



LOWER COURT SUSTAINED

Supreme Court Decision Handed Down.

DENIES A RE-HEARING

Schmitz Said He Claimed He Was Removed From Office and Railroaded to Prison.

ALSO NULLIFIES RUEF'S PLEA

"Presumptions Are All in Favor of Innocence, and if Facts Stated May or May Not Constitute Crime—Presumption is no Crime is Charged."

SAN FRANCISCO, March 9.—In the supreme court, an unanimous vote was handed down the decision denying the application of the prosecution of the San Francisco bribery graft cases for a re-hearing of the decision of the district court of appeals in the case of former Mayor Eugene E. Schmitz, convicted of extortion in the French restaurant cases. Without a dissenting vote among the seven justices, the court sustained the appellate court in its decision that the indictment upon which Schmitz was convicted was defective in that it did not aver that Schmitz was Mayor; that Ruef, his co-defendant, was a political boss practically in control of the city; that as such they were in a position to exercise power and undue influence over the police commissioners and that it did not show that Schmitz resorted to unlawful means in threatening to have their liquor licenses withheld.

"The decision demonstrates," said Schmitz, "that the highest court in the State believes what I have always claimed, that I was removed from office and railroaded to prison."

The decision practically nullifies Ruef's plea of guilty to the same charge; invalidates the remaining four extortion indictments against Schmitz and Ruef, and will enable Schmitz to gain his liberty on bail after eight months' confinement in the county jail.

One paragraph of the decision says: "It is an elementary principle of criminal law that an indictment must show that a crime has been committed. In no case can an indictment be aided by imagination and presumption. The presumptions all are in favor of innocence, and if the facts stated, may or may not constitute a crime, the presumption is that no crime is charged."

KING ON A JAUNT.

MADRID, March 9.—King Alfonso left for Barcelona shortly after 6 o'clock this evening. He will spend two days there, leaving Barcelona at 5:30 Wednesday afternoon. Some of the Spanish ministry opposed his going while others were of the opinion the danger of his visit was greatly exaggerated. The king himself was not to be dissuaded.

EXPECTED MARCH 12TH.

WASHINGTON, March 9.—It was calculated in the navy department today that Evans' fleet which has made such splendid progress from Callao will reach Magdalena Bay by March 12. It was said at the department that the question of the fleet stopping at a Japanese port was not even under consideration.

CAMPAIGN MANAGER DEAD.

NEW YORK, March 9.—William T. Manning, who was campaign manager for former judge Alton B. Parker in the latter's canvass for the presidency in 1904, and later managed the campaign in this state of Lieutenant Governor Chauler, died of pneumonia yesterday at his residence in this city. Mr. Manning was born in San Francisco and following his graduation from a western university was for a number of years engaged in newspaper work. He contracted pneumonia during a trip through the Southern states last fall and since then has been in ill health.

HIGH SPEED ON A CURVE.

PORTLAND, March 9.—High speed on a curve caused a wreck on the O. R. & N. train No. 6, near Pendleton, March 4, according to the findings of the Oregon Railroad Commission which held an official investigation today. The speed limit under such conditions is 25 miles an hour. The train crew was dismissed from the service as a matter of discipline. The crew would not admit the speed exceeded 25 miles an hour.

DIED FROM LOSS OF BLOOD.

SPOKANE, March 9.—Eugene S. Weire, of Belmont, Wash., died in a hospital Saturday from a hemorrhage from the nose which commenced last Tuesday from some unknown cause. Five physicians failed to stop the flow of blood, which resulted in his death.

LETTER IS PRIVATE

Emperor William's Letter Not to Be Published.

THE INCIDENT IS CLOSED

The London Times Charged That His Majesty Attempted to Influence Legislation in the Matter of the Naval Estimates of Great Britain.

LONDON, March 9.—The king has decided to keep private the personal letter written by Emperor William to Lord Tweedmouth, first lord of the admiralty, in which it was charged by the London Times, his majesty attempted to influence legislation in the matter of the naval estimates of Great Britain. How this decision which was announced from both Houses of Parliament this evening will please the country remains to be seen, since A. J. Balfour, speaking for the opposition, endorsing the policy of the cabinet, it may be predicted that the public may consider the incident closed. The character of William's letter is now generally understood, the specific passage is believed to be in reference to Lord Esher, that he had better occupy himself with drain pipes and keeps his hands off the navy. Lord Esher was engaged in improving the drainage system of Windsor Castle when William was there recently.

HENRY BOSCH DEAD.

CHICAGO, March 9.—Henry M. Bosch, a leader in the wallpaper, paint and oil business in the United States, died yesterday at the August Hospital. Mr. Bosch was born January 25, 1845, in Amsterdam, Holland, and came to Chicago at the age of 22. In 1903 he purchased the business of the Alfred Peats Company in New York, Chicago and Boston.

CROPS BADLY DAMAGED.

OKLAHOMA CITY, March 9.—Ice former here last night, the thermometer standing at 28 below zero this morning. Many peach, apricot and plum trees are in full bloom and the crops were badly damaged.

THE OREGON QUESTION

Inner History Is to Be Made Public.

AMERICA AND ENGLAND

Were on the Verge of War in the Forties of the Last Century.

POINTS WILL BE CLEARED UP

Lord Aberdeen After Insisting the Columbia River as the Boundary But Later Admitted the Contention that 49th Parallel be the Line.

LONDON, March 9.—The inner history of what is known as "The Oregon Question" which brought America and England to the verge of war in the 40's of the last century is about to be given to the public. Professor Joseph Schaefer, of the University of Oregon is now in London gathering material. He has already had access to the correspondence on the subject in the archives of the state department at Washington and the America embassy at London and now is going over the papers in the Colonial and foreign offices. It is expected that many points will be cleared up especially the question which Lord Aberdeen after insisting that the Columbia River must be the boundary line, changed his views and drafted a treaty admitting the contention of the Americans that the 49th parallel be the proper line. Schaefer is inclined to believe that the influx of Americans who outnumbered the British influenced the foreign minister in conceding the American claims in opposition to the Hudson Bay Company which urged that Great Britain should not surrender a foot of territory.

SHIPS AT AN OILER.

SAN FRANCISCO, March 9.—Fired by an ambition to master the difficulties of handling a large ocean vessel, George C. Beckley shipped Thursday morning as an oiler in the engine room of the steamship Maunekaia, which was built at the Union Iron Works by his father, Admiral George C. Beckley, and which is now making its maiden cruise to Honolulu.

After his college days Beckley determined to follow the career of his father. When the building of the Maunekaia was begun at the Union Iron Works he joined the men in overalls and stuck to his task, delving into the manifold problems of engineering and mechanics that confront builders of big ocean steamers.

Last Thursday the Maunekaia sailed from Honolulu in the service of the Island Navigation Company with which his father is closely connected. Beckley is in the engine room, working as an oiler and watching the machinery he helped to construct.

EVANS HEARD FROM.

Word was received at an early hour this morning that the wireless station at Point Lobos was in communication with the battleship Connecticut, Admiral Evans' flagship. Tillamook Head will communicate with the fleet today.

CONEY ISLAND OPEN.

NEW YORK, March 9.—Coney Island, New York's popular ocean side resort, was unofficially opened for the season yesterday, over 25,000 persons taking advantage of the comparatively mild atmosphere to visit the beaches in the vicinity of which numerous "side show" men were found making bids for business. The new six scenic railways that began operations yesterday were well patronized as must of the other "attractions" which had been prepared for the crowd. The openings of Luna Park, Dreamland and the new steeplechase park not having been announced to take place until April.

TROOPS ARE BACK.

SAN FRANCISCO, March 9.—Two companies of the Twenty-second Regiment of Infantry, U. S. A., which have been on duty at Goldfield and which were ordered by the War Department to leave on March 7, arrived at the Oakland Mole yesterday. Company I went to its former station at Fort McDowell, and Company H, pursuant to recent orders, proceeded to the Presidio of Monterey.

PRISONERS PARDONED.

NEW YORK, March 9.—A special cable dispatch to the Herald from Port Au Prince, Hayti, says that President Nord Alexis has pardoned all the persons connected with the Jumeau revolution which took refuge in the American consulate at Port du Paix.

BAILEY OF TEXAS

Makes Great Speech Against Aldrich Currency Bill.

A STORM OF LOUD APPLAUSE

Amendment to Frye Bill—Providing Materials and Supplies for Panama Canal be Carried in American Ships Not to Apply to Gulf Ports.

WASHINGTON, March 9.—Senator Bailey, of Texas, a member of the finance committee which reported the Aldrich currency bill, today held the attention of his colleagues and visitors to the Senate for over two hours in a speech in opposition to that measure. A storm of applause greeted him at his conclusion. The Senators on both sides of the chamber and the members of the House crowded around to congratulate him.

The Senate spent over an hour debating the Frye bill providing materials and supplies from the United States for the Panama Canal to be transported only on American vessels. An amendment by Foster, of Virginia, providing the restriction should not apply to Gulf ports, or any part of the United States from which vessels of the United States could not be secured for the trade, was accepted by Frye. Fulton of Oregon and Bacon of Georgia, sought to have the amendment extended to the North Pacific and Southern Atlantic coasts respectively but were unsuccessful. The resolution will be taken up on Wednesday.

DRUMMERS AND MILEAGE.

NEW YORK, March 9.—Uniting with dozens of other bodies of commercial travelers which have taken similar action, the America Traveling Men's League of this city will send today a delegation of five men to Washington to appear before the house committee on interstate commerce in an argument for the passage of the Sulzer bill which provides for a uniform 2 cent railway rate all over the United States when at least 1000 miles of passage is bought at one time.

PROPHECIES OF STEVENS

Former Engineer of Panama Canal.

IT WILL BE A FAILURE

Says Coal is Fast Diminishing and China Will Be Source of Supply.

COMPLETION OF CANAL 1915

Stevens Says Idea of Canal Being of Great Value in Time of War is Absurd—Believes it Would Have Been Better to Put Money in Ships

NEW HAVEN, March 9.—John F. Stevens, vice-president of the New York, New Haven & Hartford railroad and a former engineer of the Panama Canal, issued a statement regarding the latter enterprise which prophesies the failure of the undertaking. He says the canal will not help the United States in our trade with South America as practically all the inhabitants of the southern continent are east of the Andes and that our commercial relations with the islands of the Pacific and the far east will be little benefited. Our coal and wheat centers are inland and once they are loaded on the cars will it not be cheaper to ship to the Atlantic than ship to the east by way of the canal, that it could be sent directly to ports of the Pacific Coast and then on board ship. Furthermore Stevens believes our coal supply is fast diminishing and that China will be the source of our future coal supply. Siberia is the wheat country of the future with India a close second.

Stevens maintains the canal will not meet the expenses and will cost more than is expected. He fixes January, 1915, as the date of the completion of the canal. He says the idea of the canal being of great value in times of war is absurd. He believes it would be far wiser to put the money the canal will cost into a greater navy.

CABLE CHESS TEAM.

NEW YORK, Mar. 9.—Twelve men as candidates for places on the American team for the cable chess match between America and Great Britain to be contested Friday and Saturday of this week have been named by the Cable Match Committee of the Brooklyn chess club. They are: John F. Barry, Boston; Eugene Delmar, New York; Albert U. Fox, Washington; Hermann Helms, New York; Albert B. Hedges, Staten Island; Clarence S. Howell, London (formerly of Brooklyn) Frank J. Marshall, Brooklyn; Mordecai Morgan, Philadelphia; Jackson W. Solter, Georgetown, Ky.; S. L. Stadelman, Philadelphia; Herman F. Voight, Philadelphia; Geo. H. Wolbrecht, St. Louis. Only ten of these will participate as the opposing team are limited to that number on a side. The contest will be for the Sir Geo. Newnes trophy.

CLOSE PUBLIC SCHOOL.

WELLSVILLE, O., March 9.—The large public school at Empire, O., has been closed by direction of Mayor Griffin until alterations and fire escapes have been put on all the schools.

BASE BALL GAMES.

LOS ANGELES, Mar. 8.—According to an informal agreement entered into to-day between Manager Chas. A. Comiskey of the Chicago American League Baseball Team, and Manager Henry Berry of the local team of the Pacific Coast League, the Chicago Americans will hereafter visit this city annually for spring practise. Manager Comiskey has expressed himself as well pleased with the reception accorded him.

The first team of the visitors will play Monday and Tuesday in San Diego, and will return Wednesday for another game in this city. On Thursday the first team will go to San Francisco and on the following day the locals will begin a series with the second Chicago American team, playing Friday, Saturday and Sunday and all the following week with the exception of Monday.

VANDERBILT FINED \$100.

NEW YORK, March 9.—Wm. K. Vanderbilt, Jr., was arrested yesterday for speeding his automobile at the rate the policeman who arrested him, said, was 30 miles an hour. Mr. Vanderbilt was taken to a police station and gave bail of \$100 for his appearance to answer to the charge.

WASHED OVERBOARD.

SAN FRANCISCO, March 9.—August Gustafson, a sailor, was washed off the deck of the schooner E. T. Hill during a storm on February 28, off Coquille River. His death was reported upon the arrival of the vessel here last night.

RESISTS OFFICERS

Negro Barricades Himself in a Small House.

UNLAWFULLY CARRYING ARMS

When the Officer Walked up to the Door and Called for the Negro, he Began Shooting at Them With a Revolver—Officers Returned Fire.

WAXAHACHIE, Texas, March 9.—Barricading himself in a small house on the Gibbons farm two miles south of Rocket, a negro named Will Williams yesterday made a desperate effort to resist arrest on a charge of unlawfully carrying arms. Constable McAlpine and Deputy Sheriff Hickman went to the negro's house to arrest him. When the officers walked up to the door and called for him the negro began shooting at them with a revolver. The officers exchanged shots with him until their ammunition was exhausted. When help arrived the house was riddled with the bullets. A charge on the house was then made and the door was broken open. Williams and a negro woman were found lying dead on the floor. The opinion of the officers is that Williams killed the woman and then turned the gun on himself.

JURY SECURED.

DENVER, March 9.—At 5:20 this evening the jury secured to try Guiseppe Alia, charged with the murder of Father Leo Heinrichs. The entire session of the court was taken up with the examination of witnesses. The court adjourned until tomorrow morning. It is believed the rest of the trial will not occupy more than two days, and it is not impossible for the case to go to the jury tomorrow night.

CONGO BLACKS IN REVOLT.

ANTWERP, March 9.—Mail reports received here from the Congo Independent State declare that the Issages and Declares blacks, up the Upper Sanga River, in the French Congo have revolted.