

DURRANT'S APPEAL TO FEDERAL COURTS.

Denied Permission to File a Writ of Habeas Corpus.

Also Refused Leave to Appeal From the Decision to U. S. Supreme Court.

The Condemned Man Notified of the State Supreme Court's Action in Granting a Reprieve—Still Maintains Confidence That He Will Escape the Gallows.

SAN FRANCISCO, Nov. 11.—William Henry Theodore Durrant will not be hanged at San Quentin to-morrow after all, the Supreme Court of this State having granted him another respite at the eleventh hour.

Up to 4 o'clock this afternoon, when the news flashed from the State Supreme Court at Sacramento that the court had granted a writ of probable cause, and instructed Warden Hale not to carry out the execution of Durrant until further orders, there was apparently no further hope for the condemned murderer of Blanche Sims and Miss Williams.

General Dickinson this morning appeared before United States District Judge De Haven and asked permission to file a petition for a writ of habeas corpus on behalf of the condemned youth.

Judge De Haven suggested that the matter be taken into the United States Circuit Court.

At 11 o'clock General Dickinson renewed his plea in that court before both Judges Morrow and De Haven. The petition for the writ of habeas corpus was based almost entirely upon the proceedings of yesterday in Superior Judge Eahrs' court.

Attorney Dickinson declared that Durrant was being held in custody by Warden Hale at San Quentin contrary to law. He held that Durrant was in the penitentiary under a double judgment, the order of the court calling for close confinement and the infliction of the death penalty.

General Dickinson recited the circumstances of the appeal to the United States Supreme Court, and stated that another double judgment was rendered yesterday. He asserted that the man-ner of the court's action was not received by Judge Eahrs, and that consequently the order of yesterday was illegal, as there was nothing officially before the court to base such judgment.

The lawyer declared that the first order of the Superior Court had provided a term of imprisonment, and there was no record in Judge Eahrs' court to demonstrate that the law had not been carried out. The law further provided that a judgment of death should not be carried out within sixty days, and it was held by General Dickinson that the punishment was cruel and unusual, and had no precedent in the criminal annals of the United States.

The plea was further set forth that Durrant had not been accorded the rights guaranteed him by the Federal Constitution.

Attorney Boardman followed General Dickinson, and in support of the motion to grant a writ of habeas corpus.

The court announced that a decision would be given at 2 o'clock in the afternoon.

When the Circuit Court reconvened this afternoon Judge De Haven rendered a decision denying the petition for a writ of habeas corpus.

After some legal skirmishing Attorney Boardman, on behalf of Durrant, asked the court for leave to appeal from this decision to the United States Supreme Court. Judge De Haven, however, declined to grant the necessary permission to appeal, and further refused to give the attorneys for the defense any satisfaction, other than to order the refusal to grant their requests spread upon the minutes of the court.

DURRANT RECEIVES THE NEWS.

SAN QUENTIN PRISON (Cal.), Nov. 11.—This has been a day of great but suppressed excitement in and around the penitentiary. The preparations for the execution of Theodore Durrant had all been completed, and the prison officials were in readiness to carry out the death sentence which they had seemed to no further appeal. The man alone was hopeful that he might yet obtain a longer lease of life.

buoyed up by the hope of intervention either by the Governor or the United States Court, the condemned murderer spent last night and to-day in tranquility. He seemed in no way affected by the trying ordeal through which he had to pass yesterday, and he was as calm and self-possessed as he has always appeared to be since his arrest. He talked freely to reporters, to whom he said "I am innocent of this crime, but if the verdict is to be carried out in my case, I shall die like a Durrant."

Durrant was very cheerful last night. He talked freely with the men who were serving as a death watch, and his conversation was mainly upon matters not in any way connected with his execution. He seemed in a reminiscent mood, and recalled many incidents of his life. Many points he had visited in the State while on pleasure trips and picnics were fully described, and the prisoner seemed to relish the accounts he gave of the good times he had had. Perhaps he reflected that his picnic days were over, and took special satisfaction in dwelling on the events of former and happier days.

After talking with those about him for several hours, the prisoner inquired what time it was. He had heard a bell toll, and said: "What does that mean?"

"It means that it is 11 o'clock," said a guard.

"Then it is about time to go to bed," he remarked. He arose from his seat and began to disrobe for the night. He

jumped into bed, and, taking up his Bible, read from its sacred pages for half an hour. He finally closed the book, turned over on his side, said "good night," and sank into a profound slumber.

All through the lagging hours the guards sat in silence. No troublous dream disturbed the sleeper. He slumbered like a child until 7:30 o'clock this morning, when he awoke and again asked what time it was. When informed he arose, dressed himself and ate a tempting breakfast with evident satisfaction. He spent the greater part of the day reading and had little to say to anyone.

At 4:30 p. m. the news that the Supreme Court had granted a reprieve was received at the prison in a message to Warden Hale from Justice Bradley. Captain Edgar, who opened the dispatch in the absence of the Warden, immediately wrote a note conveying the information to the condemned man. The message was sent to the death cell by a guard. Durrant quickly read it, and without any great display of emotion for rest and refreshment, he went to bed, and prayed silently for several minutes.

Mrs. Durrant, the mother of the prisoner, was a passenger on the 4:30 boat from San Francisco. When she reached the prison the news was told to her. She was cheerful on the way over, saying that "she had put her faith in God, and felt that He would not desert her." On her arrival at the prison she was informed that her son's life had been spared, and that she might see him later.

"Thank God!" she said. Then she went to a hotel for rest and refreshment. At 7 p. m. she returned to the prison, and was escorted to Captain Edgar's office, where her boy was waiting to meet her.

The death veil was removed when Durrant was brought down to the office, where Durrant and his mother and the prisoner unless required by future developments in the case.

Mrs. Durrant remained with her son in close conversation for some time.

An Associated Press reporter was subsequently admitted to the prison office, where Durrant and his mother were seated on a sofa in each other's arms. Durrant had expressed a desire to make a statement to the Associated Press, and in the course of an interview said:

"Naturally, I was greatly elated at the news of the reprieve, although my first intimation, based on a telephone message, was not positive. Soon after the news was confirmed. All I could do was to thank God."

"Was the reprieve a surprise?" Durrant asked.

"Not exactly. All along I have had perfect faith in my God. This afternoon I was visited by two Sisters of Charity, and I believe that their prayers and the prayers of all those who have interceded for me have been instrumental in bringing about this result."

Then Durrant remarked that he could not understand why Christian people should beg him in letters to confess.

"I am innocent," he said, "and would never confess to such vile crimes. Sooner or later the truth will be known, and I have faith that the real perpetrator will yet be discovered and punished. All of these little stunts bring us nearer to it. I know that the Lord will sooner or later set all things right. I shall never give up the fight, because the Lord is with me," he added, embracing and kissing his mother.

On Mrs. Durrant's face was a smile of contentment, but the son looked sad, and his eyes were dull. He earnestly repeated many times that faith in God would have him in the future, as in the past.

"You may say I am innocent," said Durrant, in conclusion. "I will never yield, and God is with me."

After half an hour's private talk with her son, Mrs. Durrant returned back to her hotel, and Durrant was taken back to cell 21, in murderer's row, which he had occupied before the death watch was set over him.

Shortly before midnight Attorney Eugene Deuprey, of counsel for Durrant, arrived from Sacramento, having crossed the bay in a steamer launch. The purpose of this trip was to make personal service on Warden Hale of a certified copy of the order of probable cause issued by the Supreme Court at Sacramento this afternoon, delaying the execution. The precaution of this personal service was taken, as there might be no pretext for executing Durrant to-morrow.

The Warden was asleep, and was deaf to all efforts to arouse him. Captain Edgar, Assistant Warden, accepted the papers, and agreed to deliver the documents to his superior early in the morning.

Warden Hale had stated earlier in the evening that he was in doubt as to what course to pursue. He said that in any event he would have delayed the execution until the latest legal limit of time—noon to-morrow—but that he had been advised that he should proceed to hang the prisoner, as he had received no personal service of the stay of execution. However, he finally decided to act on the following dispatch received from Prison Director Devlin of Sacramento:

"Supreme Court made an order, and has stayed all proceedings until further order of court. Accordingly, you will postpone the execution."

After reading this Warden Hale said that he would retire, and that there would be no hanging to-day.

No further developments are expected to-night.

YOUNG LADY BADLY INJURED.

Her Right Foot Almost Severed by the Explosion of a Torpedo.

CHICAGO, Nov. 11.—Miss Ruth A. Colvin of Beonuss, Ill., a student in the School of Liberal Arts at Northwestern University, stepped on what is supposed to have been a signal torpedo on the sidewalk on Emerson street, Evanston, last night, causing it to explode with force sufficient to almost sever her right foot from the ankle. The injury may result fatally.

The police have many theories, the most plausible of which is that a torpedo of the kind used in railroad signaling was dropped carelessly on the sidewalk.

Greeks Repulsed by Turks.

VIENNA, Nov. 11.—The "Neue Freie Presse" to-day publishes a dispatch from Constantinople saying that some Greek bands which crossed the Thessalian frontier between Diskat and Dominek have been repulsed by the Turks, who killed many of the invaders and captured a large number of prisoners. The Turks also seized 150 rifles and 170,000 cartridges belonging to the Greeks.

THE THORN TRIAL GOES OVER.

Not Resumed on Account of the Dangerous Illness of a Juror.

Physicians Decide That a Surgical Operation Must be Performed.

May Necessitate the Impaneling of a New Jury, When the Evidence Already Put in by the Prosecution Will Have to be Gone Over Again, and Mrs. Nack Will Have to Undergo Another Ordeal.

NEW YORK, Nov. 11.—The trial of Martin Thorn was not resumed to-day, on account of the dangerous illness of Juror Magnus Larsen, who is suffering from appendicitis. Three physicians held a consultation this afternoon over the illness, and in the evening they announced that the only hope of Larsen's recovery lay in an operation. They said that Larsen was in danger of death, and that they had notified his wife. If Mrs. Larsen consents, an operation will be performed at once. In case the operation is successful, it will not be possible for Juror Larsen to be up before three weeks.

This will probably necessitate the impaneling of a new jury. All the evidence already put in by the prosecution will have to be gone over again, and Mrs. Nack will have to undergo another ordeal. If she refuses to go on the stand, the confession she made yesterday cannot be used against her.

When court adjourned yesterday the doctors who examined the juror thought he was only suffering from a slight stomach trouble, and would be able to attend court to-day. After the other jurors arrived at the Garden City Hotel last night it was discovered that Mr. Larsen was afflicted with appendicitis, and his condition is so serious that physicians attending him will not allow him to leave his bed. This being the case, the Sheriff did not bring up the other eleven jurors to-day, and reported the facts to the District Attorney.

Several hundred men and women who assembled in the courtroom to-day expecting to hear Martin Thorn refute the testimony which Mrs. Nack gave so dramatically yesterday were therefore doomed to disappointment.

Captain Methven brought Thorn into the courtroom, the prisoner looking none the worse for his ordeal of yesterday.

Judge Smith entered a few minutes later, and District Attorney Youngs informed him of the serious condition of Juror Larsen, and, with the consent of the lawyers on both sides, Judge Smith adjourned court until 9:30 o'clock to-morrow.

"Will Thorn testify that Mrs. Nack took away the head, or will she state that it was he, himself, who threw it into the river?" Mr. Howe has asked.

The big lawyer hesitated for a moment, and then replied: "Wait till we put Thorn on the stand to-morrow. He will tell about it."

District Attorney Youngs and Judge Weller, who have charge of the case for the people, had a conference to-day with Judge Wilcox Smith. After they separated Judge Weller said the prosecution had adopted the following programme: "If Juror Larsen is not recovered by to-morrow, the people will ask for an adjournment until Monday, and then the jury will be impaneled. The juror will not have sufficient money recovered, the District Attorney will ask that the present jury be discharged and a new panel be drawn from which a new jury will be selected immediately, and the trial will be pushed through during the present week."

HOWE CONFIDENT.

NEW YORK, Nov. 11.—District Attorney William J. Youngs and William F. Howe, counsel for Martin Thorn, held a consultation last night to ascertain what the trial of Thorn trial would be brought to an end.

"Since you have decided not to cross-examine our witnesses who were put on the stand for the purpose of establishing the fact that the body at the Morgue is that of William Gulden-suppe," said Mr. Youngs, "I should say that we might close the entire case before the end of this week. How long will it take you to put in your defense, Mr. Howe?"

"In less than a day," replied Mr. Howe. "That is all the time I want. But I do want to finish the case this week. I think that will be time enough."

"Are you sure that it will not take you more than one day to put in your side of the case?" asked Mr. Youngs, in astonishment.

"That's all," replied Mr. Howe. "It may take you a week to examine all the witnesses for the prosecution, but it will take me less than one day to convince the jury that Martin Thorn is innocent. Why, the testimony of Mrs. Nack has more than strengthened our case. We admit that the body at the Morgue is that of William Gulden-suppe. We admit that Gulden-suppe was killed, but we shall prove to this court and jury that it was Mrs. Nack who killed him."

"Bosh, bosh," said Mr. Youngs. "Thorn will be convicted."

"Not at all," replied the lawyer. Mrs. Nack admitted to the witness stand that she had killed Gulden-suppe; Woodside; that she bought the old cloth before the man was dead, and we have found the pistol with which she did the killing."

"How is that?" asked Mr. Youngs.

"Why," said Mr. Howe, "she killed him with Gulden-suppe's own pistol. It was the pistol the detectives found at her house, the same pistol she identified in court. Just watch us. The jury is with us, and I can assure you that Martin Thorn will be acquitted."

TOLD TO A MINISTER.

NEW YORK, Nov. 11.—Rev. R. H. P. Miles, pastor of the First Presbyterian Church of Ravenswood, L. I., to whom, it is alleged, Mrs. Nack made her confession, said that he had not attempted to work on the woman's feelings, as has been alleged. Mr. Miles said that he

GERMANY WILL DEMAND REDRESS.

Haiti Must Pay Indemnity for Imprisonment of Lueders.

A Warship to be Sent to Port-au-Prince to Insist Upon the Claim.

Indications of Another Revolution in Nicaragua—The People Restless Over President Zelaya's Intention to Sell the National Railway and Steamboats.

BERLIN, Nov. 21.—The German warship Gedon will sail for Port au Prince, Haiti, next week, to insist upon redress for the arrest and alleged unlawful imprisonment in Haiti of Herr Lueders, a German subject.

Lueders claims that the Haytian police forced their way into his residence, contrary to law, to arrest one of his servants. He resisted the police, for which he was fined \$48 and sentenced to a month's imprisonment. Upon appeal he was fined \$500 and sentenced to a year's imprisonment, although it is claimed no evidence was presented against him.

Thereupon the German Minister demanded that Lueders be released and paid \$1,000 for each of the twenty-three days he had been imprisoned, and \$5,000 for each additional day's imprisonment after that demand.

President Sam at first refused to grant the Minister's demand, and Lueders remained in prison six days longer.

Thereupon the German Minister notified the Haytian Government that he had handed down his flag, and had sent the archives of the German Legation to the legation of the United States, thus severing all diplomatic relations with the Government of Haiti.

The action of the German Minister caused a great deal of excitement at Port au Prince. There were threats to lynch the prisoner; it was proposed to attack the legation, and, acting upon the advice of his counselors who were not desirous of precipitating further trouble, Lueders was released, reached New York on October 30th, and sailed for Europe the same day.

NATIONAL GRANGE.

Proceedings of the Meeting in Session at Harrisburg.

HARRISBURG (Pa.), Nov. 11.—The National and State Granges gave some consideration to reports to-day, but the public reception at the opera house this afternoon was the feature. This evening the degree of Ceres was conferred upon a large number of candidates under the direction of the High Priest of Demeter, Dr. George A. Bowen of Connecticut.

To-morrow the delegates and officers of the National Grange on a trip to the Gettysburg battlefield.

At the sessions of the National Grange the reports of the State Masters were continued.

Colorado reports the granges prosperous, and much business going on among the farmers, who gathered this year the largest harvest in the history of the State.

Oregon reported all the granges in a prosperous condition, and that the organization being rapidly extended to the most remote parts of the State. Harvests were good.

At the public meeting this afternoon Governor Hastings spoke.

REMOVALS FROM OFFICE.

Must be Made for Other Than Political Reasons.

WASHINGTON, Nov. 11.—The case of Butler, Barry and Ruckman, Government gaugers and storekeepers in a distillery in the West Virginia collection district, which was tried by Judge Jackson of the United States Circuit Court, and a decision reached by which Collector White is restrained from either removing or transferring them to other subordinate positions, as was contemplated, has been referred to the Solicitor of the Treasury.

A somewhat similar case as to the powers of Collectors of Internal Revenue to appoint or remove his deputies was referred to the Attorney-General, who has declined to express an opinion on the facts presented.

Judge Jackson held in the case of the gaugers and storekeepers that they cannot be removed from their positions except from causes other than political, in which event their removal must be made under the terms of the Civil Service Act, and the rules promulgated under it, which requires that no removals shall be made except for cause, nor until after the charges against the person sought to be removed have been presented to him, and he has been given an opportunity for defense.

The Internal Revenue Bureau's contention is directly opposed to this view of the law.

TROUBLED NICARAGUA.

Indications That Another Revolution Will Soon Break Out.

MANAGUA (Nicaragua), October 30.—(Correspondence of the Associated Press)—President Zelaya of Nicaragua is sending a commission to the United States and to Europe, who will try to sell Nicaragua's national railroad and steamboats.

There are many indications that there will be another revolution soon in Nicaragua, and the rules promulgated under it, which requires that no removals shall be made except for cause, nor until after the charges against the person sought to be removed have been presented to him, and he has been given an opportunity for defense.

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FOUR MEN INJURED.

A Three-Story Brick Building Collapses at Boston.

BOSTON, Nov. 11.—By the collapse of a three-story brick building which was being remodeled at the South End to-day, four men were injured, one of whom, it is said, will probably die. The injured are: Moses Lickertell, badly crushed and internal injuries; Simon Kiferditch, head crushed; Peter Heaverloch, right arm bruised; E. McLane, a pedestrian, struck by flying brick.

General Dudley's Wife Dead.

WASHINGTON, Nov. 11.—Mrs. W. W. Dudley, wife of General Dudley of Indiana, the former Commissioner of Pensions, died here to-day.

Condition of the Treasury.

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States. His facial neuralgia has been aggravated by the east wind which has prevailed recently, and thus prevents him from going out driving. But the general health of the ex-Chancellor is better than usual.

Home for Dependent Engineers.

MATTOON (Ill.), Nov. 11.—The Meadow Lawn Farm of 250 acres, which has been in litigation for the past five years, has been sold under the hammer to Grand Chief P. M. Arthur, in trust for the benefit of the Brotherhood of Locomotive Engineers, for \$17,400. It is the intention of the Brotherhood to establish a home for dependent engineers, their widows and orphans.

Suicide at St. Louis.

ST. LOUIS, Nov. 11.—A. G. Gillam, manager of the Jones-Dixon Publishing Company of this city, and Democratic candidate for State Senator at the last election, shot and killed himself to-day. No reason is known, except that an injury received recently by Mr. Gillam in a bicycle accident may have affected his mind.

The Persia Floated.

GLASGOW, Nov. 11.—The Anchor Line steamer which went ashore off the Isle of Arran at the entrance of the Firth of Clyde, as called to the Associated Press last night, proved to be the Persia, bound from Liverpool for Glasgow. As anticipated, she was floated at midnight, and proceeded to her destination.

Turkish Embassy in a Bad Way.

BERLIN, Nov. 11.—The condition of the members of the Turkish Embassy is deplorable. None of them has received his salary for over a year, and their debts in this city aggregate 1,500,000 marks. Their tradesmen are importuning them for money.

A British Vice-Consul Arrested.

KINGSTON (Jamaica), Nov. 11.—Arthur Twesdy, the British Vice-Consul at Santa Domingo, Capital of the Republic of Santo Domingo, has been arrested there on the charge of obtaining \$8,000 by fraudulent pretenses.

A Youthful Texas Murderer.

BROWNSVILLE (Tex.), Nov. 11.—Bernardo Salzar, a Mexican, aged 16 years, shot and probably fatally wounded two old women and two little girls, aged 2 and 4 years. There is no cause assigned for the deed.

Favor an