

## DECISION REVERSED

### Supreme Court Orders New Trial for Williamson.

### JUDGE ADVISED JURY WRONG

### Law Does Not Require Oath Denying Agreement to Sell When Making Final Proof.

Washington, Jan. 7.—Because the judge before whom ex-Representative Williamson was tried erred in his instructions to the jury, the judgment of the lower court was yesterday reversed by the United States Supreme Court and the case remanded for retrial. That the indictment was correct, that the admission of evidence was in accordance with law and that the rulings of the court were right and proper is affirmed, but because the trial judge erred in admitting certain testimony with regard to final proof and because he erroneously instructed the jury with regard to this same evidence, the whole case must again go to trial or the indictment must be quashed.

The Supreme Court construes the timber and stone act specifically to require entrymen, at the time of making application for land, to submit an affidavit of good faith, showing that they have no agreement, actual or implied, to sell the land upon acquiring title, but there is no requirement that such an affidavit shall be made when final proof is submitted. The indictment of Williamson made specific reference to the affidavit required by law, and did not mention the similar affidavit which is exacted by the land office regulations at the time of final proof. Yet evidence was admitted to show that various entrymen had committed perjury in making such affidavits with their final proof, and the judge, in his instructions to the jury, specifically informed it that it could return a verdict of guilty if satisfied that the evidence showed such perjury had been committed at the time of making final proof. The admission of that evidence and the instructions relating thereto proved the undoing of the case against Williamson.

### RAILROADS TAKE MEDICINE.

### Rate Law Accepted With Good Grace by Nearly All.

Washington, Jan. 7.—More significant and important, perhaps, than any other statement in the twenty-first annual report of the Interstate Commerce commission, which was transmitted today to congress, is that relating to the attitude of railway officials toward the new railroad law. In a discussion of the operation of the act, the commission says:

"By railway managers, almost without exception, the amended law has been accepted in good faith, and they exhibit, for the most part, a sincere and earnest disposition to conform their methods to its requirements."

The commission adds that it was not expected that reforms could be brought about without difficulty or delay, but it is unquestionably the fact that great progress has been made, and that further improvement is clearly assured. To a gratifying extent there has been adjustment of rates and of "abuses" by the carriers themselves. Methods and usages of one sort and another which operated to individual advantage have been voluntarily stopped and it is not too much to say that there is now a freedom from forbidden discriminations which is actual and general to a degree never before approached. As this process goes on, as special privileges disappear and favoritism ceases to be even suspected, the indirect but not less certain benefits of the law will become more and more apparent.

Since the new rate became effective on October 24, 1906, the commission has granted relief in the form of corrective orders in many cases. Upon November 4, 1907, the commission had rendered decisions in 105 contested cases. In 45 of these orders were made against the defendant carriers; in 45 the complaints were dismissed.

### Give Back Indian Land.

Washington, Jan. 7.—Robert L. Owen, United States senator from the new state of Oklahoma, has been under investigation by the Interior department. As a result, Secretary Garfield proposes to institute a suit in the Federal courts to cancel certain deeds held by the senator in violation. It is alleged, of the law. Mr. Garfield is alive to the situation. Senator Owen has been greatly concerned over the investigation made by the Interior department and will fight to keep the land. He is wealthy and can afford the fight.

### Favors Local Option Law.

Columbus, O., Jan. 7.—The message of Governor Harris was read to the legislature yesterday afternoon. The governor urges the enactment of a bill providing for general primary elections with the Australian ballot system; placing of telephone companies under supervision of the state railroad commission, with power to regulate rates, and commends to the favorable consideration of the assembly the adoption of county local option.

### From Japan to Portland.

Victoria, B. C., Jan. 7.—According to advices by the steamship Empress of China today, a leading paper of Tokio says the Osaka Shoshen Kayasha is preparing to open a steamship line between Portland, Or., and Japan and China.

### RUEF GOES TO JAIL.

### Leaves Sumptuous Quarters for a Felon's Cell.

San Francisco, Jan. 6.—Quarters were arranged at the county jail today for Abe Ruef, the deposed boss of San Francisco, who, since his arrest eight months ago, has occupied a suite of rooms in a private house under a special guard.

Sheriff O'Neil, the Schmitz politician, goes out of office on January 8, and his place will be taken by Larry Dolan, chosen at the last election. Judge Dunne, who refused to place Ruef in the county jail while O'Neil was sheriff or fear that O'Neil would allow the prisoner to escape, has ordered that Ruef be transferred from his parlor prison as soon as Dolan assumes office.

Ruef will join the assemblage of distinguished citizens who have moved from their homes on the heights to the branch jail. Ruef will occupy a cell near that in which ex-Mayor Schmitz resides. He will have as neighbors Louis Glass, the millionaire manager of the Pacific States Telephone company, who was convicted of bribery; J. Dalzell Brown, Walter J. Barnett and James Treadwell, the banker whose arrest followed the exposures of the rottenness of the California Safe Deposit & Trust company, and George D. Colizza, the tricky attorney who was brought back from Canada to face charges of bigamy and perjury.

Ruef has been allowed to order his meals as desired and has been living on the best in the land. He is far more than a millionaire, and he has been allowed a great deal of liberty as a result of the form of his imprisonment. All this will now be changed. Just what effect this will have on Ruef's refusal to testify without immunity remains to be seen. It is thought that a good taste of real prison life may cause Ruef to later his views.

### FINE FOR EXPRESS COMPANIES

### Neglected to File Data Asked for by Railroad Commission.

Lincoln, Neb., Jan. 6.—Alleging that the United States, the Adams and the American Express companies had failed to file the amounts of the salaries of the officers and the assets and liabilities of the concerns with the Nebraska State Railroad commission, County Attorney Tyrrell today filed a penal suit in the County court, asking that the fine provided by the statute be imposed.

That the three express companies neglected to file the data demanded by the commission and January 1 was set as the final date for the appearance of the complete reports. The railroad commission notified Attorney General Thompson of the delinquency and he directed County Attorney Tyrrell to begin proceedings.

The railroad commission law passed by the last session of the legislature prescribes a penalty of from \$500 to \$5,000 for refusing to furnish the information demanded by the commission. The laws direct that service be made upon the local agents of the corporations charged with violating the laws.

### PETTIBONE FREE.

### Jury Acquits Him of Complicity in Steunenberg Murder.

Boise, Jan. 6.—The end of the prosecution of the men charged with the murder of ex-governor Frank Steunenberg, with the exception of the cases of Harry Orchard and Jack Simpkins, came Saturday with the acquittal of George Pettibone. Charles H. Moyer, president of the Western Federation of Miners, was formally released at 4 o'clock, and will return with Pettibone in a few days to Denver.

The case of Orchard, the self-confessed assassin of Steunenberg, is in the hands of Prosecuting Attorney Van Dorn, of Canyon county. No statement as to the future procedure in that case has been made, but it will be called during the next term of court at Caldwell, when it will probably be finally disposed of.

Simpkins, a member of the executive board of the Western Federation of Miners, who is charged with complicity in the crime, is a fugitive from justice and the charge against him will stand.

### Ask Carnegie to Help.

New York, Jan. 6.—An attempt to interest Andrew Carnegie in modern tenements in New York is one of the results of the rent strike which has been on for several days. It has been proposed that the city purchase a block or two in the thickly congested East Side and there build modern tenements which would be rented at a low price. There seems to be no prospect of the city being able to do this, at present at least, so leaders in the strike movement will try to get Mr. Carnegie to erect these buildings.

### No News of Mount Royal.

St. John, N. B., Jan. 6.—Although it is four weeks since the Canadian Pacific steamer Mount Royal sailed from Antwerp for this port with 304 immigrants and a crew of more than 100, and nothing has been heard of her in that time, the officials of the line have not abandoned hope that she is still afloat. They are extremely anxious, nevertheless, and fear that the vessel is drifting about the Atlantic in practically a helpless condition.

### Must Not Reduce Rates.

Sioux Falls, Jan. 6.—Judge Garland, of the Federal court, today issued a temporary injunction restraining the South Dakota Railway commission from reducing passenger rates from 3 to 2½ cents per mile.

## DOINGS OF THE SIXTIETH CONGRESS

### Wednesday, January 8

Washington, Jan. 8.—In the presence of the entire house, Williams, of Missouri, and De Armond, of Missouri, whose physical encounter on the floor just before the Christmas adjournment attracted general attention, today engaged in an exchange of amenities which was generally accepted as a public announcement of their respective intentions not to permit their personal differences to interfere with the courteous discharge of their public duties.

The incident occurred in connection with an effort by Dalzell, of the committee on rules, to get the house to agree to a rule giving right-of-way to the bill authorizing the codification and amendment of the penal laws of the United States and limiting general debate to four hours. Several Democratic members expressed the opinion that the rule was a scheme to sidetrack other legislation. Dalzell, however, refuted this.

The rule was passed by an overwhelming majority, despite efforts of DeArmond and seven adherents to secure the yeas and nays, and the house at once proceeded to the consideration and reading of the bill. At the conclusion of the reading, which consumed two hours, the bill was laid aside and the house again took up the resolution distributing the president's message to the several committees, in order to permit Gaines, of Tennessee, to address the house in favor of an appropriation for the Hermitage, the home of General Andrew Jackson, near Nashville, Tenn.

### Tuesday, January 7

Washington, Jan. 7.—Senator Aldrich today introduced his currency bill, which has been a subject for some days. He had the bill read to the senate and announced that the committee would be glad to consider with it all bills that senators might desire to introduce. He assured Culberson that his resolution would receive attention.

Clark, of Georgia, announced that he proposed to have a vote in the senate to test the sentiment of that body on his resolution favoring a Federal law to uphold states in their efforts to make effective prohibition within their borders. He wanted the senate to pass his resolution instructing the committee on judiciary to bring in a bill to accomplish this purpose, but upon objection by Nelson the resolution was allowed to go over until the next meeting.

At 1:40 the senate adjourned until next Thursday to permit more work by committees.

The president today sent in the nomination of Christian Schuebel to be district attorney for Oregon. His sole endorser was Senator Bourne, the other three members of the Oregon delegation supporting George G. Bingham, of Salem. There may be a fight over Schuebel's confirmation.

Washington, Jan. 7.—The resolution referring the president's message to the several committees furnished the occasion in the house of representatives today for a number of addresses, mostly by members on the Democratic side. These covered a variety of subjects, but those that attracted special attention were by Sheppard, of Texas, and Willet, of New York.

The former not only made a plea for the restoration of the legend "In God We Trust" on American coins, but discussed the cruise of the American battleship fleet and referred to a possible conflict with Japan.

Willet placed all the blame for the recent financial panic on President Roosevelt, whom he denounced in severe terms. He charged the president with not being a sensible man and with having turned on the gas and not the light, and with going up and down the country condemning and striking with the big stick the heads of great industrial interests.

The resolution was under consideration when the house adjourned until tomorrow.

### Congress Reconvenes.

Washington, Jan. 6.—With its organization completed, the house of representatives reconvened at noon today. Almost the full quorum of representatives was present. The galleries were unusually well filled. After a half hour's session the house adjourned until tomorrow out of respect for the memory of the late Senator Mallory, of Florida.

In a message to the house today, President Roosevelt urged that in preparation for the work of taking the next census, the 4,000 or more additional employees needed be appointed only after competitive examinations under the rules of the Civil Service commission, and strongly denounced the "patronage system" of making the appointments, saying that the Civil Service commission was fully capable of securing a most efficient force.

The senate was in session only four minutes today, adjourning upon the adoption of resolutions in respect to the death of the late Senator Mallory, of Florida.

### Trust Owns Senate.

### No Hope of Tariff Reduction by the Present Congress.

Washington, Jan. 4.—After considering the matter from all sides, the administration has about reached the conclusion not to press for Philippine tariff legislation at the present session of congress. The cards have been too well stacked against the administration in the senate. The sugar interests are too thoroughly entrenched there on the one hand, and the Democrats, for political reasons, have shown their intention of refusing to assist the Republicans who are friendly to the reduced schedules project, despite their general revision and free trade protestations. The administration as a whole is pretty well convinced that a losing fight this winter would not help matters a year or so later, and the better policy, it is believed, is to reserve ammunition until it will count for actual results.

### Two Companies on Guard.

### General Funston Advises Consolidation for Sake of Economy.

Washington, Jan. 34.—The War department has been in correspondence by telegraph with General Funston in San Francisco, relative to the disposition of the troops at Goldfield in conformity with the president's intentions to maintain the force there, pending the meeting of the legislature of Nevada. General Funston intended a reduction in the number of troops at the mining camp, but the War department has decided to retain there all of the present force, numbering 283 men. In the interest, however, of simplicity, and to avoid the maintenance of a considerable number of officers who were not needed, it has instructed General Funston to consolidate the companies into two.

### Uncle Sam Going Behind.

Washington, Jan. 3.—The forthcoming reports of the government's receipts and expenditures for the month ending Dec. 31 will show a decrease in the receipts as compared with December last year of \$8,529,152 and an increase in expenditures of \$9,381,414, making the net loss for the year \$17,910,566. The decrease in receipts from customs is \$6,895,959; from internal revenue, \$2,768,645. Miscellaneous receipts increase \$1,135,452. Increases of expenditures are: Civil and miscellaneous, \$2,000,000; war, \$1,500,000; navy, \$4,000,000; pensions, \$2,400,000; public works, increase from \$4,843,711 to \$8,899,000.

### Frisco Postmaster Will Lose.

Washington, Jan. 9.—The nomination of Arthur Fisk to be postmaster at San Francisco will not go to the senate today, unless the president changes his mind. Postmaster General Meyer said he was sure the president did not intend to reappoint Fisk today. Congressman Kahn said that he had positive information that charges against Fisk for violation of the postal regulations had been filed last May and that these charges had not been investigated by the postoffice inspectors for some unknown reason.

### Decrease in Army.

Washington, Jan. 8.—Secretary Taft is a strong advocate of increased pay for the army, and his annual report, just sent to congress, completely dispels any doubt that may exist as to the disposition. The report shows rapid decrease in the strength of the regular army in recent years (the loss last year being 4,428 men), and the pressing need of officers to replace those now on detailed on recruiting duty as military instructors in educational institutions.

### New Chief Chosen.

Washington, Jan. 4.—Captain John Elliott Pillsbury, was today selected for chief of the bureau of navigation, Navy department, after a conference held by the president with him and Secretary Metcalf. The selection is at best only temporary, unless the president should decide again to commission a retired officer as chief of the bureau. Captain Pillsbury must retire on account of age December 15 next.

### Court Hits Roosevelt.

Washington, Jan. 8.—President Roosevelt's big stick received a dent today when the United States Supreme court declared unconstitutional the employees' liability act passed by congress in 1906 at the request of the president.

### New Ships Built in 1907.

Washington, Jan. 4.—During the calendar year 1907 the bureau of navigation reports 1,056 vessels of 502,508 gross tons built and specifically numbered in the United States, compared with 1,045 vessels of 393,291 tons in 1906.

### FEELING IS BITTER.

### Vancouver Is Aroused by Latest Attack of Japanese.

Vancouver, B. C., Jan. 3.—While at no stage did the fight between the three city firemen and the Japanese reach anything like the dimensions of the September riots, the incident has revived the bitter feeling. After all the explanations and apologies that have been made, both civic and governmental, citizens of Vancouver did not believe it possible that an attack such as occurred could be made.

All three victims are still alive, though at least two are disfigured for life. Young Frost, a fine-looking athlete, had his nose sliced off by one of the sword-like knives of the Japanese. The other men, though fearfully injured, are recovering. McDonald was removed to his home, while Anderson is still in the hospital with Frost.

The most serious feature in the popular view is that the Japanese section is practically an armed camp against the whites of Vancouver. Two thousand men live together there, ready to murder any one who makes the slightest disturbance. The present instance is regarded as particularly flagrant, because the young men were in uniform, with firemen's caps, and for all they knew the Japs might have been assaulting policemen.

The truth is simply being forced home to the entire city that the Japanese here are barbarians enough to murder on the slightest provocation. Vancouver has been a little ashamed of herself since the night of the September riots, but the frightful attack is just now being regarded in some quarters as showing complete justification.

### MAY SUE HARRIMAN.

### Bonaparte Soon to Issue Statement on Railroad Merger.

Washington, Jan. 3.—"Within a week or ten days the department of justice will issue a statement regarding the ownership by the Union Pacific of stock of the Southern Pacific," said Attorney General Bonaparte. "It had been contemplated to issue the statement earlier, but the absence in Europe of special counsel employed by the government has caused the delay."

While the attorney general will not admit at this time that the statement will be the announcement of proceedings against the Union Pacific for violation of the law prohibiting restraint of trade, there is excellent authority for the statement that it will be. The department of justice, according to one of its high officials, has reached the conclusion arrived at by the Interstate Commerce commission that the control which the Union Pacific has obtained over the Southern Pacific by the purchase of stock is in violation of the law and amounts in substance to the merging of two competing railways.

Not only will the government proceed for a dissolution of the merger and a restoration of the competition which prevailed before the Union Pacific bought Southern Pacific stock, but the courts will be asked, it is stated by an official of the department, to break up the combine under which the two railroads are alleged to operate their steamships.

### NIGHT RIDERS FIRE A TOWN.

### Burns Tobacco Warehouses in Russellville and Wounds Men.

Nashville, Tenn., Jan. 3.—A long distance telephone message to the American from Russellville, Ky., says that night riders visited that town at 12:45 o'clock this morning. The tobacco warehouse of H. G. Work & Company and the American Snuff company were dynamited and burned. The planing mill of Roberts & Brown and three other smaller houses were more or less damaged.

Many shots were fired, and it is reported that two men, one of them a commercial traveler, were wounded.

Russellville is a town of about 4,000 inhabitants and it is the county seat of Logan county, which borders on the Tennessee line. It is in the heart of the dark tobacco district and but one county, Todd county, separates it from Christian and Trigg counties, the scene of the recent depredations in and around Hopkinsville. Further details were not obtainable at 3 o'clock this morning.

### Smelters Are Closed Down.

Helena, Mont., Jan. 3.—The American Smelting & Refining company, it is authoritatively announced here tonight, will shortly close down several of its smelting plants because of the depression in the lead market. At the East Helena plant today the company reduced its force 100 men and tomorrow a 10 per cent reduction in wages will be posted for the 250 men who are retained. Manager Frank M. Smith, of the local plant, received notice several days ago from officials of the company that the smelter would be closed.

### Rebel Against Zelaya.

Panama, Jan. 3.—Advices from Bocas del Torres say that passengers arriving there from Bluefields, Nicaragua, report that the Mosquito Indians have risen against the government of President Zelaya, who is accused by them of being responsible for the death of their chief. Conditions were considered so serious by the commander of the British man-of-war cruising in Nicaraguan waters that bluejackets were landed to protect the interests of foreigners.

### Growth of New York Values.

New York, Jan. 3.—Controller Metz, in a review yesterday on the growth of the city in the ten years since consolidation said that the assessed valuations of real estate owned by the people had advanced from \$2,532,416,819 in 1898 to \$6,240,486,602 in 1907.

## BIG LINER MISSING

### Mount Royal With 400 Passengers Long Overdue.

### OWNERS ABANDON ALL HOPE

### Sailed December 7 From Antwerp for St. John, N. B., and Not Heard From Since.

Victoria, B. C., Jan. 4.—A private dispatch from Toronto says the C. P. R. has given up hope for the steamer Mount Royal overdue from Antwerp with 400 passengers.

### No Word Received.

St. John, N. B., Jan. 4.—No word has yet been received here of the Canadian Pacific line steamer Mount Royal, which left Antwerp on December 7 for St. John, having on board 304 immigrants, mostly Italians and Jews, besides a crew numbering more than 100 men.

The Canadian Pacific officials in this city, while expressing anxiety regarding the vessel, stated today that they believed the steamer probably had met with some accident to her machinery which had caused her to drift far out of her course, and that she would be heard from in due time at some other port.

### May Have Gone to Rescue.

London, Jan. 4.—The non-arrival of the Allan line steamer Hungarian, which sailed from Greenock, Scotland, December 14, and is now a week overdue at Portland, Me., leads shipping men to believe that she has fallen in with the Canadian Pacific liner Mount Royal, which is now long overdue at St. John, N. B.

### BOYCOTT THE EXPOSITION.

### Seattle Unions Disgruntled at Action of Committee.

Seattle, Wash., Jan. 4.—At a meeting of the Building Trades council last night, the assembly voted to call upon labor organizations everywhere in the country to lend support to opposition to the 1909 fair. Action was taken after the executive committee of the exposition had refused to incorporate in the building contracts a clause specifying that only union men be employed.

J. E. Chilberg, president of the Alaska-Yukon-Pacific exposition, says: "After considering the demands of the union, the executive committee decided it could not discriminate. Money subscribed for the exposition came from all people. We do not object to union nor union men. We refuse to play favorites."

By the declaration of the open-shop policy, notices of which went into effect yesterday, causing the walking out of 160 employes in the metal works of this city, Seattle is facing a general strike which means that at least 5,000 men will become involved, and at least \$1,000,000 in building will be retarded before a settlement is reached.

### INFLUX OF JAPS.

### Fifteen Hundred Coming to Vancouver From Honolulu.

Vancouver, B. C., Jan. 4.—The unexplained arrival of 300 Japanese in Vancouver yesterday and the prospect of an influx of another 1,200 within the next month from Honolulu are the features of the Oriental situation in Vancouver. Why the 300 Japs came to Vancouver yesterday is a mystery. All the morning they poured into town from the coast logging camps, and some even from the American side of the boundary line. The boarding house keepers of Japtown had a busy time housing them. Last night there was the usual crop of rumors that they came in view of possible trouble, and officers of the Asiatic Exclusion league were much perturbed over the event.

Yesterday it was announced that at least 1,000 Japanese would come from Hawaii during the next three weeks.

### Cost of New Year Celebration.

New York, Jan. 4.—Men who are fond of figures say that New York's New Year celebration cost \$1,750,000. At one restaurant that night receipts were over \$20,000, 2,000 quarts of champagne being drunk. It is estimated that the diners around town made away with 42,000 quarts of champagne and 46,000 quarts of claret, not to mention the barrels of other drinkables consumed. Souvenir hunters were out in force and every hotel and restaurant lost great quantities of glass and other ware.

### Way to Prolong Life.

Chicago, Jan. 4.—Dr. J. C. Siebel, a physician of this city, announced today before the American Association for the Advancement of Science that he has discovered a method of generating energy within the human body. He asserted that electricity stored in the human body can be released and made to do the work of prolongation of life through the additional vitality applied to the human body working as its own electrical generator.

### All Lost Except Three

City of Mexico, Jan. 4.—Ramon Portas, second officer of the steamer Ibero, has arrived at Vera Cruz and reported that the vessel sank in a storm on the night of December 2, and all on board were lost except three.