THE RECORD-UNION.

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MARYSVILLE TRAIN ROBBERS.

Thought to Have Been Camped in the Tules West of Town.

CLEARED OUT BEFORE OFFICERS COULD CAPTURE THEM.

The Trial of Theodore Durrant for the Murder of Blanche Lamont and Minnie Williams to Take Place in July—Judge Slack Decides That the Stolen Fair Will Must be Disposed of Before the Later Will Produced by Mrs. Craven is Considered.

Special to the RECORD-UNION.

MARYSVILLE, May 6.—Sheriff Smith has located two suspicious characters, supposed to be the Marysville train robbers, at a lonely spot in the tules, four miles west. The suspects have been purchasing supplies here and at Kirksville, on the Sacramento River, but they have refused to allow anyone to approach their camp. Some persons who accidentally stumbled upon their hiding place were ordered away at the points of two rifles. The Sheriff, with a posse, has gone to arrest the men.

FOUND THE CAMP DESERTED.

MARCUSE, May 6.—The posse which left here this afternoon to search for the supposed outlaws returned this evening. They found the camp deserted, the outlaws having left on a red duck-boat just before the arrival of the posse. Evidence was found at the camp showing that if one of the characters is not a woman he has been disguised as one.

FAIR'S MILLIONS.

Judge Slack Rules That the Stolen Will Must be Considered First.

SAN FRANCISCO, May 6.—In the fight for the Fair millions the "Big Four" executors of the first will, which so mysteriously disappeared from the County Clerk's office, will have a decided advantage. Superior Judge Slack to-day decided that the stolen will must be disposed of before the later will, produced by Mrs. Nettie Craven, can be considered. The first will filed will, therefore, be the first contested. This is considered a matter of great importance to the proponents, for the tactics of the Fair children were to evade the forfeiture clause under the first will by supporting the second, the provisions of which are more to their liking.

The decision giving priority to the probating of the first will was an unexpected blow to the children, who had expected that the Craven will would take precedence because of its later date. The petition for probate of the first will will be heard on Wednesday, when it is supposed the attorneys for the Fair children will present their written grounds of opposition. Then, it is understood, the attorneys for the executors will protest against the consideration of this opposition on the ground that the time for filing the contest has elapsed, that point having been allowed to pass in the efforts to secure recognition for the Craven will.

THE STANFORD ESTATE.

Demurrer Filed to the Suit Brought Against It by the Government.

SAN FRANCISCO, May 6.—Mrs. Jane L. Stanford has filed in the United States Circuit Court a demurrer to the suit brought by the Government against the Stanford estate to recover $15,000,000 advanced by the United States for the construction of the Central Pacific Railroad.

The demurrer sets forth that the only obligation or liability ever created by the Government in favor of the United States against the Central Pacific and Western Pacific Railroads was on the bonds guaranteed by the Government, which it is claimed do not constitute a debt against either of the companies, or a right to demand payment from them becsuse of the bonds failing of redemption.

The demurrer continues that the only relief open to the Government is the confiscation of the corporations. It is further contended that no valid claim was ever presented to Leland Stanford during his life, or to his widow since his death. This, it is claimed, vitiates any claim that the United States might have had.

THEODORE DURRANT.

His Trial for Murder Will Not Take Place Until July.

SAN FRANCISCO, May 6. — Theodore Durrant will spend several quiet weeks in the County Jail before he is placed on trial for his life for the murder of Blanche Lamont and Minnie Williams. The police will not hurry him to trial, desiring to give him abundant time to prepare for his defense. The case will, therefore, not be called until July.

Chief of Detectives Lees said to-day that the Supreme Court had passed strictures on the police department for having brought to speedy trial Fredericks, who shot Bank Teller Herrick. Though Lees believes the criticism unjust, he said the Supreme Court would be given no opportunity for finding the same fault in Durrant's case. He added that the case of the prosecution is complete, and that it is ready for trial at any time.

The police are dissatisfied with the evidence of Organist King, who, in a palpable effort to shield Durrant, stated at the preliminary examination that he detected the odor of escaping gas in the church on April 3d, although this statement is controverted by the janitor and by two plumbers.

Threatening letters have been received by the schoolgirls who identified Durrant as Blanche Lamont's escort from school on the day of her disappearance. The girls have been warned that if they testify against Durrant again they will receive physical violence.

UNION CIGARMAKERS.

Meeting of the California State Blue Label League.

SAN FRANCISCO, May 6.—The California State Blue Label League, which comprises in its membership all the cigarmakers' unions in the State, met in executive session this afternoon in Metropolitan Temple to hold its first annual meeting and consider the adoption of a constitution and by-laws. The meeting resulted in the adoption of the proposed constitution and by-laws, the only important change thus effected being the discarding of the old label and the substitution of a seal about the size of a silver dollar piece. The seal is to be of blue paper, and the lettering is to be white.

STRICKEN FROM THE CALENDAR.

The Case of Murdock vs. Murdock Comes to a Sudden End.

WILLOWS, May 6.—The celebrated case of Murdock vs. Murdock was stricken from the calendar of the Superior Court this morning. This case was commenced last fall by Mary Murdock against the estate of William Murdock, an old bachelor, who died last July leaving an estate valued at $300,000. Soon after his death Mary Murdock, through attorneys Campbell, Metson and Reddy, filed a claim against the estate in the shape of a note claimed to have been given by William Murdock to Mary Murdock thirty-seven years ago for $100,000, to run twenty years at 10 per cent. interest, which would now amount to more than the value of the estate left by William Murdock. Why the case was dismissed is a mystery to all here.

CHINA BASIN.

Action of the Harbor Commissioners Concerning the Lease.

SAN FRANCISCO, May 6.—The Board of Harbor Commissioners, with Governor Budd and Mayor Sutro, resumed the consideration of the lease of China Basin to the Valley road this morning, practically completing the document. It will be submitted to the railway directors Tuesday and signed by the Commissioners Wednesday.

Sutro's amendment, permitting the Valley Company to sub-let China Basin for restaurant, telephone, telegraph and news-stand purposes, but for none others, and forfeiting the lease if it agrees to limit freight or passenger competition in any way, was adopted.

New Fertilizing Company.

PORTLAND, May 6.—Articles of incorporation of the Western Packing and Fertilizing Company were filed in the office of the County Clerk by B. Selling, M. Sichel and L. Kinsman. The object of the corporation, as set forth in the articles, is to buy and deal in horses and other animals, pelts, hides, wool; also, to kill and slaughter horses and other animals; to utilize and dispose of the carcasses thereof; to buy, sell, manufacture and generally deal in fertilizing products; to can, smoke and pickle meats. The capital stock is $20,000. It is understood that the company has already contracted for several thousand head of horses.

An Absconder Skips Out.

LOS ANGELES, May 6.—George H. Hall, the absconding Tax Collector of Buchanan County, Missouri, who was located here by Detective Insley, has skipped. Hall would probably have been in custody to-day, had not the Sheriff of St. Joseph, Mo., become so jubilant as to give out the facts to the newspapers. Hall was in San Diego County for several weeks, and was found there by Insley, who notified the Sheriff at St. Joseph. The publication of the fact that he was coming after Hall caused the absconder to skip away.

Ward Given Ten Years.

STOCKTON, May 6.—Charles W. Ward, late Superintendent of the County Hospital, who was convicted of bribing a Supervisor, was to-day sentenced to ten years in San Quentin. He was completely broken down by the sentence, and fell over on his wife, who was by his side, in a burst of tears. The case of Dr. Charles Bulson, the County Physician, who was indicted with Ward, has gone over to the next term. The Supervisor has not been indicted. Ward's case will be appealed.

Disappearance of Stella Hughes.

SAN FRANCISCO, May 6. — Stella Hughes, daughter of Captain William Hughes, who has been missing since Thursday afternoon, is now believed to be drowned at Baker's Beach. A cape and purse, identified as belonging to Stella, were found on the rock. It is supposed she either jumped or fell from the precipitous rock into the deep waters beneath. The beach is being patrolled in the hope of recovering the remains.

Santa Cruz Water Carnival.

SANTA CRUZ, May 6.—A mass meeting was held at the Pavilion this evening to consider the plans for the Venetian water carnival to be held here. Director-General J. P. Smith presided. It was decided to have the carnival begin on June 11th, and continue one week. General Manager Tidball says that the water carnival will surpass anything of the kind ever seen. A battle of flowers is also to be a feature.

Death of a Pioneer.

PASO ROBLES, May 6.—John Marshall Pierce, one of the old pioneers, died of heart failure this morning. Mr. Pierce landed at Diamond Springs in 1850, since which time he has lived in various parts of the State and, like a great many of those who crossed the plains in early days, never married. In 1875 he moved into San Luis Obispo County. The deceased was 64 years and 4 months old.

Pasadena Electric Railway.

LOS ANGELES, May 6.—Los Angeles and Pasadena were bound closer together by a third band of steel rails today when the Pasadena and Pacific Electric Railway was officially opened. The road is a model one in smoothness and all points of construction, and the cars are only excelled by Pullmans.

Boy Fatally Shot.

LOS ANGELES, May 6.—Stewart Comstock, a sixteen-year-old boy, shot James Bemis, aged 14, in the face with a 40-caliber revolver this evening, inflicting a wound which may prove fatal. It is the old story of "didn't know it was loaded." Bemis, who is in a serious condition, completely exonerates Comstock.

Victory for Low License.

NAPA, May 6.—The following officials were elected to-day: Mayor, J. A. Fuller; Clerk and Treasurer, A. H. Conkling; City Engineer, O. H. Buckman; Councilmen, John Evan and C. B. Seeley. Three members of the council hold over. The result is a victory for low license.

Suicide at Butte, Montana.

BUTTE (Mont.), May 6.—Simon Jacobs, City Treasurer of Butte for five years, and a clothing merchant, blew out his brains to-day in a mine shaft-house. His term expired to-day. It is understood that there is a shortage in his accounts of between $12,000 and $15,000.

Governor Budd.

SAN FRANCISCO, May 6.—Governor Budd said this morning: "I'm going to announce the new brigade boundaries and Brigadier-Generals next Monday, and then I am going to take a quick run into Nevada to get out of the way."

Died in a Bath Tub.

YERINGTON (Nev.), May 6.—James O'Hara, a mining man of this place, was found dead in a bath tub at Hinds' Springs to-day. It is supposed that he was overcome by the exertion, as he was sick at the time.

Election at Hollister.

HOLLISTER, May 6.—At the town election held to-day the following officials were elected: Marshal, G. W. Austin; Treasurer, Will Townsend; Assessor, Robert Shaw; Town Trustees, M. C. Searle and Charles Wagner.

Utah's Constitution Completed.

SALT LAKE, May 6.—The Constitutional Convention to-day adopted the Constitution as a whole and disposed of some minor business preliminary to adjournment, which is expected to take place Wednesday.

Two Men Drowned.

BOISE, May 6.—John Gehrig and Alexander Strutchen were drowned Saturday near Shoshone, while attempting to ford Wood River.

AGAIN UNDER FIRE.

Rehearing of Income Tax Cases Begun in the Supreme Court.

EACH SIDE ALLOWED FIVE HOURS FOR ARGUMENT.

Attorney Guthrie Opens the Debate for the Appellants, Followed by Assistant Attorney-General Whitney in Behalf of the Government—All the Members of the Court Present.

Special to the RECORD-UNION.

WASHINGTON, May 6.—The Supreme Court, with its full membership of nine Justices on the bench, for the first time in many months, began the hearing today of the income tax suits. Justice Jackson of Tennessee, who has been absent from Washington for the greater part of the past year seeking restoration to health, took his seat with extraordinary interest attached to his presence, since he assumes practically the position of umpire upon the vital question of principle upon which the law is based, which divides the other Justices into equal factions. Justice Jackson did not appear to be feeble, but it was plainly evident that he was far from being a well man, and that only by a strong effort did he sit throughout the hearing.

Most conspicuous among the spectators in court were Postmaster-General Wilson, the Chairman of the Ways and Means Committee that framed the Tariff Act; Representative McMillan of Tennessee, Chairman of the sub-committee which drafted the income tax provisions, and ex-Speaker Crisp of the House. The attendance of lawyers and others having an unofficial interest in the matter was noticeably smaller than at the first argument of the law, and after the usual contingent of casual tourists had satisfied their curiosity to obtain a sight of the prominent men, the courtroom was not crowded.

But two arguments are to be made for each side—by Attorney-General Olney and Assistant Attorney-General Whitney for the Government, and W. G. Guthrie and Joseph Choate for the appellants, who are Messrs. Hyde and Pollock. To-day Mr. Guthrie delivered his speech and Mr. Whitney began his, which he will finish to-morrow. As the time assigned is five hours to each side, the arguments will be closed Wednesday afternoon.

Before Mr. Guthrie began, the Chief Justice, after calling the case, stated that in response to the suggestion of the Attorney-General, which the court interpreted as virtually a motion for a rehearing, the court had decided to permit the counsel to go into all questions involved. The rehearing has been dependent upon the presence of Justice Jackson. The court found it necessary to limit the argument to two on each side, but it was for the counsel to say what time they would require. Thereupon Mr. Choate and Attorney-General Olney, after consultation, announced that five hours to each side would be sufficient, and that time was granted. Judge Wilson was also permitted, on behalf of John G. Moore, to file a brief.

Mr. Guthrie began by saying that counsel for the appellants in the cases had been subjected to considerable criticism for their motions for a rehearing, but they had felt justified in the realization of the fact that there were many points still undecided, in the definite and final adjudication of which the entire country was vitally interested, and he assured all concerned that the counsel for the appellants in the present case would approach it in a spirit of the highest patriotism, and with no desire for self-aggrandizement.

He said that the question involved was a constitutional one, and added: "The Constitution is the political creed and conscience of the nation which must control and rule our destiny; and in so far as this court shall preserve it intact, according to its letter and its spirit, or permit the darkness of error to affront its light, so will our future see progress or decline, happiness or misery, glory or shame. There can be no law inconsistent with the fundamental law, and a century of error cannot overrule the Constitution.

"The question is not to be determined by considerations of present expediency or practicability or hardships, but according to the lights, the purposes, the intention of the framers, and as they intended the Constitution to co-operate, so must we enforce it to-day. The people are not to be deprived of inherited rights such as are imbedded in our Constitution by mere precedent or technical application of the rule of stare decisis."

The point of contention, said Mr. Guthrie, was that the authorities establish the principle that taxation upon the income of one class of property is as objectionable as upon another. He charged the Hilton case with being the sole cause of all the error in this matter. It was, he said, a political case in which the Administration of Washington was pitted against the anti-Federalists, and a case in which the local prejudice cut an important figure. He controverted the opinion that the decision in the Hilton case had been accepted as deciding that only the capitation tax and the land tax were direct taxes, and asked if this was so why was it that Congress in 1796, less than thirty days after the decision was rendered, had instructed the Secretary of the Treasury, by resolution, to report a plan for laying direct taxes by apportionment.

Mr. Guthrie then presented at some length the contention that as it was clearly the intention of Congress to have the law act as a whole upon the incomes, the provisions which are unquestionably void invalidate the whole Act. The law, he said, expressly includes rents and other incomes from land and personal property, and its general language covers also incomes from municipal bonds. The Government has insisted that it was not only the intention, but within the power of Congress to tax the income from municipal bonds. The object of the Act is single and entire—that is to say, the taxation of incomes from all sources. In order to preserve the provisions now remaining the court must strike out words actually used, such as rents, incomes and the product of land.

He declared that the Act should be sent back to Congress, because it is arbitrary and unjust, and in violation of the express provisions of the Constitution. He then took up the question of exemptions and limitations, repeating much of the argument advanced at the first hearing, and asked the court to declare the whole Act unconstitutional, because of the exemptions.

Replying to the suggestion of Attorney-General Olney, that in the light of the recent decision, the Government should refund the money collected under former income tax laws, Mr. Guthrie said: "The people of the United States gladly paid the income tax to defray the expenses of the war, and would make similar sacrifices to-day if it were necessary. Congress has not returned the cotton tax, although it was clearly sectional, partial and unfair. Has it ever advanced as a principle of justice and morality that if you decide that a certain interpretation of the customs laws has been erroneous, every man who had paid without protest is entitled to have his duties refunded?"

Mr. Guthrie concluded at 3 o'clock and was followed by Assistant Attorney-General Whitney on behalf of the Government. Mr. Whitney complained of the brief time given for preparing for the rehearing. He said the Government would not again present any argument on the question of municipal bonds. He did not suppose any tax law had ever been enacted which made express mention of all possible exemptions. If such a requirement were to be applied, there would be very few valid laws. As to the question of exemptions of rentals from real estate, that was different. The Government had hopes that this question would be so presented as to obtain a reversal of the former opinion. He contended that the bills in the case asked for no special relief in case of rentals.

He announced that historical and definitive argument would be handed to the court in the shape of a brief. Mr. Whitney said the appellants relied principally upon the system of economics of John Stuart Mill, which had not come into existence at the time the Constitution was adopted, and he contended that the distinctions between direct and indirect taxes were so abstruse that it was not possible to incorporate it in a written constitution.

Mr. Whitney, in criticising the opposition for going so far back into history for precedents, said he had not intended to go back further than 1689, but as the appellants had gone to 1180, he would himself give some precedents of that date.

"Can't you," asked the Chief Justice, in a tone which appeared to contain a spirit of banter, "go back further than that?"

"I might," replied Mr. Whitney, "but I shall not tax the patience of the court to that extent, but for the precedent of my learned friends on the other side." He said he would agree to stop short of 1180 if Mr. Choate would, whereupon Mr. Choate assured Mr. Whitney and the court that he would stop several centuries short of that date.

Mr. Whitney referred at some length to the distinctions between the words tax and duty in English legislation. He said this distinction had been very sharp, and the word tax had been applied only where the word duty could not be made to cover the case. "If," he said, "the framers of the Constitution were acquainted with Blackstone they were familiar with the English classification."

A peculiarity of the English system since 1689 was that everything called a tax was laid by the rule of apportionment, whereas everything called a duty was laid by the rule of uniformity. The thorough understanding of this principle by the Democrats of the convention explained the apparent lack of interest in the discussion of the distinction in these matters. The important question with them appeared to be that of the proper distribution of the taxes to be made according to the apportionment.

At this point Mr. Whitney was interrupted by the adjournment of court for the day.

HAWAIIAN AFFAIRS.

BRITISH INFLUENCE AT WORK IN HONOLULU.

The Word Quietly Passed Around Among the Natives That Monarchy Is to Be Restored.

Special to the RECORD-UNION.

HONOLULU, April 29.—Minister Hatch has received a communication from Secretary Gresham, through United States Minister Willis, in regard to naturalized Hawaiians applying for the protection of the United States. The communication deals entirely with the case of J. F. Bowler, who called upon the United States to interfere in his behalf. Bowler was convicted of a charge of misprision of treason in connection with the recent rebellion. Mr. Gresham states that the United States Government cannot interfere, and in giving reasons calls attention to the fact that Bowler has taken the oath of allegiance required for becoming a naturalized citizen of Hawaii. No reference is made to the other prisoners coming under possible American jurisdiction. Secretary Gresham's letter will be made public at a meeting of the Councils to be held this week.

Evidence is at hand that shows that British influence is at work in Honolulu. The natives are in a state of expectancy, and word has been passed quietly among them that within a short space of time restoration would be a fact. In that event Kaiulani is to be made Queen. Bishop Willis, the head of the English Church in this country, is said to be the man who is going among the natives with the information. British Consul Hawes is also mentioned in this connection. The renewed hope on the part of the natives has given the annoxation movement a severe setback.

The Government has received no word from Secretary Gresham regarding Minister Thurston's alleged recall.

Rumors of an impending revolution are still rife, and the stories are of such a nature that no little alarm is felt in Government circles. Information comes from the Islahd of Hawaii to the effect that the residents are contemplating secession from the group, claiming as a reason for the step that they do not receive their share of money for public improvements.

The Hawaiian Government is now putting into effect measures to equalize and perhaps change altogether the immigration stream. A limited number of Chinese field laborers are to be brought in under restrictions, by authority of the Act of 1892. For the present the Board of Immigration will refuse all applications for further importations of Japanese contract laborers. It is the intention of the Government and the planters to encourage by every means immigration from Europe. Negotiations are now under way for more Portuguese. In this regard matters may shape themselves in a manner that may detain Minister Thurston in this country. It is understood that a new Immigration Bureau is to be created, and if so, he will be offered the Chairmanship.

President Dole celebrated his 51st birthday anniversary on the 23d inst. During the day a petition was circulated, praying that amnesty be granted the political prisoners. By 5 o'clock in the afternoon about 500 names had been affixed to the petition. An hour later the document was presented to the President, who replied that he would submit it to the Councils for action.

The sugar trust's new arrangement—that of shipping No. 2 sugar around the Horn to Atlantic ports—is creating havoc with vessels that ply between San Francisco and Honolulu. Vessels that formerly had no trouble in securing cargoes are now compelled to leave port in ballast. The last two that left in this manner were the brig W. G. Irwin and the bark Albert. The latter vessel departed for the sound on the 27th inst. Captain Griffith has not been up north since 1889.

The German bark Triton, from Liverpool, now in port at Honolulu, passed a burning vessel in the South Seas. Captain Schon reports that on March 4th, in 10° 40' south, 111° 40' west, a burning four-masted iron ship was sighted. On approaching within speaking distance it was discovered to be an English vessel, evidently coal laden, but on account of darkness her identity could not be learned. Her four masts were standing, but her decks appeared to be burned out. The derelict was of about 2,500 tons register. Her top sides were black, with painted ports, the bottom being painted dark red. A current of about two miles and a half an hour was running to the westward, gradually setting the burning vessel toward the Marquesas Islands, where Captain Schon thought she would land in about six weeks' time.

O'DONNELL AND KILRAIN.

The Australian Awarded the Fight in the Twenty-First Round.

SOME HARD PUNCHING BY BOTH THE HEAVY-WEIGHTS.

A Pittsburg Hotel Clerk Beaten to Death With an Iron Bar and Robbed—The Superintendent of a Telegraph Company Foully Murdered in Minneapolis.

Special to the RECORD-UNION.

CONEY ISLAND, May 6.—There were about 6,000 people in the house when the fight between Jake Kilrain of Baltimore and Steve O'Donnell of Australia was called to-night. The seconds were: For O'Donnell, Billy Delaney, John McVey, Mike Dunn and Benny Murphy; for Kilrain, Ernest Gebhart, T. A. Dauke and Al Ford of Baltimore. Champion Corbett was not present, but his manager, Billy Brady, sat close by the ringside. O'Donnell's weight was given as 180 pounds and Kilrain's as 210.

Previous to the event of the evening there was six-round bout between George F. Green, better known as "Young Corbett," of San Francisco and Jim Holmes of New York at 135 pounds. Young Corbett outclassed Holmes, and won the match.

Then came the match of the evening, between Kilrain and O'Donnell. The men shook hands at 10 o'clock.

Round 1—Both men sparred very carefully for a minute. Kilrain led on the neck, and O'Donnell went to his knees. O'Donnell jabbed his left on the chest. Kilrain punched his left into O'Donnell's chin and got away from the swing. He repeated this a moment later.

Round 2—O'Donnell led his left, but failed, and Jake sent his left in once more on the chin. Steve put his left on the wind lightly, and then the same hand visited Kilrain's eye and nose three times. Kilrain landed the left on the neck and chin. Steve led his left, but Jake threw it off. As the gong sounded, Kilrain landed on the chest with a straight left.

Round 3—Kilrain led his left for the head, but fell short, and his arms stopped a lead of Steve's for the stomach. Kilrain gave a right and lefthand smash in the face. After a clinch he jabbed again in the face, and both punched on the body. Jake got in lightly with the left on the neck, and then landed on Steve's face. O'Donnell tried twice for the face and head, but fell short.

Round 4—After a few passes O'Donnell got in on the stomach with his left, and Jake countered on the neck. Jake smashed his right on the face, and the men clinched. Jake landed on the face with the left and once more on the neck with his right. Then he jabbed his left on the face, and got a left on the face, and then got a left-hander on the nose in return.

Round 5—Again Jake's left reached Steve's face, and the latter countered. He put in a very hard left on Kilrain's stomach, and then jabbed the same hand on Jake's jaw. Kilrain returned with his left on the face. Both countered on the head with their lefts, and then Steve put a left on the stomach. Jake got back on the face with his left.

Round 6—O'Donnell led the left and landed on the face, and Jake got in his left on the jaw. O'Donnell landed the left on the neck, and they clinched. Kilrain slipped a hard one meant for his wind. After a clinch Steve landed on the body, and Jake swung his right on the head.

Round 7— Steve tapped Jake's face lightly with his left, and then failed on three lefts. Jake jabbed his left and then failed on three leads. He jabbed his left hard on Steve's chest, and landed once more on the face. Exchanges on the body followed, and then Kilrain put his left on the face. He slipped two hard leads for the head very cleverly.

Round 8—Jake came up smiling. He landed his left on the face and left for the head, but O'Donnell ducked, and Jake immediately landed his right on the face. O'Donnell put back his left on the nose. Rapid right and lefthand exchanges followed, and the Baltimore man's nose began to bleed.

Round 9—Kilrain's nose was bleeding. Both led and landed their lefts on the face and body. O'Donnell put his left twice in quick succession on Jake's cheek. Jake got in a left on the chin, and O'Donnell placed a hot one on Jake's damaged nose. They clinched, and afterwards they exchanged right and lefthand blows on the face and body.

Round 10—O'Donnell led off with a left on the jaw. Jake landed his left on the cheek and swung lightly on the face. Steve put in his left twice on the face, and Kilrain sent in a left on the body. O'Donnell sent in his left three times on the face, and Jake sent back only one in return. Both landed lightly with the left on the face.

Round 11—Light taps opened this round, and then Steve landed twice heavily on the stomach. Steve's left went to the ribs, and thence twice more to the face. He went in again and hit Kilrain four times on the face and body without a return.

Round 12—Kilrain led off with a left jab in the face, and put Steve's head back with a left on the neck. Steve put in two lefts on the face, and Kilrain landed his left on the chest. Steve smashed Jake on the body. Jake retaliated with the left on the face. Both jabbed with their lefts on the face. Jake got in a good one on Steve's jaw, and the latter did the same trick.

Round 13—O'Donnell swung his right, but fell short, and then got in twice on the face. Jake hit back with a hard right swing on the neck. Then they smashed right and left on the body and face at close quarters, and Jake was very weak. He was nearly gone when the gong rang.

Round 14—O'Donnell led and landed twice on the face, and placed a vicious right in the wind. Jake put his right on the face. Steve's right went hard in the ribs and made Jake grunt. O'Donnell jabbed his right in the wind three times, and then went twice to the face with the left and once with his right. Kilrain was clearly winded.

Round 15—O'Donnell landed heavily with the right on the body. Both countered on the neck. Steve then smashed right and left on the face and body. He jabbed his right and left on the face and body. Jake countered lightly on the neck. This was O'Donnell's round.

Round 16—Steve slapped Jake's face, and after a light interchange he put his right heavily on Jake's jaw. Kilrain tapped him on the neck, and while Steve kept up a tattoo on the face with his left he placed his right frequently on the ribs and stomach.

Round 17—Steve led off with a hard right on the body and again on the mouth. He kept on jabbing his right on the body. Jake landed lightly on the face, but was heavily countered on the neck. Jake put in a good right-hand body blow, but O'Donnell finally reached his face, damaging the left eye badly.

Round 18—Steve landed on the chin and again on the neck. He put his right hand over the heart and then countered on the face and neck. Jake put his left on the body and received a crack on the jaw in return. Steve put a right-hand smash on the body and Jake countered on the head. O'Donnell hit Jake on the badly bruised eye and nearly closed it.

Round 19—Both jabbed with the left on the face. Steve landed his left on Jake's face four times. Jake put his left back on the neck once in return. O'Donnell sailed in and punched hard without a return until the end of the round.

Round 20—Jake sent his left twice for the face, but was easily stopped. O'Donnell planted a right swing on the jaw. Kilrain attempted to get back, but without effect. Kilrain was very groggy when the gong sounded.

Round 21—Jake's face showed evident signs of his punishment, but he was still very game. He led off with his left on the neck. O'Donnell fought him around the ring. When at close quarters he put his right on the body and sent his left over on the jaw. Kilrain fell like a log on the floor, and, although he managed to get up within the required ten seconds, the referee, Tim Hurst, stopped the bout at the request of the police. Jake would have been put out with one more punch.

The time of the last round was one minute and nineteen seconds, and the time of the fight one hour, twenty minutes and ten seconds.

Although Kilrain arose within the ten seconds stipulated, O'Donnell was awarded the fight.

NO MORE FIGHTS AT NEW ORLEANS.

NEW ORLEANS, May 6.—The Supreme Court to-day handed down a decision reversing the decision of the District Court, in which the lower court ruled that prize-fighting as recently conducted here might be continued. The decision was rendered in the appeal in the case of the State of Louisiana vs. the Olympic Club. The Supreme Court rules that the recent alleged boxing exhibitions were nothing more or less than prize-fights, and that as such they are prohibited by the State law. The injunction originally prayed for is granted, and prize-fighting in New Orleans will hereafter be prohibited. Associate Justice Watkins filed a dissenting opinion.

SHOT DOWN IN THE STREET.

A Telegraph Superintendent at Minneapolis Murdered.

MINNEAPOLIS, May 6.—Early this morning two young men found in a gutter the dead body of W. H. Thomas, Superintendent of the "Soo" Telegraph Company. There was a bullet hole in his head.

Thomas last night called on Mrs. F. L. Williams at the home of her father, R. L. Borglund. Soon after he left a shot was heard.

Mrs. Williams is the young woman who ran away to Hudson, Wis., to marry Williams. Ae turned out to be a worthless character and she obtained a divorce. Williams was arrested and confessed that he shot Thomas.

Murdered and Robbed.

PITTSBURG, May 6.—Isaac Jones, night clerk at the First Avenue Hotel, was found murdered in the basement of the hotel this morning. He had been beaten on the head with an iron bar and robbed.

FIGHTING IN NICARAGUA.

Combination Formed to Overthrow the Zelaya Government.

NEW YORK, May 6.—A special cablegram to the *World* from Tegucigalpa, Honduras, to-day says: Fighting has begun in Granada, Nicaragua. Disorder is reported from Leon, also. Word comes from there that the followers of Ortiz, Zerula and Macherro have united to make war on Zelaya.

The Honduran troops have concentrated at Cape Gracias and will remain there, as it is feared the threatened outbreak on the Mosquito reservation may extend here. The troops at Amalpa will be distributed along the coast. General Bonilla will take 4,000 men and go to President Zelaya's aid if requested.

AN ATTEMPT TO RESTORE CHIEF CLARNCE E.

WASHINGTON, May 6.—Dr. Guzman, the Nicaraguan Minister, had not been advised up to this afternoon of the reported revolution in Nicaragua. He has expected that the sailing of the British fleet would have a quieting effect on public sentiment. This expectation was strengthened when word came that Vice-Admiral Stephenson fired a salute to the Nicaraguan flag when it was again hoisted over Corinto yesterday. This courtesy was regarded as doing much to heal the wounds made by the incident. Dr. Guzman's last official cable said simply: "Ships sailed."

In other quarters the fact that the revolution is along the east shore is regarded as significant. This is the Mosquito region, in which British influence has long been dominant, and which was created a state recently under the name of Zelaya. It has been apprehended by the Central American diplomats that if the Mosquito natives made trouble it would afford opportunity for further British intervention. One of the best posted diplomats from that section says he considers it inevitable that the Mosquito natives would rebel and attempt to restore Chief Clarence to the throne. This would be a denial of Nicaragua's sovereignty over the new State of Zelaya, and in the opinion of this diplomat, Great Britain would support Clarence.

KEWEENAW AND MONTSERRAT.

First News Received of the Two Colliers Which Were Lost.

SEATTLE, May 6.—The Sitka *Alaskan* of April 27th, brought down by the steamer Topeka, which arrived to-day, says:

The schooner Maud S. entered Yakutat April 15th, with about 250 sealskins. Captain McNeil said that in Rose Harbor, Queen Charlotte Island, the Indians had a large sign bearing the name "Monnerat" nailed on one of their houses, and in the house was found a smaller sign bearing the name "Kenowa." The Captain further stated that while at Cross Sound he found some pieces of finished woodwork evidently belonging to some wrecked vessel. This is the first news ever received of the steam colliers Montserrat and Keweenaw, which were lost last winter while en route from Nanaimo to San Francisco.

IMPROVING THE SERVICE.

Better Accommodation for People Living South of San Francisco.

SAN FRANCISCO, May 6.—The Southern Pacific Company is determined to improve the passenger service between this city and San Jose on the coast division, via San Mateo County. By the change merchants and others doing business in San Francisco will be given traveling accommodation for which they have been anxiously looking for a long time, and men who have to be in the city early in the morning can reach their places of business before 7 A. M. The new time schedule is in the printer's hands, and will be ready in a day or two.

SANTA ROSA CARNIVAL.

Governor Budd and Staff Will Attend the Grand Fete.

SANTA ROSA, May 6.—Governor Budd, with his staff, will be here Thursday morning to attend the grand rose carnival. Telegrams were received here this afternoon to that effect. It is understood that the Governor will remain over till Friday evening, and with the rose queen will lead the grand carnival ball march. Everything is in readiness for the grandest celebration ever held in the northern part of the State. Decorators have been at work on the arches, floats and buildings all day. The carnival opens Wednesday evening, May 8th, and continues to Friday night, May 10th. Thursday will be the biggest day. That is the day of the carnival pageant.

THE ORIENTAL WAR.

Trouble Between the Two Countries Nearing an End.

CHINA'S EMPEROR RATIFIES THE TREATY WITH JAPAN.

Warships of the Several Powers Assembling at Chee Foo—Chinese Officials High Up in the Government Said to Have Been in the Employ of Japan, Both Before and During the War—Blot on Japan's Fame.

Special to the RECORD-UNION.

WASHINGTON, May 6.—The Chinese Foreign Office cables that John W. Foster has left Pekin for home, going by the way of Shanghai. This would take him to Chee Foo, when the negotiations will culminate. Li Hung Chang remains at Pekin, so Foster and Tsung Li Yamen will act with Viceroy Li's son in representing China.

An official cable to a different quarter gives decisive information that the Emperor of China has ratified the treaty. The information is so positive as to be beyond question. The officials say the gathering of foreign warships at Chee Foo is less belligerent than would appear on the surface. It has been arranged that the diplomats of the European countries should hold a conference at Chee Foo, and the vessels are a part of this gathering, although the strength of the Russian fleet shows that she means to be prepared for emergencies.

CHANG APPOINTED ENVOY.

YOKOHAMA, May 6.—Vicerov Li Hung Chang has been appointed Chinese Envoy to exchange ratifications of the peace treaty, which is expected to occur at Chee Foo to-morrow, instead of Wednesday.

SUMMONED TO KIOTO.

YOKOHAMA, May 6.—The Japanese Privy Council and the head officials of the Government have been hurriedly summoned to Kioto to attend a meeting to-morrow.

WARSHIPS LINING UP

CHEE FOO, May 6.—The warships of the several powers are fast assembling here. The situation is regarded as ominous. Already eight Russian warships, including three torpedo boats, are here and more are expected. In addition one British, French and American and two German warships have arrived.

TOULON, May 6.—The French cruisers Sfax and Cecille will accompany the French cruisers Taze and Suchet to the China seas to-day. They were loaded yesterday with ammunition and provisions.

RENOUNCED ITS CLAIM.

PARIS, May 6.—The Japanese Minister here has informed the Minister of Foreign Affairs, M. Hanotaux, that, deferring to the friendly advice of France, Russia and Germany, Japan has renounced its claim to permanent possession of the Liao Tung peninsula, including Port Arthur.

NEGOTIATIONS NOT EASY.

PARIS, May 6.—*Le Figaro*, commenting on the situation of the affairs in the far East, says: "Although the situation is grave, the bombardment of the Japanese coast by the Russian and German fleets is not expected. Negotiations do not proceed easily."

BLOT ON JAPANESE FAME.

WASHINGTON (Pa.), May 6.—"The Chinese Government has but itself to blame for the loss of the war with Japan. Government officials high up in China were in the employ of Japan both before and during the war. The enemy in most cases anticipated all our movements."

Such was the startling announcement made by Captain P. Norton McGiffen, just returned from ten years' service in the Chinese navy. He was commander of the Chen Yuen, the famous ironclad. "I was in the hospital and not in command of the Chen Yuen at Wei-Hai-Wei, as was reported," he continued. "Had I been in that fight I should not have been here now, as I should not have given them the satisfaction of catching me. The Japanese had an ironclad agreement, in which 'no quarter to foreign dogs' was conspicuous, and they meant it. When we went into the big battle at Yalu I made all preparations to keep out of the hands of the Japanese in case we should get the worst of it. I would have killed myself before being taken for torture.

"Now that the war is over I want to say that there is a blot on the previous fair fame of Japan which will never be effaced. Without one word of warning, before war had been declared, their fleet pounced down upon the defenseless Kow Shing and sent her with 1,000 souls to the bottom. It was one of the most cold-blooded tricks in the history of war."

JAPAN EARNED HER VICTORY.

NEW YORK, May 6.—Commander F. P. Ashe of the British royal navy is in the city on a brief visit. Commander Ashe was attached to a British warship which was on duty at the Hongkong station in the China Sea during the war between China and Japan. In speaking of the war he said:

"I studied it from a distance. There was some pretty hard fighting, and naval experts were furnished with some valuable data. The Japanese fought well on land and on sea and richly earned their victory."

Speaking of the attitude of Russia toward the China-Japanese treaty, Commander Ashe said:

"Russia has always been contesting for an eastern port. She is aggressive and will take every advantage. This last move of hers is characteristic. I see that Japan has refused to heed her protests. I do not think that another war will result. I believe that Japan will stand by her guns and not concede an inch, and Russia will be obliged to acknowledge the justice of her position."

LOST A FOOT.

Accident to a Youth Who Was Stealing a Ride on a Train.

As the west-bound overland No. 2 came into the depot just before 2 o'clock this morning, a young boy named Fred Tittle endeavored to jump from the train, on which he had been stealing a ride. He missed his footing, however, and was thrown underneath the train, the wheels