

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 Mayor E. Schmitz convicted of extortion in the French restaurant case. Abe Ruef, also benefited by the ruling of the upper court, for, according to its decision, he pleaded guilty to an act that was no offense against the laws of the State. According to the appellate judges, the compelling of the French restaurants to pay "fees" to Ruef was not a crime, even though Ruef divided the "fees" with Mayor Schmitz.

After discussing the point, the court reversed the judgment against Schmitz on the ground that no act constituting 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 release on bail. They obtain the necessary bondsman they can remain at liberty until such time as the jury finds them guilty on one of the indictments charging them with receiving bribes from corporations. Owing to the number of cases against them the hall at \$10,000 a case would reach an untenable figure.

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 application. 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 some quarters and delight in others. District Attorney Langdon said Schmitz and Ruef will be prosecuted on other indictments that charge public offenses.

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 the city, when 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 refuse all overtures for immunity, wholly or in part, to testify in the bribery graft cases, and fight every indictment.

There are also pending against Ruef 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 Beaudouin at Montreal, again refused this afternoon to answer, before the royal commission investigation of the Abitibi matter, the questions put to him by Mr. Green-shield 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 is not disposed 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 conference of sawmill interests from all parts of the province, at Nelson, the day after tomorrow, a second gathering of lumber interests will occur in Vancouver.

A number of representatives of Coast sawmills left this afternoon for Nelson. They expect to return on Sunday. Within ten days or two weeks from the time of the meeting at Nelson the Vancouver conference will take place and it is expected that many of the interior millmen will attend the latter.

It is announced that these meetings are to be held for the purpose of discussing general trade conditions. The Coast millmen desire to fully inform themselves as to the outlook for the interior plants for the coming season, and the latter will look over the situation on the Coast during their visit to Vancouver.

Among those who left today for Nelson were Messrs. P. D. Roe, T. F. Patterson, J. W. Cockburn of Nanaimo, Small of New Westminster, J. S. Emerson, McRae and Tucker.

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 a resolution 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 Board 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 falling from 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 Ericole Buffetti, Dominic Minichetto, Joseph Minichetto and Mrs. Frank Palmetto, who mysteriously disappeared in this city, were murdered and their bodies then chopped to pieces, is the opinion of this 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 \$200 when arrested.

Buffetti was an old man employed in the garden. The police believe he was killed because of the other alternative, that he was not added to the list of missing last night.

Mrs. Palmetto was a young divorced woman, who disappeared two months ago. She had kept house for Boveri, but repeatedly refused to marry him. Her clothes have been found in Boveri's cabin. A bloodstained axe was also found there, and a Mexican woman has informed the police that she washed bloodstained clothing for Boveri.

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 on 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 \$7.50. It is said this reduction undoubtedly will be met by the Cunard line tomorrow.

The new rates do not affect the continental service except that the rates on the White Star and American 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 of \$2 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 line. 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 Sunday.

Under the new schedule, second cabin rates on the Oceanic have been reduced from \$47.50 to \$40.00, on the Adriatic and Teutonic 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 \$27.

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, according to a decision handed down by the board of general appraisers here today. Several importers of British goods protested against the tariff of \$2.35 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 Stead is alive 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.

COLLINGSWOOD SHIPYARD CLOSED

Toronto, Jan. 9.—At a meeting of the Mechanics' Association last night was reported that the works of the Collingswood Shipbuilding Company will be closed down for the winter. The company is said to have notified its men that work would be closed for ten weeks, 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 effect of bacilli over the city 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 trouble.

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.

AGAINST WAGE REDUCTION

Montreal, Jan. 9.—About six hundred employees of Thomas Davidson, manufacturing chain and thimble, struck work today because of a reduction of ten per cent. in wages.

HOME FOR PRISONERS' WIVES

It was a happy thought for the Duchess of Marlborough, formerly Miss Consuelo Vanderbilt, that her London charities a home for the wives of prisoners serving sentences. The home is commodious and finely appointed, and provides a means to encourage those who enter it for time to take up useful occupations to assist in their further maintenance. A day nursery is provided for the use of prisoners' wives and babies. This is a very useful form of charity, as frequently it is the families of prisoners who suffer most by the incarceration of the unworthy husbands and fathers.

LIST OF DENTISTS

IN THE PROVINCE

Published According to Law in the Current Issue of the Gazette

The list of dentists qualified to practice in British Columbia is published in the current issue of the Provincial Gazette. It is as follows:

T. J. Jones, Lewis Hall, J. M. MacLaren, A. R. Baker, H. P. Kindeley, Wm. Mason, A. J. Garesche, F. Proctor, J. E. Grice, P. W. Stoddard, Geo. Teiford, F. E. Morrison, J. W. H. Teiford, H. T. Minogue, F. P. Edmonds, A. H. Tanner, W. J. Quinlan, T. M. Nicholson, T. H. Jones, A. J. Holmes, J. E. Cherry, A. E. John, E. M. Moody, R. Nash, R. Mathias, J. E. Conard, F. McAlpine, F. P. Smith, H. E. King, W. E. Fraser, F. A. Blakemore, E. W. Bridgman, M. H. Hartman, C. A. Smith, J. P. McGee, C. A. Jackson, H. E. Hall, E. H. Parker, A. A. Humber, G. H. Haynes, W. Burdett, F. C. Moody, K. C. MacDonald, E. R. Follock, A. V. Love, E. Clayton, L. J. Duff, A. A. McRae, William Russell, W. H. E. Anderson, A. J. Thomas, W. J. Rutherford, W. H. Wright, C. C. Webb, R. W. Ferris, G. A. B. Hall, G. A. McGuire, S. C. Clemence, A. S. Marshall, D. E. Kerr, J. Mason, J. Barber, E. W. Falconer, J. E. Gerry, R. E. Miles, J. W. Taylor, T. G. Gibson, W. C. Johnston, H. R. Spencer, R. S. Hanna, E. Allen, W. C. Binkley, A. Milloy, W. Hocking, H. S. Simmons, W. G. Sprague, T. G. Moody, H. Dier, W. N. Gunning, H. P. Burgess, C. J. Tolson, S. Lightcap, T. H. Levey, R. M. Large, W. Richardson, C. B. Mansel, W. V. Davies, W. S. Dalby, C. W. Conner, J. C. Morrison, G. W. Brown, R. D. Quay, J. W. N. Shepherd, W. Moody, C. H. Smith, D. D. MacSweeney, C. H. Humber, S. Pukley, F. H. O'Neill.

TO SEND CIRCULARS

TO THE CANDIDATES

Resolutions Presented at the Recent Trades and Labor Council Regardng Council 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. Stuck of the Typographical union, will be sent out in circular form to the various candidates at the approaching municipal elections. Replies are asked prior to polling day. The circular 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 in paying and if his or their tender 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, and as early as possible commence to print, publish and distribute schoolbooks free to all children attending the public schools in the province."

Sweden is the most progressive country in the world in the use of the telephone.

Robert Griffith, of Hamilton, a former alderman, is dead, aged 62.

LIVES ARE LOST

IN GREAT STORM

Coasts of Europe and Northern Africa Swept by Fierce Gales

SEA DISASTERS REPORTED

Towns on German Shore of the Baltic Suffering from High Water

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.

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 similar driving sea, according to 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 tracks near the coast were compelled to suspend traffic owing to high water. The steamer Mimi stranded on a reef outside the harbor, and a herring steamer, the Hera is missing, and it is feared is lost. The Hera was nearing 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 Dr. Margolese, a Montreal physician, had been arrested on a charge of having performed a hasty marriage in the city.

The judge who passed sentence and the prisoner's father have been personal friends for thirty years, and the judge had known the prisoner since he was a baby. The scene in court was most affecting.

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 girls under the age of 14 is permitted, and most marriages in Mexico are in early life. The census of 1900 showed that 170 to 180 marriages a month in this country are of children under the age of 14. The census of 1900 showed that 550,000, and is now probably nearer 600,000. This small proportion of legal marriages is due largely to the expense attending a religious ceremony, which is not so expensive as the legal marriage is not sacred without the church service. Hence many couples have the church service he does not intend to have the official service, which is not expensive.

UNREST IN INDIA

CAUSE OF ANXIETY

Part of General Oriental Unheaval—Japanese are Unpopular in China

Toronto, Jan. 9.—That there is unrest in India is stated by Rev. Dr. McKay, secretary of the Free Presbyterian Missionary society, who has just returned after a year and a half's visit to the East. It is felt everywhere, he is talked about everywhere, and it is the cause of much anxiety, however Britishers may wish 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 new life that is stirring in all the East is talked about everywhere, and it is the cause of much anxiety, however Britishers may wish 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.

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.

The Presbyterian Church South in the United States, has maintained a missionary establishment at Kai-Hsing-Fu since 1885. In 1906, there were 100 converts, and their wives, one woman missionary, and several native workers at the station.

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 Grip 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 was not a tender according to a sliding scale was not an offer within the terms of the tender asked for. This puts 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, or postpone 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, of the banking firm of Cyrus J. Lawrence and son of the Bush Terminal company, died today. He was a director of New York, Susquehanna and Western Railroad, and a member of the Metropolitan Museum of Art and the American Museum of Natural History. He was 76 years of age.

CONSERVATION OF OTTAWA WATER

Ottawa, Jan. 9.—The Dominion government has been formally 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 power purposes of the year for the purposes of lumbering, power production and navigation. Favorable consideration is promised.

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, Joseph Leclair, a young 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.

O'Brien secured a hatchet and struck Leclair several times on the back of the head and afterwards dragged the lifeless body to the Red River and pushed it under the ice. The father of O'Brien is customs collector at Neche, Canada, and the United States.

The judge who passed sentence and the prisoner's father have been personal friends for thirty years, and the judge had known the prisoner since he was a baby. The scene in court was most affecting.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION

Winnipeg, Jan. 9.—The widow of a soldier who died in the war is entitled to a pension of \$100 a month.

WIDOW'S PENSION