

SCHMITZ WINS ON HIS APPEAL Higher Court Sets Aside Conviction in French Restaurant Case

NO OFFENCE COMMITTED

Decision Also Benefits Ruef, Who May Give Slip to Prosecution

San Francisco, Jan. 9.—The District Court of Appeals handed down a decision setting aside the judgment in the case of former Mayor E. Schmitz convicted of extortion in the French restaurant case. Abe Ruef, also benefited by the ruling of the upper court, according to its decision, he pleaded guilty to act that was no offense against the laws of the State.

After discussing the point, the court reversed the judgment against Schmitz on the ground that no crime constituted a crime had been proved against him. Abe Ruef, who pleaded guilty to extorting money from the French restaurants, is therefore equally guiltless. The decision wipes out the French restaurant case, and the pending charges of extortion against Schmitz and Ruef must be dismissed. Both are now entitled to return to their homes, but they must remain at liberty until such time as the jury finds them guilty on one of the public offences.

Schmitz and Ruef cannot take advantage of the decision for sixty days. The prosecution has twenty days in which to ask for a re-hearing. Then the appellate court will have ten days to consider the appeal. When this is done the prosecution will go through the same procedure in the supreme court, which will take the same length of time.

Consequently Schmitz and Ruef will still be kept in the county jail for two months at least. The news of the decision of the appellate court spread rapidly over the city, causing consternation in the quarters of the district attorney. District Attorney Langdon said Schmitz and Ruef will be prosecuted on other indictments that charge the public offences.

Today's decision will have the effect of invalidating the other four indictments charging Schmitz as well as Ruef with extortion, and renders void the plea of insanity. When this is done the appellate court held that no crime has been committed. By this reversal, it is feared that the prosecution has lost its hold upon Ruef, and that he will now refuse all overtures for immunity, wholly or in part, to testify in the bribery graft cases, and fight every indictment.

The new rates of the White Star line, 126 indictments, charging bribery, and forty indictments remain against Schmitz.

Discount Rate Reduced. Paris, Jan. 9.—The Bank of France has reduced its rate of discount from 4 to 3 1/2 per cent.

Refusing to Answer. Quebec, Jan. 9.—Mr. Mathys, ex-convict of Belem, at Montreal, again refused this afternoon to answer, before the royal commission investigation of the Abitibi matter, the questions put to him by Mr. Gagnier, in regard to the bogus telegram sent on the 26th of October in the name of Reg. L. Gouin to Mr. Fernand Desjardins, and it was decided by the commission that if he refused to answer by Saturday morning, he will be condemned to 24 hours' incarceration for contempt of court.

LUMBERMEN MEET. Gathering at Nelson This Week to Be Followed by Another at Vancouver.

Vancouver, Jan. 9.—Following the convening of a meeting of interests from all parts of the province, at Nelson, the day after tomorrow, a second gathering of lumber interests will occur in Vancouver.

Alcohol in the Arts. Ottawa, Jan. 9.—D. W. Bole, member for Winnipeg, who is general manager of the national drug association in Canada, will move for the appointment of a commission to inquire into and report upon methods by which alcohol can be used in legitimate and scientific and industrial operations without increased danger of its use as a potable spirit.

Montreal Merchant Killed. Montreal, Jan. 9.—Settler Cookson, member of the Montreal Union of Trade and Commission merchant of this city for the past forty years, being a member of the firm of Kirkpatrick & Cookson up to the time of the death of Mr. Kirkpatrick, was killed by the wheels of a Grand Trunk passenger train in the city yesterday while on his way back to business from lunch. He lived in Longueuil, and was 66 years old.

KILLED FOUR PEOPLE

Charge Laid Against An Italian Now Under Arrest in a Colorado Town

Florence, Colo., Jan. 9.—That Joseph Buffetti, Dominic Minichetto, Joseph Minichetto and Mrs. Frank Palmer, who mysteriously disappeared in this city three months ago, and their bodies then chopped to pieces, is the opinion of the police, as human lungs, thorax and piece of tongue have been found in the Arkansas river. It is believed that the other dismembered bodies are being scattered along the bed of the river by the swift current.

Tony Boveri, who is in jail charged with the murder of the Minichetto brothers, is said by the police to have confessed to killing a man in Italy before coming to America. In his house was found a bundle of letters addressed to Toni Neroni, and this is believed to be his correct name. Boveri was engaged in market gardening in partnership with the Minichetto brothers, and is accused by the police of having murdered them in order to obtain their money and other property. He had kept a name added to the list of missing, and it was believed he was killed because of the other alibi.

Buffetti was an old man employed in the garden. The police believe he was killed because of the other alibi. He had kept a name added to the list of missing, and it was believed he was killed because of the other alibi.

Mrs. Palmetto was a young divorced woman, who disappeared two months ago. She had kept a name added to the list of missing, and it was believed he was killed because of the other alibi.

Home For Prisoners' Wives. It was a happy thought for the Duchess of Devonshire, formerly Miss Consuelo Vanderbilt, to have her London charities a home for the wives of prisoners serving sentences.

Against Wage Reduction. Montreal, Jan. 9.—About six hundred employees of Thomas Davidson, manufacturing chemist and tinsmith, struck work today because of a reduction of ten per cent. in wages.

Travel on Atlantic Now Much Cheaper. Cunard Line and International Make Heavy Cuts in Rates.

New York, Jan. 9.—Upon the refusal of the Cunard S.S. Co. to increase its second and third class rates for the new express steamers Mauretania and Lusitania, by \$3.75, the International Mercantile Marine today announced a reduction of that amount for all boats of the American and White Star lines in the British service.

The Cunard line immediately met the cut, and the International Mercantile Marine followed with a second reduction of \$3.75, making its total cut in the British service with one or two lines tomorrow.

The new rates do not affect the continental service except that the rates on boats of the White Star line calling at Southampton, Cherbourg and Plymouth were cut for Cherbourg as well as for the two English ports. This reduction was met by the French service with one or two in its second cabin rates to Havre.

The new rates become effective at once, both eastbound and westbound, on boats of the White Star and American lines. The reduction of the Cunard Co. does not apply until after the sailing of the Mauretania from Liverpool and the Lusitania from New York on Saturday.

Under the new schedule, second cabin rates on the Oceanic have been reduced from \$47.50 to \$40.00, on the White Star and American lines from \$45.00 to \$37.50, and on other boats of the White Star and American lines in proportion. Steerage rates on all three lines affected are now cut to an average of 12 1/2 per cent.

BRITAIN BARRED OUT. Treaty of 1815 Keeps Her Out of "Most Favored Nation" List of the United States.

New York, Jan. 9.—England's commercial relations with the United States are still governed by the treaty of 1815, which excludes her from the "most favored nation" list of 1815, according to a decision handed down by the board of general appraisers here today. Several importers of British goods protested against the tariff of \$2.25 a gallon when French liquors were admitted for \$1.75.

The board, however, held that Great Britain was barred by the treaty from the "most favored nation" list, and sustained the collector's charge.

COACHES OVERTURNED. Wreck of Sunset Limited Train on the Southern Pacific—Three Killed and 18 Injured.

San Jose, Jan. 9.—Sunset Limited Express, No. 10, southbound on the Southern Pacific, running an hour late, was wrecked tonight at Tucker, 25 miles south of here.

Mrs. A. P. Boyd, of Portland, Oregon, and her little son were killed. A tramp is also reported killed. Eighteen persons are being treated at the Gilroy hospital.

The cause of the wreck is unknown at this time. Two coaches were overturned on the tracks and one thrown into the country road.

Architects' Bill. Ottawa, Jan. 9.—An important private bill is to come before parliament looking to the creation of a Dominion body to govern the profession of Architecture in Canada.

Alfred Stead is Alive. London, Jan. 9.—It was announced on December 15, that Alfred Stead, son of W. T. Stead, editor of the Review of Reviews, was dead. This was an error. Alfred had recovered and is filling the position of Consul General of Roumania in London. His brother, William, died suddenly last month, and the mistake arose through confusing the name of the two brothers.

Collingwood Shipyard Closed. Toronto, Jan. 9.—At a meeting of the Mechanics' union last night it was reported that the works of the Collingwood Shipbuilding company will be closed down for the winter. The company is said to have notified its 125 workmen that they would be laid off, whereupon about 140 painters, riveters, wheelmakers and carpenters went on strike, and the company then decided to close down. About 250 men are idle as a result.

PECULIAR EPIDEMIC

Lansing, Michigan, Experiences Sudden and Mysterious Visitation of Sickness

Detroit, Mich., Jan. 9.—A special to the Free Press from Lansing, says: Whether from the slight of bacilli over the city water, or from some other unknown cause, Lansing was seized by a strange malady some time during Tuesday night, thousands being suddenly stricken with extreme nausea accompanied by acute intestinal troubles.

From midnight until morning and all during the forenoon, calls for physicians were incessant. Whole families were stricken. Two boys were found lying in the street, too ill to make further progress. The disease, which most physicians attribute to atmospheric conditions, yielded readily to treatment.

Fifty city teachers and hundreds of pupils were absent from school. All the stores were short of help. Secretary Schumway, of the state board of health, suspecting that something was wrong with the city water supply, took steps to have an analysis made, but it was not completed today. It was learned later last night that outside the waterworks zone the disease was quite as prevalent.

Among several old and feeble or very young persons, serious conditions have developed, but no fatalities have so far resulted in consequence of the strange epidemic.

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LIVES ARE LOST IN GREAT STORM

Coasts of Europe and Northern Africa Swept by Fierce Gales

Paris, Jan. 9.—The storm on the English channel, along the west coast of Europe, and on the North African coast is still raging, and many fishing boats have been lost. A despatch received here from Tangier says that two native passenger boats founded off El Arash, Morocco. Forty persons were drowned, including some Europeans.

SEA DISASTERS REPORTED

Towns on German Shore of the Baltic Suffering From High Water

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Kiel, January, 9.—A violent northeast wind has driven the waters of the Baltic inshore, and the low lying districts of this city are flooded to the depth of six or seven feet. Many casualties to fishing and other small crafts are reported. A steamer driving to sea, occurring at all the coast towns. Guns have been fired all day from Lubeck to warn the villagers that the sea is rising and that they should move to the inland. The scheduled manoeuvres of the German fleet have been postponed on account of the weather.

At six o'clock this evening the water reached a depth of three feet in the lower streets, and then began slowly to recede. A number of the railway cars were suspended from the water. The steamer Mimi stranded on a reef outside the harbor, and a herring steamer, the Hera is missing, and is believed to have been wrecked near Travemunde when she disappeared in a heavy snow squall.

Koenigsburg, Jan. 9.—A heavy snow storm prevails throughout northeastern Germany tonight. All railroad trains are seriously delayed, and many of the smaller lines have been obliged to suspend traffic until the storm abates.

Dr. Margolese Arrested. Winnipeg, Jan. 9.—The crown attorney's department received word this afternoon from the chief of detectives in Montreal that he had arrested Dr. Margolese for them. A warrant will be sent down and the doctor brought back by provincial constables. Dr. Margolese is at present at Montreal. Dr. Margolese is a consulting physician to Bertha Edwards, and an operation was performed on her last night. Dr. Margolese has been known to attend the preliminary hearing. His whereabouts has not been known until today.

CHILD MARRIAGE IN MEXICO. Mexican Women Over Thirty Have Not Much Chance of Being Married.

Not the least of the romantic features of the marriages of Mexico are the ceremonies uniting children. The marriage of a girl of 12 and a boy of 14 is permitted, and more than 100,000 of these marriages are celebrated in Mexico in 1907. The statistics for the last two months show the following figures of the marriages of women over 14 is permitted, and more than 100,000 of these marriages are celebrated in Mexico in 1907. The statistics for the last two months show the following figures of the marriages of women over 14 is permitted, and more than 100,000 of these marriages are celebrated in Mexico in 1907.

UNREST IN INDIA. CAUSE OF ANXIETY. Part of General Oriental Upheaval—Japanese are Unpopular in China.

Toronto, Jan. 9.—That there is unrest in India is stated by Rev. Dr. W. G. Murray, secretary of the Foreign Missionary society, who has just returned after a year and a half's visit to the East. It is felt everywhere, he says, and is spreading rapidly. It is the cause of much anxiety, however, Britishers may wait to keep up courage. It is another phase of the new life that is stirring in all the East—India for the Indians, China for the Chinese and Japan for the Japanese. Great Britain is educating India away from a colonial up to an independent state. It is to be said that Britain is doing so honorably. The Japanese have great influence in all the East, even in India, but they are not popular in China, and the fact that they do not resist Japanese aggressiveness more vigorously is due to the fact that they are afraid. They are afraid of the Japanese, and when they do resist, it will be a struggle, unless Japan modifies her policies.

TO SEND CIRCULARS TO THE CANDIDATES. Resolutions Presented at the Recent Trades and Labor Council Regarding Coming Elections.

(From Friday's Daily) In accordance with the resolution adopted at the last session of the Trades and Labor Council the resolutions presented by J. T. Stott, secretary of the Typographical union, will be sent out in circular form to the various candidates at the approaching municipal elections. Replies are to be returned to the circular which will read as follows: "Sir—I am directed by a committee representing the Trades and Labor Council and several affiliated unions to request an answer to the following question from you prior to the pending election. "Will you move or support a resolution in the council providing that in all tenders called for by the council the following clause shall be inserted: "The person or company shall make a declaration that at the date of tendering for the contract, he or they were paying, and if his or their offer is accepted, will continue to pay the trade union rate of wages to all men in his or their employ, and is observing and will continue to observe the trade union schedule of hours and working conditions, the onus of proof to rest with the contractor. Any breach of this clause shall involve the cancellation of the contract and the forfeiture of all work completed or in progress when such contract is cancelled." In addition to the above the following is added in the circular to school trustees: "Will you urge that the government shall undertake the completion or secure the publishing rights of school books as early as possible commencing to print, publish and distribute schoolbooks free to all children attending the public schools in the province."

Chinese Rioters. Presbyterian Missionary Chapel and School Burned in Province of Che-Kiang.

Shanghai, Jan. 9.—Rioters at Kia-Hsing-Fu, a town in the province of Che-Kiang, have burned the Presbyterian chapel and school there. The official residence of the local magistrate also was destroyed. The foreigners at Kia-Hsing-Fu are safe. There has been considerable unrest recently in this province, but the disorders have been directed principally against the dynasty.

Textile Prospects. Philadelphia, Jan. 9.—Manufacturers of textiles, one of the great industries of this city, believe that the present year will be a prosperous one both for the manufacturer and the wage earner.

Aged Couple Burned. Auburn, N.Y., Jan. 9.—Albert Moulton and his wife, both aged more than 75 years, were burned to death in a fire that destroyed their home in this village today. Mr. and Mrs. Moulton and their 18-year-old grandson, Roy Moulton, lived in a large farmhouse. The grandson discovered the fire and warned his grandparents, who were in an upper room. Young Moulton ran out of the house, supposing that the aged couple were following him. They did not appear, however, and the young man tried to go back to their aid, but smoke and flames barred the stairway. Neighbors attempted to locate the couple, but both perished.

MONOPOLY FIGHTS

Old Montreal Light Company Applies to Court to Maintain its Grasp on the City

Montreal, Jan. 9.—There was another development in the Montreal fight for cheaper gas and electricity today. A meeting of the city council had been called for tomorrow for the purpose of taking action on the offer made by the Robert company to supply electricity at a much lower rate than now prevails, the city attorney having decided that the offer of the Montreal Light and Power company meeting called for a sliding scale was not an offer within the terms of the tender asked for. This ruling the local monopoly—out of the running, and so today they asked and secured from Judge Fortin an injunction preventing the council from acting on the Robert offer at the special meeting called for that purpose. As a result the tender of the Robert company goes over to the regular meeting on Monday, when any one alderman can veto it by postponing until the next meeting of the council, thus tying the matter up until after the elections on February 3.

Prominent New Yorker Dead

New York, Jan. 9.—Cyrus J. Lawrence, a prominent banker, died today. He was a director of New York, Susquehanna and Maryland banks, and a member of the Metropolitan Museum of Natural History. He was 76 years of age.

Conservation of Ottawa Water

Ottawa, Jan. 9.—The Dominion government has been asked to undertake the work of conserving the headwaters of the Ottawa river in order to provide an ample and steady flow of water for the railways for the purposes of lumbering, power production and navigation. Favorable consideration is promised.

JURORS ACCEPTED NOW NUMBER SEVEN

One More Passes All Tests—Thaw Defence Has Actress Witness

New York, Jan. 9.—One new sworn juror was added to the Frank E. Thaw trial panel today, making seven in all, selected from the four hundred talesmen summoned since the beginning of the hearing on Monday. Another panel of 100 will report tomorrow morning. Justice Dowling has announced that he will hold court on Saturday, if necessary to complete the jury.

GIVEN LIFE SENTENCE

Young O'Brien's Punishment for Murder of His Chum in Vicinity of Gretna

Winnipeg, Jan. 9.—James L. O'Brien, a lad of only sixteen, was today sentenced at Pembina, N. D., to life imprisonment for the murder of his chum, a fellow inmate of the railway brakeman, on the night of Dec. 22. The murder was attributed to the laxity of the liquor law at Gretna, Man., where the two boys had procured liquor on Sunday afternoon, previous to the night of the murder.

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C. P. R. CHANGES

F. W. Peters May Be Located at Vancouver as Assistant Freight Traffic Manager

Winnipeg, Jan. 9.—The Winnipeg Tribune publishes the following dispatch from Montreal: "Important changes in the C. P. R. freight department are said to be pending here and officials in Winnipeg will be affected by the changes. The rumor is that F. W. Peters, assistant freight traffic manager, will take up his residence in Vancouver, continuing in the same office, excepting that his territory will cover the mountain and Pacific sections."

SITUATION IS DISQUIETING

Uncertainty as to Attack Being Made by Menelik's Orders

Rome, Jan. 9.—News has been received of a terrible battle in Italian Somaliland on the coast of Africa, between the Italian forces there and the Abyssinians. It is learned on good authority that Lugha, the furthest Italian station in the interior, was besieged by the Abyssinians and destroyed after a desperate and unequal fight, and its defenders were killed.

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