

PACKERS HARD HIT

Plea in Abatement Is Overruled

Jury Will Probably Be Drawn in October

Action of the Federal Court at Chicago Yesterday Means That the Beef Magnates Are Considerably Nearer a Trial

Special to The Herald. CHICAGO, Sept. 29.—The indicted packers suffered their second reverse in court when Federal Judge J. Otis Humphrey today sustained the government's demurrer to the packers' plea in abatement attacking the proceedings by which the indictments were returned.

The court overruled every plea in the process filed by the packers and the government's victory is considered signal.

The government is now one step nearer to a speedy trial of the cases, and it is likely that the jury will be drawn about the middle of October.

After the decision the district attorney moved that the defendants plead to the indictment.

If the court had overruled the demurrer the case then would have been thrown out of court, such a decision meaning that the indictment had been found illegal and obtained by unlawful methods.

The sustaining of the demurrer means that the packers are considerable nearer a trial.

It was announced that the next step by the packers will be a demurrer attacking the face of the entire indictment as far as defects and insufficient allegations are concerned.

"CONTINENTAL" IS PUT UNDER INVESTIGATION

JOHNSON DECLARES COMPANY INSOLVENT

Judge Hart Rules Inquiry Into Its Financial Affairs Permissible in Emmons Trial and William Corbin Is Ordered to Produce Books

By Associated Press. SACRAMENTO, Sept. 29.—In the Emmons trial today Grove L. Johnson began his investigation of the Continental Building and Loan association, losing sight of the defendant for the time being.

Johnson declared that he could prove the Continental to be insolvent at the time Emmons and his associates in the senate started the investigation, whereupon Judge Hart allowed an inquiry into the affairs of the company.

Clarence Grange has been ordered to return and produce the bylaws of the Continental.

At the conclusion of today's session Johnson asked that William Corbin be ordered to appear on Monday with all the books of the Continental Building and Loan association, and the order was made. An adjournment was taken until 10 o'clock Monday morning, when Palethorpe, the expert, will resume the stand.

ERUPTION IN NICARAGUA

Santiago Volcano Is Spouting Water and Ashes—Millions of Coffee Trees Destroyed

By Associated Press. MAZATLAN, Mexico, Sept. 29.—The Santiago volcano in Nicaragua is in violent eruption and throwing water and hot ashes over a considerable area. Passengers arriving here on the Pacific Mail steamer Kosmos today from the south report that the hot water fell on the vessel at several locations off the coast at Nicaragua.

At the port of Corinth it was stated that millions of coffee trees on plantations adjacent to the volcano had been destroyed by boiling water falling upon them.

The Santiago volcano has not been violently active for several years.

CARNEGIE OFFERS A PLAN

Writes Article Urging Alliance of the United States, France and Great Britain

By Associated Press. PARIS, Sept. 29.—The Echo de Paris this morning prints an article signed by Andrew Carnegie in which the writer argues in favor of an alliance of the United States, France and Great Britain for the safe guarding of the peace of the world. The author denominates the countries named as "the three republics, two uncrowned and one crowned."

ANGELENO MAKES BIG SALE

Special to The Herald. CHICAGO, Sept. 29.—An apartment building at the southeast corner of Warren and Kedzie avenues has been sold by Agnes M. Kimball of Los Angeles, Cal., to Alida Oskay of New York city, for \$80,000. The ground is 50x120 feet.

DYNAMITE BOMB EXPLODED

Tenement Sleepers Hurlled From Their Beds by Outrage Attributed to "Black Hand" Society

By Associated Press. NEW YORK, Sept. 29.—A bomb filled with dynamite and a quantity of inflammable oil was thrown at the rear of a crowded tenement house at Eighth avenue and One Hundred and Forty-third street early today.

More than a score of persons were hurled from their beds by the explosion and two of them were carried from the house unconscious. Within a minute after the explosion flames nearly enveloped the rear walls of the tenement house.

The police believe that "black hand" Italian assassins threw the bomb. The object of the attack was the rear door of an Italian barber shop on the ground floor.

FORETELLS FATE OF ESCH-TOWNSEND BILL

SENATOR CHANDLER WRITES AN OPEN LETTER

Says Railroads Will Work Against the Measure by Means of Dangerous Amendments and Additions, Bribing Legislators

By Associated Press. CONCORD, N. H., Sept. 29.—In a series of open letters to Edward A. Moseley of the interstate commerce commission, former Senator William H. Chandler of New Hampshire defines his attitude toward the Esch-Townsend rate legislation bill, to come before congress at its next session and calls to the attention of the commission some of the dangers that beset the attempts of pass the bill, as they appear to him.

Mr. Chandler lays great stress on the attitude of the railroad companies, and says the methods of defeating the measure to be put forward next winter will be dangerous amendments or additions to the Esch-Townsend bill, "under the guise of friendly improvements but really as railroad tricks."

He says further: "You cannot reasonably expect that a law can be passed through both houses of congress which shall make a reasonable transportation rate fixed by the commission take effect immediately, and remain in force unreversed by the court of review, when Mr. Samuel Spencer, on behalf of the railroads, has announced that they will not permit either of two things."

These two things, Mr. Chandler charges, are the giving of power to the commission to substitute in a particular case a rate or price which in their judgment is just and reasonable in the place of one judged by them to be unjust or unreasonable, and the enactment of "statutes which provide that a rate of transportation once fixed by any authority shall remain perpetually in force thereafter until changed by commission or by court."

HANGED AT SAN QUENTIN

Miguel Antony Pays the Penalty for Murdering Chinese Peddler at Needles

By Associated Press. SAN QUENTIN PRISON, Sept. 29.—Miguel Antony, a native of Porto Rico, was hanged today. The trap was sprung at 10:30 o'clock and in thirteen and a half minutes the man was pronounced dead. The condemned man's last words were a prayer recited in Spanish for the repose of his soul.

Antony was convicted in San Bernardino March 23, 1902, for the murder of Lee Gar, a Chinese peddler, at Needles. His wife, who was held as an accomplice, made a confession Christmas day, 1903, that showed Antony to have committed the murder in a most cold-blooded manner. He enticed the Chinese in a back room and, seizing him by the queue, held his head back and cut his throat with a razor.

STATE AUDITOR ARRESTED

By Associated Press. INDIANAPOLIS, Ind., Sept. 29.—David E. Sherrick, former auditor of state and recently removed by the governor, was arrested today at his home on an indictment returned by the Marion county grand jury, charging him with grand larceny, embezzlement and conspiracy to defraud. He gave bond in the sum of \$20,000.

Arrested for Suicidal Conspiracy

By Associated Press. ST. LOUIS, Sept. 29.—The dead body of Miss Nellie West Long was found in a room at the Burlington hotel today, she having committed suicide with morphine. Bert Grimm, her fiancé, who was with her, is under arrest charged with having entered into a suicide compact with the woman.

MILLIONAIRE IS TIRED OF LIFE

WILLIAM B. TRAVERS SHOOTS HIMSELF

Well Known New York Clubman Is Found Dead in His Apartments With a Revolver by His Side

By Associated Press. NEW YORK, Sept. 29.—William B. Travers, a millionaire, man of leisure, son of the celebrated Wall street operator, William A. Travers, committed suicide today by shooting himself through the head in his apartments in Madison avenue. The suicide is inexplicable, Mr. Travers being in the prime of life, in fair health and the possessor of a large fortune.

Mr. Travers married Miss Lilly Harriman, a sister of Mrs. W. K. Vanderbilt, jr., but the couple separated three years ago. Mrs. Travers going to Paris to live. He was an uncle of Mrs. Clarence Mackay and had two sisters, Mrs. James Wadsworth of Geneva, N. Y., and Mrs. Walter Gay, now living in Paris. Since his separation from his wife he had lived entirely alone with the exception of his valet, Martin Moon.

When Mr. Travers arose this morning he appeared to be in excellent spirits, and after breakfast told his valet he would not require his services during the day. Shortly after noon a maid found Mr. Travers lying dead on his bed with a revolver by his side.

He had placed the muzzle of the weapon in his mouth and sent a bullet through his brain. He left several letters, all relating to business affairs and giving no clue to the cause of the suicide.

Mr. Travers never engaged in any business except when, about six months ago, as an experiment, he became a partner in the banking house of Hugh Eddy, the affairs of which, however, engaged little of his time. He was 49 years old, was a member of the Knickerbocker, the New York Athletic, the Tennis and Racquet and many other clubs.

YELLOW FEVER FIGURES SHOW SLIGHT INCREASE

BUT DEATHS FOR THE DAY DECLINE

Feeling of Uncertainty as to President Visiting New Orleans Still Existing and Augmented by Decision of the American Health Association

By Associated Press. NEW ORLEANS, Sept. 29.—The yellow fever report at 6 p. m. gives the following results:

New cases, 28; total to date, 2969. Deaths, 2; total, 386. New foci, 5. Cases under treatment, 243. Discharged, 2340. Some increase over the very low record of the preceding four days was shown in today's report of new cases, but in view of the fact that the population today is much larger than it was a month ago the percentage of sickness is considered exceedingly small. The day's deaths showed a decline.

A feeling of uncertainty regarding the visit of President Roosevelt still exists, and there is some apprehension that the decision of the American Public Health association to have a committee communicate to the president its sentiments of opposition to the visit at this time may cause the cutting out of New Orleans. It is promised that a final decision will be given finally on Monday.

STUDENTS ROUGHLY SCORED

Members of Madison State University Create Disturbance and Will Be Severely Punished

By Associated Press. MADISON, Wis., Sept. 29.—As the result of an attempt of a crowd of students to break up a carnival company that was showing here Mayor Curtis today gave orders to the police to shoot any student resisting arrest or assaulting an officer. President Vanhise of the state university urged the officers and courts to show no discrimination against students and said he would expel every student convicted in court and suspend all arrested. At a convention today President Vanhise severely scored students for rowdy conduct.

FLEE IN NIGHT CLOTHES

GRASS VALLEY, Sept. 29.—A number of farm houses have been destroyed in the last few months, each case being shrouded in mystery. In several instances the inmates were aroused from sleep and narrowly escaped. Each instance points to the work of an incendiary. The latest victim is Joseph Gassaway, who was burned out this morning. He was awakened by the heat and flames and barely had time to arouse his wife and little ones before the roof fell in. They fled in their night clothes, shoeless, in a heavy frost, to the nearest neighbors, where they were given shelter.

RAILROADS FIGHT TAXATION

Lines in Texas Ask Injunction to Prevent Levying One Per Cent on Gross Receipts

By Associated Press. AUSTIN, Tex., Sept. 29.—Representatives of fifteen of the trunk lines in Texas appeared before Judge Brooks of the twenty-eighth district court here today through their attorneys and asked for an injunction restraining the state from enforcing the provisions of a taxation bill passed at the last session of the legislature and which will become operative October 1.

The law permits the state to collect one per cent tax on gross receipts of all railroads, in addition to all other taxes levied. The injunction is asked on several grounds, principally that the tax is both confiscatory and unconstitutional. The judge took the matter of granting a temporary injunction under advisement and will hand down his decision tomorrow. Should the railroads have to pay this tax it will represent upwards of \$150,000 for this year alone.

RAG PICKERS' QUARTERS PROVE TREASURE VAULT

SILVER PLATE AND JEWELRY STOWED AWAY

New York Police Find Loot Valued at Three Thousand Dollars in Tenement House and Heavy Bank Accounts

By Associated Press. NEW YORK, Sept. 29.—Central office detectives late yesterday afternoon found large quantities of silver plate and jewelry in dingy rooms in a Rosevelt street tenement occupied by Antonio Desisto and his wife, Angela, an aged couple who make their living by picking rags. Bank books also found by the detectives show total deposits of nearly \$6000 in local savings banks. The loot is believed by the police to be worth about \$3000, and to cover a period of fifteen years.

The discovery of these valuables, the detectives say, throws light on many mysterious robberies in the district around Maiden lane.

The couple protested that they had found all their treasures, but they were locked at police headquarters and charged with grand larceny.

Their arrest followed a complaint made by J. W. Kokesair of the Derby Silver company, Maiden lane. The store was robbed, between closing time on September 20 and opening time on September 21, of valuable silverware.

Detectives searched the place and found on the floor a scrap from an Italian newspaper and a package of pins. With these as clues they decided to watch the Italian ragpickers who swarm about the district at daybreak. Some of these are admitted to stores by porters, to assist in clearing up, taking the refuse as wages.

Antonio and Angela Desisto were the most energetic of these ragpickers. They had been known and trusted in the district for years. The detectives watched the old couple for several days and finally followed them to their Roosevelt street abode. Representing themselves as officers from the board of health on an inspection tour, they made a search of the home and found plunder, much of which has been identified by several jewelry merchants of the downtown district as their property.

POSTAL CHANGES ANNOUNCED

Special to The Herald. WASHINGTON, Sept. 29.—Among the changes in fourth class California postmasters announced today are the following: Moreno, Riverside county, Samuel Schlader, vice Alexander Dallas; Palo Verde, San Diego county, Albert P. Wilsey, vice Ella Hodges; Salton, Riverside county, William E. Drury, vice James S. Henton. L. B. Graybill of Los Angeles has been appointed railway clerk.

FEARED FINANCIAL RUIN

Failure of Crops and Unexpectedly Heavy Cost of War Influenced Japan to Peace

By Associated Press. TOKIO, Sept. 29.—Notwithstanding the silence of the government, the real fact is disclosed that Japan made peace at Portsmouth through fear of a financial breakdown. The war proved more costly than had been calculated and the rice and cereal crops seemed doomed to failure. Instead of sunlight and warmth during the month of August, when the crops ripen, there was continued rain and exceedingly cool weather. While some improvement may still be in store, it is certain that the rice crop promises to be from 15 to 20 per cent below the average and far below last year's crop, when it was marvelously large.

Six months more of war would have meant very hard times for the masses of the people, who are very poor, and rice is bread and meat to them.

VISITING IN SAN FRANCISCO

Special to The Herald. SAN FRANCISCO, Sept. 29.—R. G. Neustadt, a Los Angeles contractor, is among the guests at the St. Francis. A. G. Wells, general manager of the Santa Fe Coast line, is up from Los Angeles for a few days, and is a guest at the Palace.

JUDGE PARKER WILL LECTURE

By Associated Press. NEW YORK, Sept. 29.—Former Judge Alton B. Parker, Democratic candidate for president in the last national campaign, will be one of the lecturers at the law school of St. John's college, Fordham, which will begin its first year next week.

STENOGRAPHER HAS HARD LUCK

IS ROBBED BY HOBOES AND PUT OFF TRAIN

Miss Lulu Young, Bound East After Search for Employment in Los Angeles, Is Left Penniless

Three "hoboes," who were thrown from the Santa Fe overland train last night between Los Angeles and Pasadena, were responsible for great anxiety and trouble for Miss Lulu Young, a Los Angeles young woman who was aboard the sleeping car and on her way to St. Louis to visit the old home.

One of the tramps, after being thrown off the train, climbed to the open window at which Miss Young sat and snatched her purse which was on the seat beside her. This purse contained her railroad ticket to St. Louis, sleeping car ticket, baggage checks and a small sum of money.

Miss Young screamed, but before the conductor could be informed of the theft the train was at Pasadena. The Pasadena officers were notified of the theft and they in turn notified the Los Angeles police and the officials of both cities are seeking the tramps.

At San Bernardino, it is said, Miss Young was put off the train, the conductor being unwilling to carry her farther without a ticket.

Miss Young has lived in Los Angeles only a few months, having come here from St. Louis. She is a stenographer and had attempted to secure satisfactory employment in Los Angeles, but failed. She intended visiting her parents in St. Louis and probably would have remained, as she was discouraged with the prospects of lucrative employment in Los Angeles.

She is expected to return to Los Angeles this morning, and it is said she will be given transportation by the Santa Fe railroad and her stolen ticket invalidated.

An uncle of Miss Young lives at Pasadena, and she roomed at a hotel on East Fifth street, near Los Angeles street.

SECURITIES STILL UNSOLD

Detectives and Financiers Endeavoring to Prevent Negotiation in New York Forgery Case

By Associated Press. NEW YORK, Sept. 29.—So far as could be ascertained today no attempt has been yet made by the thief who got possession of \$360,000 worth of securities by presenting a forged check for them at the National City bank yesterday, to dispose of them. Detectives and the financial men interested in the loss are making every effort to prevent the negotiation or sale of the securities.

Much significance is attached to the fact that the certified check exchanged for the valuables was made out with one day's interest at 4-1-2 per cent, instead of 4-1-4 per cent. Pearl & Co., the owners of the securities, which they had deposited as collateral on the previous day, thought the rate was 4-1-4, although the bank authorities put it down at 4-1-2 on their books, and this fact tends to show, according to the detectives at work on the case, that the forger must have been in close touch with the loan department of the National City bank.

PERISH IN NEW YORK FIRE

Lodging House Conflagration Results in Death and Fatal Injuries to Inmates

By Associated Press. NEW YORK, Sept. 29.—One man was burned to death and two others will die as the result of a fire in a lodging-house in West street. It is thought that there are still others whose bodies have not yet been found.

The dead man was not identified. The other two were Patrick Dowd and William McLellan. Both are Irish longshoremen and were boarders at the house.

PACKERS SUSPEND DIVIDEND

By Associated Press. SAN FRANCISCO, Sept. 29.—The Alaska Packers association has voted to suspend the payment of dividends for the present. In a circular to stockholders President Fortman and Mr. Anderson of the finance committee say that this action is taken in view of the surplus of canned salmon and after the most careful consideration, having due regard for the future and permanent welfare of the Alaska Packers association and the highest interests of its stockholders.

TRAINS COLLIDE AT IOWA CITY

By Associated Press. DES MOINES, Iowa, Sept. 29.—Rock Island passenger train No. 23 collided near a high bridge at Iowa City this afternoon with a delayed freight which was running at full speed. Four were injured, one perhaps fatally. Frank Rogers of Rock Island, a fireman, may die.

Another Explosion Required

By Associated Press. PORT SAID, Egypt, Sept. 29.—The fore part of the wreck of the British steamer Chatham, which was blown up yesterday, has entirely disappeared but the stern must be further demolished by dynamite. There is a hole 110 feet deep at the spot where the wreck rested.

LANDSBERG LEAVES LAIR

Dinkelspiel, San Francisco Merchant, Has Man Arrested Here on Serious Charge

In the front door from San Francisco, out at the back door onto Mexican soil—that is the way S. L. Dinkelspiel, a merchant of the northern city, alleges Nathan Lansberg gets his goods and then avoids payment by putting them where the gringo sheriff may not levy on them.

Lansberg's store is at Calexico, on the border. Dinkelspiel claims Lansberg buys goods on credit and then dumps them out on Mexican soil, where they cannot be touched by his creditors.

He alleges further that Lansberg went to the store of L. Dinkelspiel & Son, representing his assets amounted to \$20,000 and obtained goods amounting to \$695.20, which were shipped on credit. He made no show of paying when the bill became due and Dinkelspiel claims that he disappeared. Lansberg strayed from his border stronghold into Los Angeles last week and was arrested by local detectives at the request of San Francisco authorities, who obtained the warrant yesterday to clinch the case. The defendant will be taken north today by Detective Ryan of San Francisco, who arrived yesterday.

HARPER MUST AGAIN GO UNDER THE KNIFE

HEROIC OPERATION HIS ONLY HOPE FOR LIFE

Physicians Decide Cancer Can Only Be Checked by Removal of a Portion of the Large Intestine and That Chances Are Then Uncertain

By Associated Press. CHICAGO, Sept. 29.—It has been decided by physicians in attendance upon President Harper of the University of Chicago that nothing will save his life but a surgical operation of heroic character.

It is admitted that there is practically no chance of saving his life unless the cancer which is killing him can be checked by the removal of a portion of the large intestine.

It is proposed by the surgeons to make an examination in a few days to decide upon the advisability of the operation. It is, however, admitted that the chances are greatly against the permanent relief of the patient if the operation is performed.

FATAL AUTO ACCIDENT

Chauffeur Killed and Several Persons Injured in Village in New York State

By Associated Press. SYRACUSE, N. Y., Sept. 29.—A fatal automobile accident occurred in the village of Camillus at 8 o'clock tonight, resulting in the death of the chauffeur and the injury of two or three other members of the party. The only man who escaped injury refused to reveal the names of his companions or to give details of the accident. The chauffeur, whose name is said to be Barth and who is said to reside in Massachusetts, was pinned under the car and received fatal injuries. It is said the party consisted, in addition to the chauffeur, of two Massachusetts businessmen and the private secretary of one of them.

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CONTROL LOBBIES

Insurance Firms in a Pool

Contribute to 'Look After' Legislators

Remarkable Admission Before Legislative Committee—Jacob H. Schiff on Witness Stand Vigorously Defends His Course

By Associated Press. NEW YORK, Sept. 29.—When the legislative committee on insurance investigation adjourned today until next Wednesday it concluded a week in which greater progress had been made than in any week since the investigation was begun. The testimony of witnesses that have been called during the week has been replete with sensations and today was no exception to the rule.

It was during the afternoon session today when Alfred W. Maine, an associate auditor of the Equitable Life Assurance society, was called to the stand that it was discovered that the Equitable Life, the Mutual Life and the New York Life companies had formed a pool to look after legislation in the various state legislatures. Andrew Hamilton, to whom President McCall of the New York Life paid several checks, the purpose of which the counsel of the committee, Mr. Hughes, has not yet brought to light, was one of the chief members of the legal staff for these companies, and received money for services from the Equitable. Mr. Maine told of the division of the country to be looked after by Mr. Hamilton, in conjunction with E. L. Short and E. M. Thummell.

Witness presented vouchers for money paid by his company to Mr. Hamilton. These showed that in eight years from 1895 to 1903 the sum of \$85,590 was paid to Mr. Hamilton for legal services. Mr. Maine did not give any details of the duties performed by Mr. Hamilton nor of the committee he appeared before, beyond the fact that Mr. Hamilton looked after legislative matters for all the companies in the states west of Ohio.

Shared Expense for Counsel. Witness told of an agreement whereby special counsel was employed by one company in its territory and the expense was shared by all. He was asked if campaign contributions came under his observation and he replied that they did not. He never heard of money being paid to influence legislators. He was excused, but will be called again to submit transcripts of accounts given.

THE DAY'S NEWS

FORECAST
Southern California: Fair Saturday; warmer; fresh north wind. Maximum temperature in Los Angeles yesterday, 76 degrees; minimum, 54 degrees.

- 1—Control lobbies.
- 2—Jap declares he is a Christian.
- 3—Sisters to care for needy sick.
- 4—Sports.
- 5—Southern California news.
- 6—Editorial.
- 7—City news.
- 8—Classified advertisements.
- 10—Public advertising.
- 11—Markets.
- 12—Found guilty of slaying comrade.

EASTERN
Federal Justice Humphrey sustains government's demurrer to packers' plea and brings beef trust magnates nearer to trial.
Rais-in-the-Face made dying confession that he killed Custer.
Senator Chandler outlines opposition to state legislation bill.
William B. Travers, New York millionaire, shoots himself.
FOREIGN
Hungarian coalitionists and emperor showing more conciliatory spirit.
British boundary commission has terrible experiences in Persia and Afghanistan.
French punitive expedition to New Hebrides attacked by natives.

COAST
Governor Pardee denies that he chanced existence of graft at Portland exposition.
Miguel Antony hanged at San Quentin for murder of Chinese peddler.
Evidence admitted in Emmons trial as to solvency of "Continental."

LOCAL
Child creeps into bathtub and falls asleep. Neighbors search five hours for her, finding her by chance.
Society matron whose household goods were recently attached for debt defies court and stores all her household belongings.
John Condon, veteran of the civil war, found guilty of murdering comrade and will be sentenced to life imprisonment.
Decision given property owners in their fight to prevent the city from erecting a library building on the Central park site.
Children of Vernon district walk miles to school.
Sisters' hospital will establish free clinic for the poor.
Fire laws may be made more stringent.
Contractor McCray liable to criminal prosecution for altering bid after city council had taken action on it.
Children play with matches and set fire to house.