

DEBS MUST SERVE HIS TIME.

Writ of Habeas Corpus Denied by the Supreme Court.

THE DECISION OF THE CIRCUIT COURT UPHHELD.

The Government of the United States Has Jurisdiction Over Every Foot of Soil and Every Individual Within Its Boundaries—Civil Courts Have the Right to Enjoin Anyone Who Obstructs Mails or Interferes With Interstate Commerce.

Special to the RECORD-UNION.

WASHINGTON, May 27.—The United States Supreme Court today denied the application of Eugene V. Debs, the strike leader, for a writ of habeas corpus. This is a victory for the Government.

The most important question, with the single exception of the income tax, that has come before the Supreme Court during the past year, was the attempt of Debs and other members of the American Railway Union to secure the reversal of sentences to jail by Judge Woods for interfering with interstate commerce and the running of mails in the great railway strike of last summer.

The decision of the court was read by Justice Brewer, and was unanimous, there being no dissenting opinion. All of the contentions of the Government were sustained.

The case has importance beyond the question of imprisonment of American Railway Union officials, as there is largely involved the principle of the judges having jurisdiction of large interests in the hands of the courts, the precedents to be established has wide application. Technically, the application for a writ of habeas corpus and certiorari arises from the case in equity of the Union Trust Company against the Atchison, Topeka and Santa Fe Railroad, since the receivership under which the Circuit Court exercised jurisdiction over the Santa Fe and its allied roads was created in the case.

On the 24 of July, 1894, when the great railway strike was threatened, the receivers applied to Judge Woods of the Circuit Court for the Northern District of Illinois for an injunction against the American Railway Union to prevent it from inducing the employees to strike. Judge Woods signed the paper presented, which was a sweeping one, enjoining the officers of the union from interfering with the mails or with interstate commerce, or from destroying property or compelling or inducing the employees of the road to strike by violence or intimidation, or from aiding or abetting them in any of these things. The American Railway Union declared a strike on the Illinois Central Railroad, one of these included in the injunction, and the events of that strike are matters of general knowledge.

The officers of the union were brought before Judge Woods for contempt of court last December. E. V. Debs, President, and seven others—W. Howard, Sylvester Kelher, L. W. Rogers, James Hogan, William E. Burns, Roy M. Goodwin and Martin J. Elliott—were sentenced to three months' imprisonment. The injunction has been personally served on the first four officers, but Judge Woods held that its publication in the newspapers was sufficient service in itself for all of the defendants.

An application was made to the Supreme Court for the release of the eight officers of the union by a writ of habeas corpus, pending the decision of the Supreme Court, having been given their freedom under the injunction against Debs and his associates, base their application on the grounds that their sentence without indictments and trial by jury was in pain of the Constitution, particularly its Fifth and Sixth Amendments, and that information of which they were convicted did not show any violation of the injunction. Also that the injunction was void, because the bill asking for it stated in case of which the court could take cognizance, and was in effect a bill by the Government of the United States to maintain the public peace and enforce the violations of the Penal Code.

The opinion of the court in substance was as follows: The case presented is this: The United States, finding that the interstate transportation of persons and property as well as of the mails is a public right, and that a conspiracy exists to subject the control of such transportation to the will of the conspirators, applied to one of the courts, sitting as a court of equity for an injunction to restrain such obstruction and prevent carrying into effect such conspiracy. The questions of importance are presented:

First—Are the relations of the General Government to interstate commerce and the transportation of the mails such as authorized the direct interference to prevent a forcible obstruction thereof?

Second—If authority exists, as authority in governmental matters implies both power and duty, has a court of equity jurisdiction to issue an injunction in aid of the performance of such duty?

First—What are the relations of the General Government to interstate commerce and the transportation of the mails? They are those of direct supervision, control and management. While under the dual system which prevails with us, the powers of the Government are distributed between the State again, and while the latter is properly stated a Government of enumerated powers, yet within the limits of such enumeration it has all the attributes of sovereignty, and in the exercise of those enumerated powers acts directly on the citizen, and not through the intermediate agency of the State.

Second—Under the power vested in Congress to establish postoffices and post roads, Congress has by a mass of legislation established the great postoffice system of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the price of carriage, and also prescribing penalties for all offenses against it. Obviously these powers given to the National Government are assumed and exercised by Congress in respect to the transportation of the mails, are not dormant and unused. Congress has taken hold of these two matters, and by its exercise of specific Acts has assumed and exercised the powers given it, and in full discharge of its duty to regulate interstate commerce and carry the mails.

If the inhabitants of a single State or a great body of them should combine to obstruct interstate commerce or the transportation of the mails, prosecutions of such offenses had in such a community would be deemed in advance to failure. And if the certainty of such failure was known, and the National Government had no other way to enforce the freedom of interstate commerce and the transportation of the mails, it would be bound to punish for interference there with, the whole interests of the nation in these respects would be at the absolute mercy of a portion of the inhabitants of

a single State. But there is no such impotency in the National Government. The entire strength of the nation may be brought to bear in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong administration of the nation may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If emergency arises, the army of the nation and all its militia are at the service of the nation to compel obedience to laws.

In the case of the United States the right to use force does not exclude the right to appeal to the courts for a judicial determination and for the exercise of all their powers of prevention. Indeed, it is more to the point than to the black and white of the Government that, instead of determining for itself questions of right and wrong on the part of these petitioners and associates, and interfering with determination by the club of the policeman and the bayonet of the soldier, it submitted all those questions to the determination of judicial tribunals, and invoked their consideration and judgment as the measure of its rights and powers and the co-relative obligations of those against whom it made complaint. And it is equally to the credit of the latter that the judgment of those tribunals was by great body of them and in the face of the troubles which threatened so much disaster terminated. Neither can it be doubted that the Government has such an interest in the subject matter as enables it to appear as party plaintiff in the suit. It is said that equity only interferes for the protection of property, and that the Government has no property interests. A sufficient reply is that the United States has a property in the mails, the protection of which was one of the purposes of this trial.

Up to a recent date commerce, both interstate and international, was mainly controlled by the States. The States by the legislation of Congress and the cases in the courts have been concerned principally therewith. The fact that in recent years the interstate commerce has been mainly carried by railroads and that artificial highways has in no manner narrowed the scope of the constitutional provision or abridged the power of Congress over such commerce. On the contrary, the same fullness of power has been retained in the one, and the same power to remove obstructions from the one as from the other.

That the bill filed in this case disclosed special facts calling for the exercise of the power of the court is not open to question. The picture drawn in it of the vast interests involved, not merely of the city of Chicago and of the State of Illinois, but of all the States, and the general condition into which the interstate commerce of the country was thrown through forcible interference with that commerce; the attempted exercise by individuals of powers which are reserved to the Government, and the threatened continuance of such invasions of public rights, presents a condition of things which called for the fullest exercise of all the powers of the court.

If ever there was a special exigency presented, one which demanded that the court should do all that courts can do, it is apparent on the face of this bill, and we need not turn to the public history of the day, which only reaffirms with emphasis the power of the court in such cases.

The difference between public nuisance and a private nuisance is that one affects the people at large, and the other simply the individual. The quality of the wrong is the same, and the jurisdiction of the courts over them rests upon the same principle and goes to the same extent. The argument in opposition does not question the jurisdiction of the court, but only the expediency of its interfering with the Government in applying the process.

A most earnest and eloquent appeal was made to us in eulogy of the heroic spirit of those who threw up their arms in submission and gave up their means of earning a living, not in defense of their own rights, but in sympathy for and to assist others whom they believed to have been wronged. We yield to none in our admiration of any act of heroism or self-sacrifice, but we may be permitted to add that it is a lesson which cannot be learned too soon nor thoroughly that under this Government by the people the means of redress of a wrong are through the courts and the ballot-box, and that no urging, real or fancied, carries with it the legal warrant to invite as a means of redress the co-operation of a man with its accompanying acts of violence.

We have given to this case most careful and anxious attention, for we realize that it touches closely upon questions of supreme importance to the people of this country. Summing up our conclusions, we hold that the Government of these United States is one having jurisdiction over every foot of soil within its territory, and that it is a Government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed the power to regulate interstate commerce and the transmission of the mails; that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by legislation of Congress; that in the exercise of those powers it is competent for the nation to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the transmission of the mails; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is within its competency to appeal to the civil courts for any inquiry and determination as to the existence and character of any alleged obstructions, and if found to exist, to restrain such obstructions, to remove or to restrain such obstructions; that the jurisdiction of courts to interfere in such matters by injunction is all that is necessary to the exercise of that authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of penal laws; that the jurisdiction by injunction is of a civil character, and may be enforced by proceedings in contemptuation that the penalty for such a violation of such injunction is no substitute for and no defense to a prosecution for the offense committed in the course of such violation; that the complaint followed in the case showed clearly an existing obstruction of artificial highways to the passage of interstate commerce and the transmission of mails—an obstruction not only temporarily existing, but threatening to continue; that under such complaint the Circuit Court had power to issue its process of injunction, that it having been issued and served on defendants, the Circuit Court had authority to inquire whether its orders had been disobeyed, and when it found that they had been, then to proceed under Section 725, Revised Statutes, which grants power to punish by fine or imprisonment disobedience by any other party or person, to any lawful writ, process, order, rule, decree or command, and to enforce the order of punishment complained of, and, finally, that as the Circuit Court has full jurisdiction in the premises its findings of the fact of disobedience is not open to question, and habeas corpus in this or any other court, we enter into no examination of the Act of July 2, 1890 (206 Stat. 999), upon which the Circuit Court relied, inasmuch as it is not open to question that we understand from this that we dissent from the conclusions of that court in reference to the scope of the Act, but simply that we prefer to place our judgment on broader grounds, and believing it of importance that the principles underlying it should be fully stated and affirmed.

The petition for a writ of habeas corpus is denied.

Governor Budd has signed University checks Nos. 17,805 to 17,963, both inclusive, aggregating \$18,520.62.

WALTER QUINCY GRESHAM.

The Secretary of State Passes Away at Washington City.

DEATH CAME SHORTLY AFTER ONE O'CLOCK THIS MORNING.

His Devoted Wife and Daughter Present at the Bedside When the End Came—His Son Absent, Not Being Able to Reach Washington Before the Secretary Expired—Sketch of the Life of the Soldier, Jurist and Statesman.

Special to the RECORD-UNION.

WASHINGTON, May 28.—Secretary Gresham died at 1:15 o'clock this (Tuesday) morning at his rooms at the Arlington Hotel. Although his recovery was practically abandoned when his spell occurred, shortly before 6 o'clock last evening, the most powerful heart stimulants known to medical science were injected periodically, and an infusion of normal saline solution was made through an open vein. He made improvement slightly, but owing to severe rigors shortly before 11 o'clock he began to fail rapidly, and his vitality began to ebb. The three physicians saw that the end was near, and at 12 o'clock withdrew to the ante-room, leaving in the sick-room most of his family and the nurses.

Up to that time he had been conscious, and talked at intervals. His words were full of bravely. He fully appreciated his condition, and spoke words of hope and cheer to his stricken wife and daughter. Sometimes his mind wandered slightly, and went back to the days of long ago, recalling incidents of life and happiness in the spring of his life. He spoke, too, of his absent son and his Private Secretary, Mr. Landis, whom he loved as a son, and who, like his son, was speeding to his bedside, all too late.

At 1:15 his breathing ceased, a peaceful shadow passed over his pale countenance, his pulse flicked and the sorrowing family were in the presence of death. Only the nurse survived to tell the news that the end had come to the physicians in the next room, and they in turn brought it to the watchers in the reception-room and by them to the hotel lobby outside, where were gathered a half a hundred of the Secretary's friends.

No arrangements will be made for the funeral until the arrival of his son-to-day. Mrs. Gresham's devotion to her husband, and the devotedness of her daughter, the most tender, patient and faithful character. She seemed determined to fight to death. "If he dies," she said many times, "I will die with him." The utmost persuasion was used to induce her to leave the room. Yesterday she grew so faint from exhaustion that she needed and would have fainted had not one of the nurses caught her in her arms.

His illness began May 1st, when he was attacked with acute pleurisy. The physicians diagnosed his case as gall stones in the bladder at first, his pleurisy symptoms being overlooked for almost a week. Since the Secretary's illness, the consulting physician has been at his bedside constantly, as have Mrs. Gresham and the Secretary's son-in-law, Mr. Andrew Gresham, who passed a very bad night on Saturday and Sunday, suffering so much pain that last night he was placed under the influence of opiates. He has been kept more or less under their influence all day.

Secretary Gresham had been in the city for some time, and was in the hotel by the score and asked anxiously for information. President Cleveland, who was at Woodley, was telephoned to, and kept constantly informed as to his condition. He remained in the city, confined to his room, it is said, for two days by a bilious attack. He sent in word that if it was possible for him to see the Secretary or to be of any assistance, he would be glad to come in, but the physician stated that it would be impossible for the Secretary to see anyone, and he therefore declined to remain at Woodley.

Walter Quincy Gresham, born near Nashville, Harrison County, Indiana, March 17, 1832. He was educated in country schools, and spent one year in the State University at Bloomington, Ind., but was not graduated. He then studied law in Corydon, Ind., was admitted to the bar in 1853 and became a successful lawyer. He was elected to the Legislature in 1860, but resigned in August, 1861, to become Lieutenant-Colonel of the Thirty-eighth Indiana Regiment. He was promoted to Colonel of the Fifty-third Indiana in December, and on August 11, 1863, after the fall of Vicksburg, was made Brigadier-General of Volunteers. He commanded the forty-third Division of Blair's Corps in the fighting before Atlanta, and received a severe wound that disabled him for a year and prevented him from seeing further service.

He was elected to the House of Representatives in 1868, and in 1870 he was an unsuccessful Republican candidate for Congress in 1870 and in 1878. He was financial agent of his State in New York. President Grant, who held him in great esteem, made him United States Judge for the District of Indiana in 1880, and in 1880 he was an unsuccessful candidate for United States Senator. He resigned his Judgeship in April, 1882, to accept the place of Postmaster-General in President Arthur's Cabinet, and in July, 1884, on the death of Secretary Folger, was transferred to the Treasury portfolio. In October of that year he was appointed United States Judge for the Seventh Judicial Circuit.

In 1888 Judge Gresham was made a prominent candidate for the Republican nomination for the Presidency at the Chicago convention. He was summoned to the tariff created against him the antagonism of the extreme protectionists at Chicago. Judge Gresham openly dissented from the McKinley law, and in 1892, after the death of Cleveland, and by the Democrats, he, once Republican, renounced his allegiance to the Republican party and advocated Mr. Cleveland's election. After Mr. Cleveland was elected, in February, 1893, he was appointed Secretary of the Treasury, and in the position of premier of the Cabinet he was forming. Judge Gresham accepted the trust placed in him in the present Administration Mr. Gresham has had to deal with perhaps more vexatious, intricate and delicate diplomatic affairs than has fallen to the share of most Secretaries of State. His long judicial experience once he was disposed to view every question from the standpoint of exact and equal justice, and the first consideration with him was always absolute fairness. If his own country occupied a false position in the matter, he thought it was his duty to set it right, even at the sacrifice of material interests as it might appear at the time. Such courses were certain to attract the keenest public criticism, and he fully realized this in advance, but was in no respect deterred from doing what he thought was right. This brought him face to face with the great question of the hour at that time, the annexation of Hawaii. He had decided views on this matter, even before he came into the Cabinet, and it was upon his recommendation that President Cleveland performed almost his first official action by withdrawing from the Senate, in which it was pending, the annexation treaty negotiated by Secretary Foster. Then Mr. Blount was sent to the islands to make an original investigation into the matter. It was the Secretary made his now celebrated recommendation that the Queen be restored, inasmuch as she had been deposed by the action of the officers of the United States Navy.

While he was deep in the Hawaiian negotiations, Secretary Gresham was obliged to suddenly give immediate attention to the Behring Sea seal fisheries. An arbitration arranged by the United States was full swing. Here was another matter with which he was not in harmony. He did not believe that the arbitration would be successful in the object aimed at by the United States, and he was in favor of the protection of the seals, but regardless of the outcome, he was forced to bring the British Government to a renewal of the *modus vivendi* or quick action to carry out the arbitration. He was in order to guard against the annihilation of the seals. The British were unwilling to do the first of those things, and it was only by an exhibition of all the strength of the United States that he succeeded in hurrying through the British Parliament an act to give effect to the arbitration, and then securing the adoption of resolutions to keep of the sealers.

If it were not for the Wilson Tariff Act, Congress had swept away in a line all the carefully constructed reciprocity treaties negotiated by the preceding administration. This caused great anger in the nation, and the United States had such treaties, and the storm fell upon Secretary Gresham's head. Immediately there was talk of retaliation and tariff wars, and in the United States was required to pay the European powers, and how skillfully he did so, the printed correspondence tells.

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CALIFORNIA FRUITS.

They Meet With Great Favor in the New York Markets.

LIKELIHOOD OF A STEADY DEMAND THE PRESENT SEASON.

Serious Accident to a Woman at Angels Camp—Falls Down a Well Seventy-Five Feet Deep—Considerable Damage Done by Rain in the San Joaquin Valley—Another Jail Break in Oregon.

Special to the RECORD-UNION.

NEW YORK, May 26.—The World says: At the present time the daily receipts of California oranges are ten carloads of 360 boxes each. This large shipment, due to the failure of the Florida crop, is California's first chance to get a foothold in the New York market. The fruit is large and delicious, and although in a normal year the traffic charges are against California, the Florida planters being enabled to undersell their far-western rivals from 30 to 40 cents a box, there will in the future be a standing demand for the luscious fruit of the Sierra slopes.

Last week a carload of California cherries were sold at auction. There were 25,000 pounds in all. At that sale the California fruit season of 1895 was formally opened. The cherries were of all standard California growth—Black Republican, Tartarian, Rockport, Governor Wood and Princess—and sold at from 55 cents to \$2.05 per box, containing less than seven pounds each. A few apricots were included in the shipment.

Cherries will run in the California shipments for the next two or three weeks, the apricots becoming in the meanwhile more plentiful. Peaches will begin to arrive about June 10th and will constitute the bulk of the receipts until the first week in July, when pears of the Bartlett variety—world famous for their size and sweetness—will come in along with California's variety of giant prunes.

LABOR COMMISSIONS. Labor Commissioner Fitzgerald Says Have Neglected Their Duties.

SAN FRANCISCO, May 28.—E. L. Fitzgerald, the new Labor Commissioner, will go to Sacramento to-morrow and present to Governor Budd a proposition to compel every State Commissioner to do his work in a more economical way. His proposition is that the heads of every bureau and State Commission shall hold a convention, and, under the direction of the Governor, form a supervising board. This board shall discuss all industrial and statistical matters, and assign to each the lines on which the work contemplated by the law shall be performed. As soon as possible several State officers laboring in the same field, it will further save the State lots of dollars for printing many commissions when their work has been duplicated. In Mr. Fitzgerald's address to the Governor, which will be presented to-morrow, he indirectly criticizes the other State Commissioners who, he says, have neglected to perform the duties of their respective offices.

FELL INTO A WELL. Serious Accident to a Woman at Angels Camp.

ANGELS CAMP (Cal.), May 27.—Mrs. H. E. Lillie, well known and highly respected here, met with an accident last evening that will probably prove fatal. She went into a building which covers an abandoned well in her yard, when the flooring gave way and she fell seventy-five feet. Rubbish in the bottom saved her from instant death. One of her legs is broken in two places and her breast bone is fractured.

Injured as she is, Mrs. Lillie retains consciousness and is reasonably cheerful. Three physicians are in attendance, and they say that she displays wonderful vitality for one of her age, being 55 years old. The Lillie family is one of the most prominent in the county. One of her daughters is the wife of C. W. Tryon, a leading business man here. The accident has cast a gloom over the whole community.

DENIED A NEW TRIAL. Mulkey and Bannon Begin Serving Their Sentences for Smuggling.

PORTLAND, May 27.—Following the conviction of ex-Collector of Customs James Lotan and Said Beck, on a charge of conspiracy to illegally land Chinese, came the mandate from the United States Supreme Court denying a new trial to ex-Special Treasury Agent C. J. Mulkey and P. J. Bannon, convicted on the same charge. The mandate was received to-day, and Judge Bellinger immediately issued warrants for the arrest of Mulkey and Bannon, who surrendered themselves this afternoon and began serving their sentences. Bannon was sentenced to six months in the Multnomah County Jail and to pay a fine of \$1,000. Judge Bellinger to-day fixed the bond of ex-Collector Lotan and Said Beck, pending an appeal of their case, at \$5,000.

HYPNOTIZED BY HER HUSBAND. Peculiar Suit Filed by Mrs. Olsen at San Francisco.

SAN FRANCISCO, May 27.—A peculiar suit was filed in the Superior Court to-day. Dorothea Olson, the plaintiff, says that she is 60, and that four years ago she married Peter Olsen, aged 23. Mrs. Olsen says she owned valuable property in Alameda and San Francisco. Her youthful husband gained control of her affairs, and she says he is dissolute and squandered her money. She is old and decrepit, and speaks only German. Her husband treated her so brutally that she obtained a divorce last February. She says that when close to the wire, seeing that Realization would win, he actually pulled the horse's head sideways in full view of the judges and spectators, and Arnette, the favorite, won by a short neck. Only one favorite won to-day, but the winners were well enough played to prevent the bookies from getting the best of the day.

Five furlongs, selling, Maggie R. Smith won, Rosalie second, Regent Jr. third. Time—1:46. Four and a half furlongs, Instigator won, Josephine second, City Girl third. Time—57. Six furlongs, and May Day won, Boreas second, Tar and Tartar third. Time—1:54. About six furlongs, selling, Arnette won, Realization second, Road Runner third. Time—1:51. Five furlongs, selling, Gypsy Girl won, Silver State second, Prince third. Time—1:53. Judge Murphy Will Try Durrant.

SAN FRANCISCO, May 27.—The case of Theodore Durrant, charged with the murder of Blanche Lamont and Minnie Williams in Emmanuel Church, has been assigned to Superior Judge Murphy, before whom Durrant will be arraigned next Wednesday. The work of the detective department is completed and the case of the people is ready to proceed without delay. Durrant's attorneys say that they will not only prove their client's innocence of the murders, but will show who the real murderer is.

Jail Break in Oregon. PENDLETON (Or.), May 27.—Joe Parr, one of the notorious Parr brothers who several weeks ago were, after an exciting chase, put in jail on a charge of horse-stealing and attempted murder, escaped from jail yesterday by sawing off a large iron bar in the mountain. A horse led by one of his brothers near the jail and fled to the mountains. His brother Henry was too large to get through the opening, and was compelled to remain in jail. A horse led by one of his brothers near the jail and fled to the mountains. His brother Henry was too large to get through the opening, and was compelled to remain in jail. The escape was made in broad daylight.

Deeds Relating to Indian War Bonds. SAN FRANCISCO, May 27.—The Attorney-General decided to-day that the statute of limitations bars the payment of coupons of the Indian war bonds issued by the State in 1851. They amount to several thousand dollars. The statute began to run in 1850, but the claims are also barred by the law of 1853, which provides that all claims against the State must be presented within two years. It expired in February. The decision was in answer to an inquiry from Controller Colgan.

WOMAN SUFFRAGE. SAN FRANCISCO, May 27.—As a result of the Woman's Cause, which was held last week, an organization to be known as the California Suffrage Constitutional Amendment Association was formed to-day. Mrs. Sarah B. Cooper was elected President. The object of the association is to secure an amendment to the Constitution of the State permitting women to vote.

Estate of W. W. Stowe. SAN FRANCISCO, May 27.—The appraiser of the estate of the late W. W. Stowe have filed reports placing the value of the property at \$75,402.34. Of this amount \$42,152 is represented by property in San Francisco, \$16,550 by property in Butte County, \$15,899 by property in San Luis Obispo County and \$1,500 by property in Nevada County.

Prisoners Sentenced. VISALIA, May 27.—Charles Brown, who was tried and convicted of assaulting a Chinese vegetable peddler with intent to rob, and H. D. Gebhardt, who pleaded guilty to the same charge, were sentenced by Judge Gray this morning. Brown to four years and Gebhardt to three years in San Quentin. Both are young men.

St. Clair to be Hanged Friday. SAN FRANCISCO, May 28.—United States Marshal Baldwin has completed all arrangements for the execution of Thomas St. Clair, the murderer of Mate Fitzgerald of the bark Heeper, who will be hanged in San Quentin to-morrow. St. Clair will be taken to San Quentin to-morrow from San Jose.

Winthrop Charged With Murder. SAN FRANCISCO, May 27.—A charge of murder was formally placed against O. W. Winthrop, Secretary of a local lodge of the Order of Chosen Friends, for the murder of Mrs. Jennie M. Mearns. The complaining witness is the husband of the poisoned woman.

Damage Done by Rain. STOCKTON, May 27.—There was several heavy showers here this morning, which did considerable damage to cut hay. At Tracy the wheat and barley crop was somewhat injured. At Clements a large cherry crop was ruined.

Acquitted of the Charge of Murder. LOS ANGELES, May 27.—William Fitzpatrick, charged with killing P. E. Newton, near Pasadena, on March 2 last, was acquitted.

A Petaluma Doctor's Death. PETALUMA, May 27.—Dr. Levy H. Potter died last night of injuries received last Tuesday in a runaway accident.

FATAL BALLOON ACCIDENT. A Young Man Falls Several Hundred Feet, and is Instantly Killed.

ST. LOUIS, May 27.—Professor Barson, a local aeronaut, made a balloon ascension yesterday from Arsenal Island, a pleasure resort here. Tony Healee asked Barson to accompany him, but the latter refused positively. When all was in readiness word was given to let go and the balloon shot upward. The spectators were horrified to see Healee clinging to the netting. When the balloon was about 600 feet from the ground Healee loosened his grasp on the ropes and went swirling through the air. He turned several somersaults and struck the ground with such force as to mash the body into an unrecognizable mass.

Healee and a number of other young men and boys were engaged to hold the balloon while it was being inflated with gas. When the signal was given they all released their hold but Healee. He hung to the bar or was caught in the rigging, and was carried up a distance of 400 to 600 feet, when he dropped.

Professor G. Barson, the aeronaut, said that when about 500 or 600 feet from the ground he saw Healee still holding onto the balloon. The aeronaut was frightened, and called out to Healee to hold on, but he let go and was killed.

Healee was 25 years old, a teamster by occupation, residing in this city. He is said to have gone to the grounds early in the day with a lady, with whom he quarreled. It is thought that it was his intention to commit suicide in this manner. People who knew Healee say he was not in his right mind.

CHINESE EXCLUSION ACT. WASHINGTON, May 27.—The Supreme Court to-day affirmed the constitutionality of the Exclusion Act in the case of Lem Moon Sing, a California Chinaman, who left this country and was refused admission.

Justice Harlan, in his opinion, said that the Exclusion Act is constitutional. The Collector of Customs the power of passing upon the facts.

Stockton at War. RED CLIFF (Cal.), May 27.—The first open rupture in the much-talked-of sheep and cattlemen's war in Routt County has occurred. It was reported that a man was wounded, two of whom were badly injured. The news was brought by a messenger who came for medical assistance.