

SCHMITZ WINS OUT

Supreme Court Finds Fatal Defects in Indictment.

RUOFF'S PLEA ALSO NULLIFIED

Seven Judges Unanimous in Holding That Facts Stated Do Not Constitute Crime.

San Francisco, March 10.—The Supreme court yesterday handed down a decision denying the application of the prosecution in the San Francisco bribery-graft cases for a rehearing after a decision by the District court of Appeals in the case of ex-Mayor Eugene E. Schmitz, convicted of extortion in the French restaurant cases. The seven dissenting vote among the seven justices, the court sustained the indictment upon which Schmitz was convicted and which Schmitz was acquitted in that it did not aver that Schmitz was mayor; that Ruoff, 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 liquor licenses withheld.

"The decision demonstrates," said ex-Mayor 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 contention of the respondent that the appeal was prematurely taken," says the Supreme court, "has no merit. The court is unanimous in the opinion that the District court of Appeals was correct in its conclusion that the indictment was insufficient in that it did not show that the injury to the property threatened by the defendant was an unlawful injury."

GREAT FEAT OF WIRELESS.

Message From Fleet in Pacific Is Received at Pensacola.

Washington, March 10.—About the last place that the Navy department expected to hear from the Atlantic battleship fleet for at least six months was the Atlantic coast, yet this is what happened. The Navy department today received a telegraphic message from its wireless station at Pensacola, which had been in direct communication with the battleship fleet, a most remarkable performance considering that the wireless impulses were obliged to traverse the Gulf of Mexico, then cross overland the state of Texas, part of Mexico, and again cross several hundred miles of ocean.

FLEET TAKES TO MARE ISLAND.

San Francisco, March 10.—The battleship fleet came into direct communication with Mare Island yesterday, the message being the first this coast has received from the warships. Communication was had by wireless for a distance of 2,600 miles, the message being from the battleship Maine of Evans' fleet. Yesterday morning the operator at the wireless station at Mare Island, in responding to the call of his instrument, was surprised to discover he was in direct communication with the Maine. Though 2,600 miles away, the message was clear. Communication was soon cut off on account of other stations interrupting.

Rebuid the Cliff House.

San Francisco, March 10.—Dr. Emma Merritt, executrix of the estate of Adolph Sutro, was given permission today by Judge Coffey to apply the \$47,000 insurance money received after the destruction of the Cliff house toward the erection of a new building. The petition was opposed by Attorney J. F. Bowie and Joseph Mayer, who represented the heirs. Bowie objected to the rebuilding of Cliff house, but thought the heirs should have the direction of expending the money.

Castro Much Agitated.

New York, March 10.—President Castro, of Venezuela, is showing much anxiety over the attitude taken by the United States in regard to the status of claims of Americans against that country. This was shown, it was stated today, by his recall to Caracas, of a Venezuelan minister, recently secretary of a Venezuelan mission in Washington. Pulido, in the absence of a Venezuelan minister at Washington, was the charge d'affaires, and President Castro wants him to make a personal report on the situation.

Chinese Hold Meeting.

Canton, China, March 10.—A monster meeting was held here tonight to resist the demand of the Japanese government for the release of the Tatsu Maru. The meeting was attended by a great number of prominent personages who vigorously asserted China's sovereign rights. A resolution was adopted to the effect that, falling the confiscation of the ship and her cargo, a boycott would be inaugurated against Japanese manufacturers.

Mutiny in Caracas Falls.

Caracas, March 4, via Port of Spain, March 10.—An uprising occurred here last night in a barracks, the soldiers killing their commander, General Mess. The mutiny was quelled only after a number of soldiers had been shot.

REVISION ASSURED.

Extra Session to Be Called to Go Over Tariff.

Washington, March 9.—Plans for the revision of the tariff have been agreed upon by the Republican leaders, including Roosevelt, Speaker Cannon, Senator Beveridge and Representatives Payne, Daisell and Sherman, the three latter being members of the house ways and means committee, who will frame the new law.

An extra session of congress will be called immediately after the expiration of the present congress next spring and a bill will be drafted reducing to use of the high schedules in steel and iron and equalizing others. If the Democrats are successful in the national election next fall, President Roosevelt will call congress immediately after the result is known, so that the tariff can be revised by the Republicans.

DEMANDS ARE MADE.

Japan's Minister Presents Ultimatum to China.

Peking, March 9.—Japan's ultimatum in the case of the Japanese steamship Tatsu Maru was presented to the head of the Chinese Foreign board today, and the board has the matter under consideration.

LEAVE SCHOOL WITHOUT PANIC.

Singing "America" 2,000 New York Children Reach Safety.

New York, March 7.—A special call was sent into the public school on One Hundred and Ninth street, between Amsterdam avenue and Broadway.

SECRETS OF TORPEDOES.

Bliss Company Says Employee Has Stolen Brass Models.

New York, March 7.—The E. W. Bliss company, manufacturers of projectiles, secured the arrest last night of William Esser, a mechanic, of Brooklyn, who it is charged, has stolen the brass models of the principal parts of torpedoes now in process of manufacture for the government.

Put Blame on Huston.

Harrisburg, Pa., March 7.—The plea for acquittal of ex-auditor general Snyder and ex-State Treasurer Mathews, two of the defendants in the capitol conspiracy trial, was made today by Lyman D. Gilbert, their counsel, who contended they had honestly followed honest advice given by J. M. Huston Pennsylvania architect. J. M. Huston was characterized as the real conspirator in the contract scandal, but said Mr. Gilbert, there was no conspiracy on the part of the state engineer in the investigation of people on the other side.

Petition Czar for Mercy.

St. Petersburg, March 7.—M. Tschalkovsky, who is awaiting trial for revolutionary utterances, was visited today by physicians, who are to determine the state of his health. Mme. Tschalkovsky will present to Premier Stolypin an English petition in favor of her husband, signed by 300 leading clergymen and members of the nobility. This is the petition that Count Benckendorff, Russian ambassador in London, declined to forward to St. Petersburg. It will be followed by a general English petition.

Teach Girls to Gamble.

San Francisco, March 7.—Police Judge Smith, of Oakland, this morning sentenced August Salmin, who was convicted last Tuesday of selling pools on the horse races, to pay a fine of \$300 or serve 180 days in jail. Judge Smith, in passing sentence, remarked that gambling is entirely too prevalent in Oakland. He said that only a few days ago he himself stepped into a cigar store and saw there two young girls studying the "dope sheet."

Illegal Fencers Fined.

Helena, Mont., March 7.—United States Judge Hunt today imposed rather severe penalties on four well known Northern Montana stockmen and ranchmen who pleaded guilty to illegal fencing. The fined and imprisoned following: Joseph and Frank Laird, ten days and \$250 each; Nelson Bright, 48 hours and \$200; James Bingham, 48 hours and \$100.

RUOFF ACCUSES HENEY

Makes Serious Charge of Subornation of Perjury.

ALLEGES UNLAW INFLUENCE USED

Declares His Testimony Was Obtained Through Misrepresentation—Wants to Change Plea.

San Francisco, March 7.—This morning at 10 o'clock Abraham Ruef was brought through his attorneys, Henry Ach, Frank J. Murphy and M. C. Chapman, present to Judge Dunne a motion to allow him to withdraw his plea of guilty entered on May 15, and substitute a plea of not guilty in the case brought on indictment No. 305, one of the French restaurant extortion cases.

To support his motion Ruef will file affidavits of a sensational nature, the substance of which was given out tonight. In filing the motion Ruef states that the plea of guilty was improperly and inadvisedly tendered and that the defendant is not guilty of the offense charged, and that he was induced to enter the plea of guilty by virtue of an agreement and understanding with the district attorney, William H. Langdon, the assistant district attorney, Francis J. Heney, the special agent of the district attorney, William J. Burns, and the financial backer of the district attorney in this prosecution, Rudolph Spreckels, and because of the agreement and understanding of the judge presiding in this department of the Superior court, Judge Frank H. Dunne, that the plea of guilty should subsequently be withdrawn and the plea of not guilty substituted, and the cause dismissed against the defendant.

CAUGHT IN TRAP

Death March in Collinwood School Led to Locked Door.

Cleveland, O., March 6.—Twenty-four hours after the disaster which caused the death of approximately one-third of the school children of Collinwood, the 137 had been identified at the Lake Shore morgue, while 27 bodies remain there in a condition of mutilation probably forever beyond recognition.

WEST IS ADVANCING.

President E. A. Bryan of the Washington State College, Has Returned from his tour of the European continent, and is at present in preparing a series of lectures, the subjects of which he triggered while abroad. President Bryan's trip was something in the nature of an investigation of modern education, both technical and classical, as found in the most advanced and greatest educational institutions of nations. Before leaving America he visited several of America's most famous institutions, and both in England and on the continent called at the world's best known centers of learning. His conclusions were recently stated as follows:

"I believe the time is not remotely distant when the educational institutions of the West, meaning the western part of the United States, will be fully as efficient, and as famed as the best universities and colleges of the old world. The tremendous fund of rapid development now in progress, the geographical position with reference to the new commercial empire of the Pacific, and the wide-awake nature of Western people make these things certain. Never again will men have a Western frontier to look to when seeking new homes for the expansion of new ideas. Humanity has made its path around the globe, and now, at the journey's end, the Pacific coast, must there be an upbuilding, and intensive, rather than extensive, development of all institutions. What this means to the people of the West they do not at present fully comprehend. But the progress of events nowadays is very rapid, and the work of these new forces will be evident within only a few years."

IDE OF RAILROADS.

Content Low Lumber Rate Will Prevent New Construction.

Washington, March 6.—Argument of the Pacific Coast lumber case was resumed before the Interstate Commerce commission yesterday. J. D. Kerr, representing the Hill roads, frankly stated that the Northern Pacific and Great Northern have reached their capacity for handling traffic. He said as the development of the Northwest continued, traffic would grow. Therefore existing roads must increase their capacity or new roads must be built, but he declared no new roads would be built to haul lumber unless they had a guarantee of a rate that would be remunerative. If the old non-compensatory lumber rate is continued in effect, money cannot be procured and railroad building will stop, he said.

WANT FOREST PRESERVED.

Wholesale Lumber Dealers Approve Policy of Government.

Washington, March 6.—The concluding feature of the 16th annual convention of the National Wholesale Lumber Dealers' association was a banquet at the New Willard last night.

Miners on Non-union Basis.

Seattle, Wash., March 6.—A cable dispatch to the Post-Intelligencer from Fairbanks, Alaska, says: "Nineteen operators on Valdez creek, formerly operating eight hours and paying \$5.00 a month, have voted to work on a non-union basis. They will be paid \$10.00 a month, and have no right to demand a strike. The men are being sent out to work in the mines. More men are working on the non-union basis than ever, many union operators having joined the minority association and prospects are bright for a banner season."

Honey Given More Time.

San Francisco, March 6.—The prosecution in the bribery-graft cases this morning again asked for further time to answer the affidavits filed by Abraham Ruef in his motion for the vacation of his arraignment on indictment, and was granted until Monday morning by Superior Judge L. J. Heney gave his affidavits completed that the prosecution was going over the entire matter thoroughly and carefully.

Would Classify Banks.

San Francisco, March 6.—Representatives of the San Francisco Savings Bank association appeared before the special legislative committee on banking laws today in order to make recommendations for the amendment of the existing laws. The chief recommendation was that laws be passed separating the three different kinds of banking known as trust business, commercial business and savings deposits, so they can be better regulated.

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Officers Deeply Concerned Over Future if Men Are Not Given Adequate Compensation.

MORE INFANTRY IS NEEDED

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Washington correspondence: One could not exaggerate if he would the spirit of actual hopelessness with which the officers of the American army will view the future if Congress fails at the present session to pass the bill granting an increase of pay to the rank and file. At some of the posts there are barely enough soldiers to do guard duty as it ought to be done. It is a present condition with which the army officers are concerned first, and it is a future condition over which they are concerned second. The future condition is the more serious, because it means that if things go on as they have been doing the country and its island possessions will be defenseless.

Men who have worn shoulder knots since the days of the civil war are in all seriousness that unless the people bring pressure to bear upon Congress to provide adequate pay for the soldiers the regular army will find themselves, as far as the regular army enters into the matter, practically without defense, and reduced almost to the stage of having no seasoned force as a nucleus of efficiency for untrained national guardsmen and green volunteers. Field libraries, recreation rooms, field athletic, comfortable quarters, good food, good clothing, free medical attendance and plunge and shower baths all avail nothing to attract men to a life which would draw them by the thousands if a decent allowance of pay for the service they render in peace, and always have been willing to render in war, were added to the inducements.

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By J. L. Ashlock, Washington State College.

The results of an experiment, which for the past fifteen years has been in progress at the state experiment station, completely refutes the old superstition that a cold January and February are apt to be followed by a warm March and April, or that one year of an average low temperature is apt to be followed by a year in which the temperature will average high.

AGRICULTURAL CLUB AT IDAHO UNIVERSITY

By J. H. Frandon, Idaho Experiment Station.

The formation of an Agricultural club on the 19th of December marked an important event in the history of the agricultural department of the university of Idaho. The club is intended to promote a more lively feeling towards agricultural work among the students and to interest the farmers of the state in the college. Several methods will be used in carrying out this work, the principal one of which will be the publishing of a magazine known as the Idaho Student Farmer. The first and only number of the present scholastic year will be published in a short time. Beginning next fall a quarterly will be printed. This magazine will take up subjects of the utmost interest to farmers and to agricultural students. Your name and 10 cents to cover postage sent to the Idaho Student Farmer, University of Idaho, Moscow, will secure a copy of the first number.

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The following publications of interest to farmers and others have been issued by the Agricultural department of the Federal government and will be available, except where otherwise noted, upon application to the Superintendent of Documents, Government Printing Office, Washington, D. C. Circular No. 58.—Irrigation in the Valley of Lost River, Idaho. By Albert Eugene Wright, agent and expert, irrigation investigations, office of experiment stations. Pp. 24. Bulletin No. 73.—Irrigation in a Rocky Mountain State. By J. C. Ulrich. Pp. 64. Pls. 10. Price 10 cents. Explains the agricultural conditions prevailing and the methods of acquiring and using water for irrigation practiced in that portion of the arid region covered more particularly by the states of Colorado, Wyoming, Utah, Idaho and Montana, in which the conditions and methods are somewhat similar.

ORANGE SYRUP.

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Adding the milk for custard pie adds greatly to its flavor. An addition of a teaspoonful of brown sugar or molasses is also helpful.

SQUASH PIE.

Peel the squash—a yellow one—and cut into pieces. Cover with water and let it keep it from burning and stew until very soft. Rub it through a sieve, add to a quart of the pulp a quart of milk, one cup of sugar, with eggs beaten very light, and spices to taste. Beat well, pour into an oiled crust and bake until "set."

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Mixed with the common stone polish will give a wonderful polish.

A PAGE FROM HISTORY.

How a Fat Free Stomached Lincoln on the Road to Freedom.

Everybody's Magazine recently published "The Romance of the Repealer." Henry T. Wright, a nephew of the late Hon. Walt Talcott, in his time one of the best known men of northern Illinois, looking off the out grain into bundles for the articles.

"It is almost impossible for the man of our time to realize the early days of our republic. Think of a reaper so crude that it took one man to drive and another walking beside it to rake off the grain. The writer's father walked day after day beside one of the first McCormick reapers set up in Illinois, raking off the cut grain into bundles for the binder."

THIS ARTICLE IN EVERYBODY'S REFERS TO THE GREAT LEGAL FIGHT BETWEEN THE MCCORMICKS AND THE JOHN H. MANN COMPANY OF ROCKFORD, ILL., AND NAMES THE ARMY OF LAWYERS WHO WERE RETAINED IN THE CASE BY THE TWO PARTIES TO THE SUIT. THESE, AS REVISED BY THE ROCKFORD REGISTER, WERE PETER H. STANTON, GEORGE HARDING, EDWIN M. WATSON AND ABRAHAM LINCOLN FOR MANN; MCCORMICK'S ATTORNEYS WERE ROVERDY JOHNSON AND E. N. DICKINSON.

Mr. Wright tells how Lincoln came to be in the case and of the far-reaching influence of his connection therewith. "The firm of John H. Mann & Co. was composed of John H. Mann, Walt Talcott and Ralph Emerson, a son-in-law of Mr. Talcott. Mr. Talcott was a member of the Illinois State Senate, and while attending the sessions of the Legislature, made the acquaintance of Abraham Lincoln, a member of the House. The fact is that party lines were drawn much closer then than now. The anti-slavery men in the Illinois Legislature at that time were but few in number and in the intense heat and bitterness of the conflict were thrown into very close touch and sympathy. Mr. Talcott and Mr. Lincoln were both members of this minority. Though small in physique, no man could have a larger heart and broader sympathies than Walt Talcott. In fact, he had a genius for making friends and forming friendships that were deep and lasting. He and Mr. Lincoln became great friends. He told his partners he believed Abraham Lincoln would be a valuable man for them in their reaper suit and it was through his insistence that Mr. Lincoln was finally retained. After Lincoln became President he told Mr. Talcott that the fee in that case was the largest he had ever received up to that time, and it was that money that enabled him to close his law office in Springfield and make the now famous Lincoln-Douglas joint debate canvass of the State of Illinois. It is a matter of history that this debate brought Mr. Lincoln before the country, gave him a national reputation, and finally made him President."

"IT WAS IN THIS MCCORMICK-MANN SUIT THAT MR. LINCOLN FIRST CAME TO KNOW EDWIN M. STANTON. WHEN HE BECAME PRESIDENT IT WAS MR. STANTON HE SELECTED TO BE SECRETARY OF WAR."

FINGER PRINTS AS EVIDENCE.

This was the only proof of the identity of the man who was the murderer of the Paris correspondent of the London Telegraph. A wealthy woman living at Asnières was found murdered in her bedroom, having received a violent blow on the skull and two deep wounds from a knife. Her nephew, Rene Graille, a hospital attendant, was arrested on suspicion a few days later. No reason was found why he should have committed the crime. The murder, according to the prosecution theory, had intended to rifle the old woman's savings, but had run away, fearful of detection, nothing being missed.

RENE GRAILLE WAS NOT PROVED TO BE INNOCENT THEN, AS AT THE TRIAL. HE ALLEGED AN ALIBI, SAYING THAT HE WAS OUT CYCLING ON THE DAY OF THE CRIME, AND AT 4:30 HAD PASSED AND BOWED TO A SURGEON OF THE HOSPITAL ON THE BOULEVARD DES ITALIENS, AT THE CORNER OF THE CHAUSSEE D'ANTIN. THE SURGEON GAVE EVIDENCE TO THIS EFFECT. THE PROSECUTION ANSWERED THAT THE PRISONER HAD TIME TO CYCLE TO THE HOSPITAL AFTER THE CRIME, CHARGES DRAWN FROM THE FACT THAT HIS CYCLING SUIT WAS BLOODSTAINED HE ANSWERED BY SAYING THAT HE HAD ON A CERTAIN DATE PUT HIS COAT ON AFTER AN OPERATION, HAVING PROBABLY LAD IT DOWN ON THE OPERATING TABLE. THIS STATEMENT WAS ALSO PROVED BY WITNESSES.

THEN CAME THE CRUCIAL EVIDENCE. ON A TIE IN THE murdered woman's room were found three finger prints. These were proved in court by M. Bertillon himself, after an elaborate demonstration, to be identical with those taken from Graille's fingers. The whole case, therefore, turned absolutely on the question whether the fingerprints in the room were his or not mathematically and rigidly certain. M. Bertillon, of course, said that the proof was incontrovertible, and that no two men can possibly have the same finger prints. The Judge, frankly siding with the prosecution, argued in the same sense with some heat. But the jury at last shrank from pinning its faith absolutely to the theory. Had other sufficient evidence been added to that of the finger prints an unreserved verdict of guilty would doubtless have been brought in. But the twelve good men and true were evidently afraid of convicting on the one proof alone. The fear explains what was a perfectly illogical verdict, one of guilty, with extenuating circumstances, so strongly expressed, that sentence could be passed only of ten years' servitude.

MORE COMFORTABLE.

Backlogs—You didn't attempt to come out and weather the storm last Sunday? Subduer—No; I preferred to stay in and storm at the weather.—Philadelphia Press.

YOU MAY THINK YOU ARE MODEST AS A SAYER, BUT PROBABLY YOUR NEIGHBORS SAY YOU HAVE BETTER TO BURN.

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