past two weeks, is dead, but it cannot be verified. The government has representatives in the field searching for the Indian leader.

Alberta Crops to Double.

Winnipeg, Man., April 13.—The first Canadian Western wheat crop report was issued today, showing 100 per cent increase in the seeded area in Southern Alberta. Little seeding outside of that district will be done until the end of the month.