

GOULD WINNER OF THE BATTLE COURT DECIDES AGAINST JOS. RAMSEY, JR.

Request for Injunction to Restrain Missouri Pacific and Iron Mountain Roads From Voting Washab Stock is Denied

By Associated Press. ST. LOUIS, Oct. 9.—In the St. Louis circuit court Judge Daniel C. Taylor denied the application of Joseph Ramsey, jr., deposed president of the Washab railroad, for an injunction to restrain the Missouri Pacific and Iron Mountain roads or their trustees from voting Washab stock held by or for those roads.

News of the decision was telegraphed at once to Toledo, where George J. Gould and his supporters and Joseph Ramsey and his personal advisers arrived today. The failure of the injunction suit, which if successful would have tied up a large block of Washab stock, is regarded as a most important victory for the Gould interests.

Judge Taylor's decision in part follows: "It appears from the plaintiff's petition and the verified returns of such of the defendants as have been served in this case and the evidence adduced thereon that the plaintiff is a minority stockholder of the Washab Railroad company; that the Missouri Pacific railroad is the beneficiary owner of 20,000 of the shares of the Washab Railroad company which are now registered in the name of H. M. Walker under an instrument of assignment to secure certain obligations of the Missouri Pacific company held by persons who are strangers to this suit; that the St. Louis, Iron Mountain & Southern Railroad company, practically all the shares of which are owned by the Missouri Pacific Railroad company, has an interest in \$5,435,000 of the debt securities of the Washab Railroad company, which are in the possession of and registered upon the books of the Washab company in the name of the Mercantile Trust company of New York under the terms of the Washab company's unifying and refunding mortgage and owns 65,000 shares of preferred stock of the Washab company, which are in the name of George Gould and W. L. Wilson; that George Gould is the chief executive officer of all three of defendant railroad companies and that the boards of directors of all three of them are composed largely of the same persons, while the principal officers of the Iron Mountain and Missouri Pacific companies are practically the same and that at the last annual meeting of the stockholders of the Washab company held in October, 1904, the plaintiff holding proxies and representing the Missouri Pacific and Iron Mountain companies' holdings in the Washab company, as well as those of others, cast all of the ballots cast at the meeting and elected the entire present board of directors of the Washab company.

Missouri Laws Violated. "It also appears that while the defendant Washab company and the Missouri Pacific company have lines extending through various parts of the United States both of them have Missouri charters, and the most important of their Missouri lines are those extending across the state of Missouri from St. Louis to Kansas City and from there to St. Louis. The plaintiff contends that the Washab Railroad company and the Missouri Pacific Railroad company are parallel and competing lines within the meaning of the provisions of section 17, article 12 of the constitution of Missouri and section 1652 of the Missouri statutes, and hence that the holding of these securities of the Washab Railroad company by the Missouri Pacific company is illegal and seeks by this bill filed herein to enjoin the voting of these securities at the meeting of the Washab company to be held October 10, on the ground that they are illegally owned and will be voted as if effectuated a purpose to stifle competition between the Missouri Pacific and the Washab companies in Missouri and that he, as a stockholder in the Washab company, will be injured thereby. All of the defendants who have appeared or been served discover such illegal purpose and attack the good faith of the plaintiff's application. The court finds the record in this case so replete with evidence of violations of the provisions of certain of the Missouri laws enacted for the protection of the public that it has been loath to reach conclusions herein expected.

The record develops the fact that at the annual election of the Washab company the plaintiff, Ramsey, holding the proxies of the then and now owners of these very shares of stock, voting of which he now seeks to have enjoined, voted all of them for the election of the very persons whom he now charges will, if elected, so conduct the property of the Washab road as to not only violate the provisions of the laws of Missouri, but will also so conduct them as to injure him. I am of the view that this action of the plaintiff is sufficient to compel the court to deny him the relief which he seeks in the absence of proof showing that some-

THAT HAS TRANSPIRED SINCE THE TIME OF SUCH VOTING OF THIS STOCK BY HIM, WHICH WOULD INDICATE THAT THE PURPOSE OF THOSE WHO WILL BE ELECTED BY THE VOTING OF THIS STOCK AT THE MEETING TO BE HELD OCTOBER 10 WILL BE DIFFERENT FROM THOSE OF PERSONS ELECTED BY THE PLAINTIFF.

"The order will therefore be that the rule heretofore made upon the defendants to show cause why a preliminary injunction should be granted will be made upon the plaintiff's application for a temporary injunction denied. (Signed) "DANIEL G. TAYLOR."

RAMSEY GETS THE NEWS Calls This Decision Only One Trick in the Game

By Associated Press. TOLEDO, O., Oct. 9.—Joseph Ramsey, jr., received from the Associated Press his first information of the denial of his application for an injunction restraining the Gould interests from voting the stock held by the Missouri Pacific and Iron Mountain Railroad companies at the annual election of the Washab road to be held tomorrow, which means practically 140,000 against him in tomorrow's election. When shown the dispatch he smiled pleasantly and remarked: "Well, this is the first that I have heard of it."

When asked if he had any statement to make Mr. Ramsey replied with a laugh: "There is nothing that I can say. The decision seems to speak for itself. Of course this thing is not in any way decisive, it merely disposes of one trick in the game."

If Mr. Ramsey was surprised or disappointed at the decision his manner failed to show it. He seemed to take the action of the court as a matter which made very little difference to him in any way. None of the important members of the Gould interests have as yet arrived, with the exception of Col. Blodgett of St. Louis, the general counsel of the road, and Mr. H. K. Ramsey, seemed to take the decision with no evidence of surprise.

"I guess that speaks for itself," he said. "There is nothing that I can say. I expected the decision and really do not see how it could have been anything else."

FEVER BEING WIPED OUT IN NEW ORLEANS WEEKLY STATISTICS SHOW A STEADY GAIN

Two Newspaper Reporters Numbered Among the Cases Now Under Treatment—Dr. Shanley Dies as Result of Relapse

By Associated Press. NEW ORLEANS, Oct. 9.—The official record to 6 p. m. Monday: New cases, 17; total cases to date, 3213. Deaths, 5; total to date, 411. New fecal, 5. Cases under treatment, 187. Discharged, 2614.

Dr. C. M. Shanley, formerly of North Dakota, died today at his plantation home as the result of a relapse from yellow fever, his illness extending over the past two weeks. After raining steadily for about thirty-six hours the weather cleared late today. Adverse winds and the heavy rains backed the water from the lake into the basin and also submerged a considerable portion of the rear section of the city. A stop was again put to the sanitary work.

In the list of cases now under treatment are two newspaper reporters. The weekly statistics sustain Dr. White's assurance that the fever is being steadily wiped out. For the week ending October 7 a total of 176 new cases and 23 deaths were reported, against 183 new cases and 23 deaths the preceding week, the showing being the best since the first week in August. From all infected points in the country come reports of steady progress.

One Death in Vicksburg By Associated Press. VICKSBURG, Miss., Oct. 9.—One death and six new cases with the yellow fever record here for the twenty-four hours ending at 6 p. m. today.

DEATHS OF THE DAY Judge J. S. Dailey Indiana

By Associated Press. BLUFFTON, Ind., Oct. 9.—Joseph S. Dailey, former judge of the supreme court of Indiana, died here today of apoplexy, aged 69 years.

Robert C. Bradford, Milwaukee By Associated Press. MILWAUKEE, Oct. 9.—Robert C. Bradford, treasurer for Cudahy Brothers' Packing company and for thirty years a resident of Milwaukee, died here as a result of heart failure while calling at the home of a friend at a late hour last night.

C. Sawtell, Healdsburg By Associated Press. HEALDSBURG, Oct. 9.—C. Sawtell, one of Healdsburg's wealthiest fruit growers, was found dead in bed Saturday morning. Deceased was a native of Vermont, 64 years of age.

YUMA CHAMBER OF COMMERCE Special to The Herald. YUMA, Ariz., Oct. 9.—The Yuma county chamber of commerce has organized with 111 members. The officers are: President, J. W. Dorrington; first vice president, Fannie R. Pugh; second vice president, Capt. Isaac Pollock; treasurer, E. F. Sawtell; secretary, O. F. Townsend; assistant secretary, George H. Rockwood; directors, T. W. Underhill, John Gaudin, H. V. Clymer, M. D. John Stoffels, W. A. Dowling, L. W. Alexander, Harry Brownstetter, Terry Millay, H. C. Haupt, A. F. White. Every business man in Yuma is a member. The object of the association is the advertising and promoting of the interests of Yuma and Yuma county.

Dine With Their Seventeen Children By Associated Press. CHICAGO, Oct. 9.—The seventeen children of Mr. and Mrs. Jesse B. Middleton sat down to dinner with their parents yesterday. The children, ranging in age from 3 to 37 years, came from Illinois, Minnesota, Wisconsin, Indiana and Arizona. E. F. Sawtell, secretary. It was the first time the entire family had been together. Mr. Middleton came to Chicago in 1871 just after the fire, and became a wholesale newsdealer. He is now a watchmaker.

MONK GIBSON IS CAPTURED By Associated Press. HOUSTON, Tex., Oct. 9.—Monk Gibson, the negro accused of complicity in the murder of the Condit family at Edna, has been captured and lodged in the Edna jail. The troops sent by the governor are still quartered at Edna, and Gibson will escape no vengeance. The negro was found sleeping in an outhouse.

TWO CHILDREN BURNED TO DEATH DESTRUCTIVE FIRES VISIT VENTURA

Another Blaze the Preceding Night Destroys Much Property, the Total Amounting to Many Thousands of Dollars

Special to The Herald. VENTURA, Oct. 9.—The small residence of John McDonald, a negro, in the southern part of town, burned to the ground by a fire at 4:45 o'clock this morning and with it the two youngest children. One was a baby of but a few months, the other a little boy of one and a half years. The mother had left the children in the house for a few minutes while she ran to one of the neighbors for assistance. The origin of the fire is unknown. Before the fire company could reach there the house was a total loss. The work of removing the bodies was commenced at once, but the little hands and feet were burned off.

A petition was circulated today to raise money for the purpose of building a new house for the McDonald family. Nothing was saved from the house.

Much Property Destroyed Last night fire was discovered at 10:45 o'clock in the rear of M. Sanborn's livery stable and before the fire company could reach the scene the entire building was in flames. Attention was then turned to the surrounding buildings. Shortly after the fire started a strong wind sprang up from the northeast, quickly spreading the flames to the west. The livery block was occupied by three different firms in the lower story, while the upper floor was not yet completed, being built for lodge purposes.

Those who are the heaviest losers are: M. Sanborn, contents livery stable, loss estimated at \$2000, insured by California Livery, \$6000, no insurance; Joe Fazio, saloon, loss not known, Frank Kay, cigar store, \$300, no insurance; Gus Person, \$2500, insured for \$1700; Charles Allyn, building, \$5000, fully covered by insurance. Aside from these, those across the street suffered loss of plate glass windows and damage to the building. The Bartlett company's store, owned by Mrs. Chrisman, suffered loss to the amount of \$300. The Great Eastern and Chaffee company's loss was probably a little heavier.

Wind Carries the Flames In spite of the efforts of the fire company and the hundreds of people who did all they could, the high wind carried burning embers for blocks, starting fires in many places. Chinatown, one block distant, was on fire and the flames spread to the north side just across the corner, caught near the roof several times. The home of Mrs. McGregor also caught fire once, but quick action prevented any serious results.

Both telephone companies and the electric light companies suffered considerably. All wires on the north side of Main street are down. The work of erecting poles has already been commenced and everything is being done to get the service in working order. Rumors are already afloat that Mr. McCreure will replace his building with a substantial brick structure and that the Allyn block will be rebuilt.

Another Vessel Ashore Steamer Argo, Loaded With Butter, Grounds on Eel River Bar

By Associated Press. EUREKA, Oct. 9.—The steamer ARGO, between Port McKay on the Eel River and San Francisco, went ashore on the Eel river bar yesterday while attempting to cross after being bar-bound for several weeks. The vessel was caught by a heavy sea while on the bar and swept partially back into the river and high upon the sand. She had no passengers, but was loaded with freight, mostly butter, shipped by the Eel River Transportation company, which owns the craft. Capt. Ostrom is in command. It is believed that the steamer can be floated. It is impossible at present to tell whether much damage has been done.

CHINA SUSPENDS BOYCOTT By Associated Press. NEW YORK, Oct. 9.—News that the merchants of China who have been prosecuting the boycott against American goods, had decided to suspend temporarily that movement to await possible action of the United States congress in softening the exclusion laws, is contained in official dispatches received today from Peking. The information comes from the Merchants' guild of that place and is to the effect that this course has been decided upon by merchants throughout the empire. The action follows the advice of the Chinese government in the matter which was given as a consequence of the attitude of President Roosevelt. Should congress fail to take the desired action the boycott will again become effective and will be pressed vigorously.

Injuries to the Alameda By Associated Press. SAN FRANCISCO, Oct. 9.—A minute examination of the hull of the general Alameda by the marine surveyors showed the real extent of the damage to the vessel. The inspectors found that the greatest damage sustained by the steamer was on the port side where there is a largest puncture. It was seven feet in length by two in width, directly under the port fuel tank. In the interior of the steamer it will be necessary to renew and repair forty frames. According to the inspectors it will be necessary to renew twenty-two plates and repair sixty-four others before the steamer will be in seagoing condition.

Burials Within City Permitted By Associated Press. SAN FRANCISCO, Oct. 9.—The San Francisco circuit court of appeal today decided that the municipal ordinance forbidding burials within the city limits is unconstitutional.

Gold Medal Awarded By Associated Press. PORTLAND, Oct. 9.—The gold medal has been awarded to "Old Mission" brand California olive oil and canned olives.

MINISTERS ARE APPOINTED Pacific Conference at Fresno Brings Its Sessions to a Close

By Associated Press. FRESNO, Oct. 9.—The Pacific conference of the Methodist Episcopal church south ended today with the assigning of pastors in the three districts—the Colusa, Fresno and San Francisco districts. The appointments follow: District—M. Hodgson, presiding elder; Colusa, W. P. Rand; Sacramento, C. T. Clarke; Galt and Walnut Grove, L. C. Smith; Islon, W. A. Lindsey; Elliott City, J. M. Brown; Elmira, J. A. Johnson; Winters, James Healey; Rockville, to be supplied; Woodland, L. P. Shearer; Arbutuck, G. R. Ray; Knights Land and Canmore, to be supplied; Sulphur Creek, to be supplied; Maxwell, G. H. Fraser; Willows, to be supplied; Pamator, R. B. Davidson; Butte City, to be supplied; Wheatland and Lincoln, W. F. Coffin; Sutter City and Grace, P. Fife; Yuba City, J. A. Nudin; Gridley and Remington, A. Thomas; Lead Hill, H. V. Le Moore, D. C. Williams; Chico, M. L. Darby; Millville, to be supplied; Le Grand and Cunningham, M. F. Andrews; Cathay and Mount Bullion, J. Hedgpath; Mariposa City, C. W. Long; Modesto, W. J. Foster; Snelling and Waterford, to be supplied; Carsters, L. G. Patterson; J. E. Moore, presiding elder; Fresno, J. J. N. Kenney; Fresno City, H. B. Day; Clovis, A. Odom; Big Dry Creek, A. Adkisson; Selma, A. L. Paul; Sanger, supplied by M. A. Morrison; Kingsburg and Fowler, to be supplied; Hanford, S. C. Hill; Moore, D. C. Williams; Bakersfield, A. M. Shaw; Visalia, W. A. Iden; Visalia City, to be supplied; Exeter, M. M. Armstrong; Woodville and Poplar, A. F. W. Walters; Dinuba, W. A. Booher; Orosi, H. F. Beaver; Madera, C. C. Black; Merced, T. J. Needham. San Francisco district—J. A. Bechler, presiding elder; San Francisco, E. E. Nunn; Oakland, J. W. Harris; Alameda, E. K. Brassford; Berkeley, A. S. Lutz; Petaluma, W. Actor; Santa Rosa, J. A. Wallis; Healdsburg, P. A. Lark; Cloverdale, O. L. Russell; Boonville and Yorkville, supplied by R. F. Beasley; Ukiah, C. C. Thompson; Potter Valley, D. Harrison; Lakeport, Joseph Emery; San Jose, L. S. Jones; Gilroy, H. M. McKnight; Mountain View, W. A. Orr; Hollister, to be supplied; Salinas, J. C. Simmons; San Benito, C. W. Huff; Stockton, J. E. Squire; Linden, S. P. Pope; Milton, to be supplied; San Lucas and Bradley, supplied by S. C. Buchanan; editor Pacific Methodist Advocate, W. E. Vaughan; agent publishing house in China, R. P. Wilson; missionary to Korea, J. C. Robertson.

NOMINATION FOR MAYOR IS DECLINED BY HUGHES SAYS PUBLIC DUTY FORBIDS HIM ACCEPTING IT

Declares Present Work Offers Opportunity for Great Service to the People, Commands All His Energies and He Must Continue It

By Associated Press. NEW YORK, Oct. 9.—Charles E. Hughes, counsel for the legislative insurance investigating committee, today declined the Republican nomination for mayor of New York city. In stating his grounds for refusing the nomination, which was tendered him by the unanimous vote of the city Republican convention last Friday night, Mr. Hughes said: "In this dilemma I have simply to do my duty as I see it. In my judgment there is no right to accept the nomination. A paramount public duty forbids it. It is not necessary to enlarge upon the importance of the insurance investigation. This is undisputed. It is dealing with the lives of millions of our fellow citizens throughout the land. It presents an opportunity for public service second to none and involves a correlative responsibility. "This work commands all my energies. It is imperative that I continue in it. You have frankly recognized that I must continue unembarrassed and with unimpaired efficiency. But it is entirely clear to me that this cannot be if I accept the nomination."

TREATY AWAITING APPROVAL Will Become Effective Without Waiting for Formal Exchange of Ratifications

By Associated Press. WASHINGTON, Oct. 9.—The treaty of peace between Russia and Japan will become effective upon its approval without waiting for the formal exchange of ratifications at Washington. This information was imparted at the Japanese legation today. This course has been decided upon in order that the speediest possible termination of the war be effected. The treaty, it is understood, has passed through the necessary preliminary stages of approval of each country and is now before the respective emperors of Japan and Russia for the royal signatures. As soon as it has been signed the text will be communicated by cable to the state department at Washington and the Washington government will appreciate each emperor of the act of the other. With this accomplished the war will be at an end.

GREEK FATALLY SHOT Found Wandering About Yard of Man Named Crane in Fresno and Latter Attacks Him

By Associated Press. FRESNO, Oct. 9.—John Karagias, a Greek, was shot and fatally wounded last night by W. E. Crane. Karagias was wandering around the yard of Crane's home. Crane ran him to the back fence and fired a shot at him. As the Greek ran down the alley Crane fired twice more. One of the shots cut an artery in the Greek's leg. He ran a block and fell down from loss of blood. He died in the sanitarium. Crane is under arrest.

No Endeavors for Seattle By Associated Press. SEATTLE, Oct. 9.—At a meeting of business men this evening Seattle was declared out of the race for the national convention of the Christian Endeavor society in 1907. The chamber of commerce, through a committee, had declined to afford the financial strain at the present time.

Chinese Port to Be Opened By Associated Press. SHANGHAI, Oct. 9.—The viceroy of Szechuan has decided to open the Yangtze river port of Wanhsien to foreign trade.

COMPLETE ORDER AGAIN RESTORED IN MOSCOW STREET RAILWAY EMPLOYEES TO ACCEPT CONCESSIONS

It is Believed Service Will Be Resumed Today—Sixty-Five Persons Are Still in Jail as a Result of Saturday's Arrests

By Associated Press. MOSCOW, Oct. 9.—Complete order has been restored in the streets by the police and military units, reinforced by a regiment of dragoons from Tver. Work was resumed today in some sections of the city, but the strike continues elsewhere. At a meeting of street railway employees today a majority voted to accept the concessions offered by the employers, and it is believed that the service will be resumed tomorrow. It is persistently reported that the steam railway employees will strike Wednesday. It has been definitely ascertained that no one was killed during the disturbance of Saturday but 75 persons were wounded, including the officer commanding the gendarmes, three Cossack and one policeman severely, and 20 policemen, gendarmes and Cossacks slightly.

When the troops fired on the houses from which the stones were thrown all the bullets lodged in the ceilings and there were no casualties. Two hundred persons were arrested Saturday. Sixty-five of these were imprisoned and the remainder released. The throwing of bombs at the troops in Tiflis yesterday afternoon which related to the soldiers firing on the people appears to have been the outcome of a deliberately organized plot. Ten bombs were thrown simultaneously in the vicinity of three barracks in widely separate quarters of the city. Shots also were fired at the soldiers as they rushed out of the barracks, but the loss of life was confined to one Cossack and one bomb thrower. In addition twenty persons were injured.

JONES IS SCORED BY EMMONS' PARTNER SMARTING REBUKE DELIVERED BY ROWEN IRWIN

Refers to Former's Argument That Defendant's Wife Get a Divorce and That Prisoner Be Prevented From Bringing Children into World

By Associated Press. SACRAMENTO, Oct. 9.—Rowen Irwin, law partner of E. J. Emmons, administered a smarting rebuke to Attorney Charles T. Jones, who is assisting with the prosecution of Emmons, just before he concluded his argument before the jury this afternoon. Mr. Irwin referred to the argument made by Jones last Saturday which he said was substantially that the defendant ought to be convicted so that his wife might get a divorce and he would be precluded from bringing more children into the world. "I would like to know," Mr. Irwin said, "by what right, legal or moral, Mr. Jones entered the sacred precincts of the home of the defendant. I would like to know what he saw about this little girl (indicating Emmons' little daughter who sat beside her father), that is laugh, sob, weep, cry, and back again to Irwin, an adverb the strain was over they leaned back with a rustle, as if waking after viewing a tragedy in dreams. The little girl, who had been seated by her father presumably as a background to the picture the lawyer proposed drawing, made a pretty picture, and one all the more impressive because she absolutely knew nothing of what was going forward of the supreme effort of the lawyer to impress the jury with the idea that the attack made upon her father, though in order that no more children like her should be brought into the world. "That," continued Mr. Irwin, "was one of the strongest points made by Mr. Jones—his strongest point, and I feel confident that if he rests his case upon that point, I would like to know what the verdict of this jury will be. "While Mr. Irwin was delivering his rebuke the great crowd in the court room was still as death. The twenty-six ladies present glanced from the speaker to Mr. Jones and back again to Irwin, an adverb the strain was over they leaned back with a rustle, as if waking after viewing a tragedy in dreams. 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