



PROSECUTION IS WINNING

Ruef Meets With Defeat In Day's Legal Fight.

IS STILL IN HIDING

Honey Confident That Boss is Not Far Away and Can Be Secured.

MAY ASK FOR NEW ELISOR

Assistant Prosecuting Attorney Declares He is Not Greatly Exerciased Over Disappearance of Prisoner Under Indictment—Mayor Answers.

SAN FRANCISCO, March 7.—Mayor Schmitz appeared before Judge Dunne today and pleaded not guilty to four indictments charging extortion. By agreement of his counsel next Monday was designated as the time when the date for trial will be set. Success was with the prosecution in almost every turn in today's developments in the Ruef extortion case. The most notable instance was in the district court of appeals which denied to Ruef an application for a writ of prohibition to restrain Judge Dunne from any further proceedings against Ruef pending the determination of the accused man's appeal to the Supreme Court for a permanent writ of error, the effect of which, if granted, would be summarily to postpone the entire prosecution. While the attorneys for Ruef, who is still in hiding, supposedly in or near San Francisco were hopefully awaiting the decision of the appeal court, Judge Dunne proceeded with the two cases of perjury and conspiracy against Ruef and Chief of Police Dinan. He was obdurate to the endeavors of attorney Shortridge to win a delay for Ruef. Motions to strike the case from the files and set aside the indictments were denied and to escape the imminent necessity of pleading at once Ruef's counsel entered a demurrer which had been previously prepared to meet this emergency should it occur.

Arguments on this were set aside for tomorrow morning.

Coroner Walsh, delegated in sheriff O'Neil's stead to apprehend Ruef, reported his failure to do so and was given until tomorrow morning to make good. Failing then, Judge Dunne will probably appoint another elisor to bring the fugitive into court.

Shortly before 5 o'clock this evening counsel for Ruef made application to the state supreme court for identically the same writ of prohibition refused earlier in the day by the district court of appeals. Pending the determination of this move, it is the purpose of Judge Dunne to go right ahead with the case.

And it is the intention of the counsel for the defense not to reduce Ruef in Dunne's court while the matter thus stands.

Samuel M. Shortridge said that the proceedings before Judge Dunne were null and void. He claimed that when the clerk of the circuit court of appeals, as representative of the United States supreme court allowed the filing of the appeal, that act of itself became a complete bar to the trial of Ruef in the lower court during the pendency of the appeal.

"We are not greatly exercised about the disappearance of Abo Ruef" said Assistant District Attorney Honey tonight.

"He's not far away and if the coroner does not bring him into court tomorrow morning I shall request the court to appoint an elisor, not Burns, but some citizen who is not a partisan, and yet a man who will do his duty. We shall get Ruef into court."

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JURY DISAGREES.

Final Ballot in Steve Adams Case Shows Even Division.

SPOKANE, March 6.—A Wallace special to the Spokesman Review says that the jury in the Steve Adams case after being in deliberation since 11 o'clock yesterday morning, this evening at 7:10 announced itself unable to agree on a verdict and it was discharged by Judge Woods.

The jury stood for many hours at seven for conviction and five for acquittal, and it was only after the last ballot that the jurymen stood evenly divided, six for conviction and six for acquittal.

Judge Woods thanked the jury for their patience and declared them discharged. This means that Adams will have to be tried over again.

The prosecution declares that Adams will be retried but not sooner than the October term of court. Attorneys for the defense state the belief that Adams never will be tried again on the Tyler charge. They point to the fact that this trial has already cost the county \$25,000 and say the prosecution will ultimately drop the case.

BANKER SUICIDES.

SAN FRANCISCO, March 7.—Charles A. Kinkeline, a retired banker, committed suicide last night by shooting himself through the head. He had been in ill health for some time past. He was a German, 46 years old, and son-in-law of the late millionaire paint and oil merchant, W. P. Fuller.

READING IS NORMAL

Flurry in New York Stock Market Has Subsided Quietly.

NO EXPLANATION OBLAINED

Fact That Buying Had Price Limit Disputes Theory That Object Was Control of Line—Frick Believed to be Buyer.

NEW YORK, Mar. 7.—Excitement in financial circles caused by the heavy buying of Reading yesterday, said to be for control of the property, died out today and the market resumed its generally weak tone. No explanation of the Reading incident is obtainable officially today but denials of the Harriman interests that they were in any way concerned was generally accepted in Wall street and speculators were more inclined to the opinion that the party buying was for the account of H. C. Frick. It has been reported for some time that Frick has sold out a considerable portion of his holdings around 150 and it was held to be natural that he should take back his stock at the low prices of the past week. It was noticed also that 125 seemed to be the price limit at which the heavy purchases were made yesterday and this fact was used as an argument against the reports that the stik was being taken for control. In the contest for the Northern Pacific, shares were brought practically without regard to price. Reading opened today at 122, or 2 1/2 points lower than last night. High price 124 3/8 lowest 118 3/4 and last sale made at 119. Sales were 231, 900 shares. Yesterday 736,500 shares changed hands.

PREVENTS CONSOLIDATION.

LANSING, Mich., March 7.—The Senate this afternoon voted to recall the bill passed yesterday preventing the consolidation of Calumet and Hecla, Allouez, Centennial and Osceola. The House however refused to permit it and passed the bill under suspension of rules. Governor Warner before he signs the bill will give representatives of Calumet a hearing.

DEFENSE WILL REST

Thaw's Counsel Make Sudden Change.

SURPRISE TO JEROME

Delmas Will Announce Resting of Case to Court This Morning.

STATE NOT FOR COMMISSION

Prosecuting Attorney Can Call Several Important Witnesses for Rebuttal Who Have Not Yet Testified Including Alienists For State.

NEW YORK, March 7.—There was another quick turn in the cards in the trial of Harry Thaw late today when the defense announced that it had concluded to rest its case. It was nearly six o'clock when Mr. Delmas, chief of the Thaw counsel, called up District Attorney Jerome on the telephone and made the announcement. The District attorney was perhaps the most surprised man in New York for it had been announced that Thaw's counsel would call one or two alienists tomorrow. Instead when court convenes, Delmas simply will make the announcement "the defense rests."

It will then be the duty of the district attorney to take up the rebuttal but it is generally rumored tonight that after a brief session, adjournment will be asked and granted until Monday for Jerome to mature his plans. Jerome's move in the morning is awaited with interest.

There are numerous witnesses that could be called in rebuttal including alienists for the state who have been in court every day studying Thaw, Howard Nesbit, brother of Mrs. Thaw, May McKenzie and others who have been on call daily and who may be summoned Friday.

Jerome stated that he would not be able to tell what action he will take until he hears in open court tomorrow the words which assured him the defense had rested. He declared the defense had changed plans so many times that he will not be sure of anything until he hears the statement in open court. He said in case the defense rests tomorrow, all the evidence ought to be in by Wednesday and in that case should go to the jury sometime Friday. He was asked whether he will go to the jury with the case or ask for a lunacy commission.

"On the evidence as it now stands, I will certainly go to the jury" replied the district attorney.

"If there is nothing between society and anyone who wishes to attack it but a 'brain storm' we had better go back to the days of the frontier and every man take out a pistol permit."

AID YALE MEN.

Graduates of Law School Helped to New York Offices.

NEW YORK, March 7.—An informal committee of Yale graduates, all practicing lawyers in New York City, has formulated and set on foot a plan to assist graduates of Yale to obtain desirable places in New York law offices. The committee proposes to send notices of its plans to all Yale men practicing law in this city inviting them to co-operate by advising the secretary of any vacancies in their offices. Notices will be sent to Yale inviting all who intend to practice law here and desire clerkships to advise the secretary so that the papers may be forwarded upon which to make application.

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The committee was composed of Robert W. DeForest, Frederick Trevor Hill, Charles P. Rowland, Roger S. Baldwin and Thomas D. Thacher.

SCRAMBLE FOR \$'S.

Californians Keep Up the National Reputation in Scramble for Festive \$.

CHICAGO, March 7.—A dispatch to the Tribune from San Francisco Cal., says:

One thousand persons yesterday fought and scrambled for possession of 3000 of Uncle Sam's dollars that were spilled from a sub-treasury wagon which broke down at Commercial and Kearney Streets. A heavy guard of soldiers accompanying three wagons of coin on their way to the Presidio to pay off the officers and men formed a cordon around the scattered silver and with drawn bayonets, drove off the crowd. All the coin was recovered from the mud and slush except \$32. For this a big crowd hunted during the remainder of the afternoon and found \$30 of it before night came.

DIES AT 143 YEARS OF AGE.

VALPAIRAISSO, Chili, March 7.—The death of an Indian woman who was reputed to be 149 years old has occurred at Osorno.

CLOSE CONTEST.

PHILADELPHIA, March 7.—Joe Thomas, of California, had a slight advantage over Honey Melody, in a six round bout last night.

MAKES LOSS HIS OWN

Former Life Insurance Officer Returns Money Taken.

WAS FOR CAMPAIGN FUND

Declares Officers Believed Contribution to Party Politics Was For Benefit of Policy Holders and Without Thought of Personal Profit.

NEW YORK, March 7.—George W. Perkins, former vice-president of the New York Life Insurance Company and new member of the firm of J. P. Morgan and Co., has sent to the New York Life his personal check for \$54,019, being the \$48,500 and interest, which the company made to the Republican campaign fund in 1904 in connection with which Perkins was recently made defendant on a charge of larceny. In a letter to President Orr, Perkins said he was acting on the request of the then President of the company when he advanced the money for campaign purposes, and says when the president reimbursed him there was no thought of personal advantage, but the belief that they were acting for the best interests of the policy holders both at home and abroad.

PORTLAND MILLS CLOSE.

Four Large Sawmills and Two Box Factories Feel Strike.

PORTLAND, Ore., March 6.—The four largest sawmills and two large box factories in this city were shut down tonight at six o'clock and will make no further effort to keep in operation until a settlement of the wage dispute with their employes is effected. Fifteen hundred men are affected so far. It is feared the trouble will spread to other mills by tomorrow or the next day. A mass meeting of strikers was held tonight at which it was decided to make a demand for the minimum scale of \$2.50 and a nine hour day. Mill owners will meet tomorrow for the purpose of arranging to fight the movement.

HARRIMAN WOULD AID

In Co-Operation Between Roads and Nation.

FAVORS REGULATION

Says Combinations Are Benefit to Public But Not Appreciated

PREDICTS HIGHER RATES

Admits That While Roads Have Neglected to Build up Cordial Relations With Public They Have Not Neglected Its Interests.

NEW YORK, March 7.—In an interview today, E. B. Harriman stated that he is ready to make the advancement of the scheme of co-operation between the government and the railways his chief interest. He refused to talk about the report that he had secured control of the Reading line.

Regarding corporate wealth, Harriman said that if everyone, railroads and all, had met on a common ground and cooperated for our mutual benefit, nobody would now be worrying over the present situation.

Harriman declared that both the railroad managements and the government administration at Washington have been a little radical. He looks to see hereafter, opposition taking more the character of cooperation and believes the railways will receive more evenhanded justice. Those who manage the railways, he says, are beginning to see what the administration wants and he feels that all of us, public, government and railways are now on a common ground and can deal with each other in right spirit. Harriman says he is willing to make the advancement of the scheme of cooperation his chief interest, and thinks there could be a few conditions imaginable of wider benefit than to eliminate the hostile friction. He admits that the railroads in the past have neglected to build up harmonious relations with the government and the public, but he contends it cannot be said that the railroads have neglected to be of service to the public. He then quotes figures showing the hundreds of millions which his system has spent in betterments in the past few years, and to the enormous quantity of railroad iron purchased. He says that combination really benefits the public. The public many think otherwise, but it will learn the truth in time.

That time will come the sooner if combinations are legalized. He says he believes in control and regulation, and within the limit of such control corporations ought to be allowed to combine when they find it necessary or beneficial.

Restrictive legislation, Harriman declared, must tend to reduce dividends, unless met in some other way. He says already it is plain that there is lack of confidence by capital and he asserts that the present money tension is bound to react on industrial cooperation. He says there is a general all around movement to reduce expenses and there may be higher freight rates.

TORE GEMS FROM EARS.

But Left Other Jewels Beside Dead Body of Woman.

St. LOUIS, March 7.—When he re-

turned from his office tonight Herman Querhelm, president of the Querhelm Hardware Co., stumbled over the lifeless form of his wife in the front hall of his residence at 3720 Vesta Avenue, one of the fashionable residence streets.

Mrs. Querhelm's throat had been cut, she had been shot once and her body had been brutally torn and bruised. Scattered near the body was a large quantity of jewelry and several hundred dollars in currency. The only thing missing was a pair of handsome diamond earrings which had been torn from the dead woman's ears. Querhelm was unable to furnish any clue, and although almost the entire detective force is assigned to the case, nothing has been learned of the identity of the assailant.

IRISH START RIOT.

Indignant at Satire on National Character They Pelt Actors.

SAN FRANCISCO, March 7.—Indignant at the refusal of the management to withdraw an alleged offensive character from a musical farce, a crowd of Irishmen visited the Davis Theatre last night and renewed the riotous scenes which 2 2 2 2 2 2 2 2 2 2 scenes enacted last Monday night. The outburst in the theatre consisted in throwing eggs, fruits and other articles at the players, in the tramping of feet, in hissing and in heated calls for the players to leave the stage.

Outside the theatre 5000 men and women, many of whom had been excluded from the place, created another uproar. The disturbance ended in free for all fight within and without the theatre resulting in one arrest and the injury of six policemen.

ARCHIE ROOSEVELT

Son of President Dangerously Ill With Diphtheria.

CONDITION IS VERY CRITICAL

At 3:30 This Morning Third Son of President Still in Dangerous Condition But Resting Easily—Has Even Chance of Recovery.

WASHINGTON, March 7.—Archie Roosevelt, the President's 3rd son, who has been suffering from diphtheria since Friday had a turn for the worse yesterday and tonight, and though he rallied somewhat, his condition is serious. Dr. Alexander Lambert of New York, in response to a telegram from the President, arrived in Washington tonight and has taken charge of the case. At 9:30 when Drs. Braisted and Pryor left the White House, they stated if Archie's vitality holds out through the night there is an even chance of recovery. At 10:30 Dr. Rixey issued a bulletin stating that Archie has materially improved since noon and that at 10:30 the case was more favorable with normal temperature and the heart acting well. At 1:30 (Friday) word came from Dr. Lambert that the sick boy is in a still serious condition. There had been no change.

At 3 a. m. a message bearing Dr. Lambert's signature sent from the White House to the home of Congressman Longworth, stating that while Archie was resting easy, his condition is still critical.

MANY BOWLERS ENTER.

DENVER, March 7.—Eighty-five teams have entered for competition in the second annual meeting of the Western Bowling Congress, which opens at Coliseum Hall at 8 o'clock tonight. The Congress will continue until Wednesday night of each week. Teams from Portland, Seattle, Butte, Salt Lake and Ogden, Kansas City, Omaha, Peoria and Chicago, besides nearly every town in Colorado are entered.

Five thousand dollars in prizes have been offered.