

MYSTERIOUS IS SHOOTING AFFAIR

PROMINENT SAN FRANCISCO MAN INJURED

Attempted Murder and Suicide Occurs in Automobile—Friends of the Wounded Man Claim He Is Not Hurt

Special to the Herald. SAN FRANCISCO, July 27.—W. A. Emerick, prominent in San Francisco society, club and business circles, was seriously injured early today in what is described as an automobile accident by those who are in a position to know.

His injuries are of a dangerous character and may prove fatal.

About the same time that Emerick was hurt, a man attempted to shoot a woman and then commit suicide as the two were being whirled down Fell street in a large red touring car.

At 1:30 this morning as a large car was speeding down the boulevard at a high rate of speed a pistol shot cracked out.

Almost at the same instant a woman's voice, quivering with the terror of death, called: "Oh, my God, you have killed me. I shall die. Take me to a priest before I die."

The extraordinary disturbance in the quiet neighborhood attracted several persons to the windows of the surrounding houses.

Below them in the light of the street lamp, dimmed by the fog they beheld two men struggling. One wore the accoutrements of a professional chauffeur. The other had in his hand a pistol, from the muzzle of which the smoke still trailed as it was jerked back and forth by the men.

Suddenly the men staggered and then assisted by the driver, returned to the tonneau of the large red covered automobile. By his side as he fell into the seat was the writhing, moaning woman. Within a few seconds the car was flying up the street, and all efforts to trace it failed.

I. H. Frank, when seen at Emerick's home tonight, said:

"Mr. Emerick took the owl yesterday for Los Angeles. There has been no accident that I know of, unless it occurred there, and I have not heard of it."

In addition to Frank's telegram to H. C. Newhall of Los Angeles, which gives another version of the affair, it was declared by others who reside in the house that it was generally known there that Emerick had been seriously injured in the early hours of the morning and had been removed to a hospital almost immediately.

Denies He Is Injured. It was impossible to learn where he was taken. All inquiries were met with positive denials that he had been shot.

Who the woman in the case is has not been disclosed. It is possible that the woman she received may be more serious than was judged by those who saw her for a brief instant after the affair, and it is also possible that the man who caused her injury may have to face a serious charge.

One resident of the house at 1245 O'Farrell street late tonight declared that Emerick had been seriously injured by having his head crushed under an automobile which overturned, and the same person energetically denied that the victim was in any way connected with the affair at Central avenue and Fell street.

HEARS OF MISHAP UP NORTH. W. A. Emerick, Relative of H. C. Newhall of Los Angeles, Hurt in Auto.

H. C. Newhall, a well known woodenware salesman whose headquarters are in Los Angeles and San Francisco, received a long distance telephone message yesterday from San Francisco saying that his brother-in-law, W. A. Emerick, had been injured in an automobile accident, but no details were given. He was asked to go north at once.

The message reached Mr. Newhall too late to catch the 5 o'clock owl north but he will board a train this morning. Mr. Emerick is secretary of a manufacturing company in San Francisco, lives at 1245 O'Farrell street and is well known.

Mr. Newhall has his local offices in the Trust Building as coast representative of the Samuel Pupples Woodenware company of St. Louis.

ENGINEER KILLED; FIREMAN MAY DIE

By Associated Press. IRONTON, Mo., July 27.—A fast northbound St. Louis, Iron Mountain & Southern passenger train, drawn by two engines, was wrecked near here last night by the engines jumping the track at a sharp curve.

The accident resulted in the death of Engineer W. J. Eddy of St. Louis of the first engine and seriously injuring Fireman George Edward of Desoto, Mo. Several mail clerks were bruised, but none was seriously injured. The baggage, mail cars and two coaches left the rails and plunged into an embankment. Beyond bruises none of the passengers was injured.

Will Test Eight-Hour Law. By Associated Press. WASHINGTON, July 27.—The first prosecutions in the District of Columbia for violation of the eight-hour law on government work was begun here today when United States Attorney Baker filed in the police court three informations against the Penn Bridge company, a corporation of Pennsylvania, and two against the District Construction company of the District of Columbia.

TOP MINNOWS TO EAT MOSQUITOES

By Associated Press. NEW ORLEANS, July 27.—A proposition to use top minnows in stagnant pools in place of oil to destroy yellow fever mosquitoes to prevent their breeding, was advocated today by Dr. Quitman Kohlke, city health officer of New Orleans. In an interview he said:

"Top minnows are more efficient as mosquito destroyers than the gold fish which are reported as ridding water of mosquitoes in Havana. In stagnant water I believe that the minnows are better than the use of oil which spreads over the surface of the water. At present on the city's drainage canal there are sufficient minnows to destroy all the wiggle tails which develop into mosquitoes. The top minnows breed rapidly so that if properly handled their supply can be made almost inexhaustible."

The city of New Orleans is at present spending \$60,000 in a campaign against the mosquito pest, cutting down weeds to dry up stagnant water pools and oil wherever the ponds do not readily evaporate.

COURT DECIDES AGAINST DOWIE

DECLARES ZION CITY BELONGS TO CHURCH

Overseer to Be Elected by the Members in September—Suitable Provision Made for John Alexander

By Associated Press. CHICAGO, July 27.—Judge Landis in the United States district court gave his decision today in the controversy between the adherents of John Alexander Dowie and Wilbur Voliva over the property at Zion City.

The court holds that Zion City and its industries do not belong to Dowie—that, while the contributors of the fund did not express a formal declaration of trust, the trust was created and Dowie had no right to treat the property as his own.

The court refused to appoint Alexander Granger receiver for the reason that Granger made a vow recognizing Dowie as "a messenger of the covenant, the prophet foretold by Moses, and Elijah the Restorer, to which vow 'all family ties and obligations and all relations to human government shall be held subordinate.'"

The court said he was not obliged to repose confidence in a man so constituted. It is in this republic, he would severely vow his readiness at all times to abandon his family and betray his country.

The court ordered an election on the third Thursday of September of a general assembly, all members of the church residing in Zion City, male and female, to have one vote.

He announced that suitable provision would be made for Dowie on account of his services as trustee.

In the afternoon representatives of both factions appeared before Judge Landis. Receiver Hatley was in court and his bond was approved. Soon after the receiver left for Zion City immediately to assume full charge of the city. The church is to remain in possession of Shiloh house and to have complete freedom of the appurtenances, including his library.

CHURCH WILL BE UPROOTED

This Is Prediction of Dowie's Spokesman, Deacon John A. Lewis

By Associated Press. ZION CITY, Ill., July 27.—Deacon John A. Lewis, recognized as the spokesman of Dr. Dowie and who was chosen by him to manage the Paradise plantation of Mexico, the rock over which it is alleged the Dowie and Voliva partisans split, had the following to say at the election Judge Landis stands the Christian Catholic Apostolic church in Zion is uprooted. The church is founded on the theory of a theocracy, and how can an election under the laws of Cook county, Ill., proclaim who shall be leader of the hosts?

"As far as property rights are concerned, they make little difference to us. The great question is that of spiritual control upon which the very foundation of the church depends. I am sure Dr. Dowie will never be satisfied with the decision as rendered."

What Effect Will Be. The effect of the decision is to place the industrial affairs of Zion City in the hands of the court through the agency of Mr. Hatley, while the church's spiritual affairs will come under the supervision of the overseer to be elected in September.

Claims against Dowie are now claims against the receiver. Mr. Hatley is a member of the board of trade, a capitalist, and is active in charitable and reform movements. Late in the afternoon he assured the litigants that he took the responsibility for its fairness on his own shoulders.

Dowie was not in court, illness confining him to his hotel. A number of members of the church who still cling to him were present. Wilbur Glenn Voliva and his faction were numerous represented. Mr. Voliva refused to discuss the decision. Dowie himself said that inasmuch as he had not had an opportunity to read the whole decision he would not at this time express an opinion.

One Million Shingles Burn. By Associated Press. BELLINGHAM, Wash., July 27.—The drykin of the Miller shingle mill and 1,000,000 shingles were destroyed by fire at Clear Brook, twenty miles north of here today. The latest report is that the efforts to save the mill itself will succeed.

Revolutionists Must Hang. By Associated Press. MITCHELL, Conn., July 27.—Several local revolutionists accused of five political murders were today condemned by court-martial to be hanged.

HABEAS CORPUS SAVES MURDERER

WRIT GRANTED AT ELEVENTH HOUR

Alabama Legal Profession in a Quandary Over Action of Judge Weaver—Sentiment Thoroughly Aroused

By Associated Press. BIRMINGHAM, Ala., July 27.—Members of the legal profession of Jefferson county are in a quandary today over the most novel action in a criminal case ever taken in the state.

Last night Judge Samuel L. Weaver of the criminal court granted a writ of habeas corpus in the case of John Williams of Cullman, Alabama, just twelve hours before the time set for the execution of the prisoner for the murder of State Senator R. L. Hipp. The writ was made returnable today.

The prisoner was convicted in the circuit court of Cullman county and the supreme court of Alabama affirmed the sentence. Williams was brought here for safe keeping.

Insanity Plea Secures Writ. The petition for the writ of habeas corpus was made on an insanity plea and the question which has been argued by counsel all day in the criminal court is whether a Jefferson county official has jurisdiction and authority to issue the writ.

The arguments before the court have been continued until tomorrow. Meanwhile the hour for the legal execution has expired, and it was thought a new date for the hanging will have to be set in case of failure to sustain the insanity plea. Governor Jenks, however, came to the rescue and granted the prisoner a respite until tomorrow.

He will grant respite from day to day until the question is settled. Sentiment in this community and in North Alabama, where the crime was committed, has not been so thoroughly aroused since the famous Hawes riot of 1888.

'SIX-BIT' COMPANY LOSES PATRONAGE

By Associated Press. CAROLINA CITY, Nev., July 27.—Insurance Commissioner Sam Davis yesterday served notice on the agents of the Traders, Fireman's Fund and Fire and Marine Insurance companies that the state will cancel all policies held by them on state property and demand a return of the premiums.

This action followed a conference at which it was decided by the state board of capital commissioners to reinsure only in companies which are paying dollar for dollar at San Francisco. Insurance Commissioner Davis told the board that in his opinion an insurance company that avoids its responsibility for the San Francisco disaster does so either because it cannot pay and is therefore insolvent, or will not pay, and is therefore an undesirable company in which to insure state property.

MIDNIGHT RIDE MAY SAVE CHILD

By Associated Press. BAKERSFIELD, July 27.—Racing against time, with death from strychnine poisoning threatening their two-year-old daughter, Mr. and Mrs. Charles E. Clendenen covered the forty miles from Mount Breckenridge to this city in three hours last night.

It was a wild ride, but the efforts of the fond parents are rewarded by the bright chances the child has for recovery as a result of immediate assistance.

How the child obtained the strychnine is a mystery. She had been playing with some bottles and it is presumed that the deadly poison was contained in one of them.

MODEL CHINATOWN IN SAN FRANCISCO

By Associated Press. SANTA CRUZ, July 27.—The concluding session of the board of missions convention of Christian churches of Northern California was held in Garfield Park tabernacle today. A feature of the meeting was the speech of Rev. Frank Ford of San Francisco, who declared in the course of his address on the "New China," that the Chinatown to be built in San Francisco would be the finest oriental city in the world and that the Christian churches are to locate a hospital and church in the new Chinatown.

FIRE LOSS IS \$5,000,000

Russian Actor Has Narrow Escape at Syzran, Being Taken for Incendiary

By Associated Press. SYZRAN, Russia, July 27.—The total loss resulting from the burning of this city July 19 and 20 is \$5,000,000. The insurance companies lost over \$2,000,000. During the fire Paul Orlenoff, who headed the Russian theatrical troupe which visited the United States early this year and was stranded in New York, narrowly escaped death at the hands of a mob.

He was mistaken for a monk who was suspected of setting fire to the city, and was badly beaten and thrown into a burning house, but he was rescued before the flames reached him.

Denies Writ of Mandamus. By Associated Press. NEW YORK, July 27.—An application made by the stockholders of Wells, Fargo & Co. for a writ of mandamus, compelling the officers of the company to submit its books to an examination, was denied today by Justice White in Brooklyn. Justice White ruled that the writ could only issue in New York county.

MILWAUKEE MAKES A SPEEDY TRIP

By Associated Press. SANTA BARBARA, July 27.—The protected express Milwaukee fulfilled all conveyed by the torpedo boat destroyer four-hour straightaway run 100 miles out to sea today. The start was made at 7 a. m., southwest down the Santa Barbara channel. A full test of speed was gained thirty miles offshore, when the test run began at 8:15 o'clock.

Engine revolutions, counted for four hours, averaged 140.28. The required revolutions were 138.4. Average speed for four hours was 22.216 knots, 22 knots being required. The highest speed for fifteen minutes was 23.5 knots. The test was completed shortly after noon, with turning, backing and helm tests, all of which were satisfactory to the inspectors and builders.

The return trip at 15.5 knots brought the Milwaukee into port at 6 p. m., conveyed by the torpedo boat destroyer Paul Jones. Admiral Goodrich, commanding the fleet, sails for Puget sound tonight. The Milwaukee will proceed to San Francisco to receive her armament and equipment before she goes into commission in command of Captain Gove.

NEVADA MINERS MAY QUIT WORK

TONOPAH MEN DECLARE FOR EIGHT-HOUR DAY

Those at Goldfield, Manhattan and Bullfrog Promise Sympathy Strike if Necessary—Operators Are Firm

Special to the Herald. SAN FRANCISCO, July 27.—A strike of Tonopah miners will be declared. The miners by almost unanimous vote have declared in favor of an eight-hour day. The demand will be submitted to Frank A. Keith, general manager of the Tonopah Mining company, Saturday. If it is not granted a strike will be declared August 1.

Goldfield, Manhattan and Bullfrog miners promised to go out in sympathy if necessary. Nine hundred men voted—eight hundred for and one hundred against an eight-hour issue. The vote was made unanimous.

The following top men now have to work nine hours, and are striking for eight: Machinists, blacksmiths, electricians, carpenters and surface men generally. Car men, engineers and underground miners work only eight hours now.

An undertone of intense excitement and uneasiness exists among business men, as the strike will kill the southern Nevada country for the time being. In the face of the unanimous feeling of the miners and the known determination of the mine owners not to accede, there seems no alternative but a strike, which will be a new experience for Nevada.

Alex. Main, president of the Miners' union, and J. Lewis, secretary, say the union will stand determined for an eight hour schedule and will force the strike if necessary. The mine owners also are determined not to give in.

All depends on a conference tomorrow between Keith and the miners' committee.

MURDERER PURSUED WITH BLOODHOUNDS

By Associated Press. RICHLAND, Mo., July 27.—City Marshal William Manes was shot and killed tonight by James Price, alias Pritchett, a deserter from Jefferson barracks, near St. Louis.

Price escaped and is being hunted with bloodhounds. Manes had arrested Price and was on his way to town with the prisoner, when a young woman saw them scuffling. She was asked by Marshal Manes to assist in overpowering the prisoner who had broken his handcuffs and was endeavoring to escape. The young woman started to the marshal's assistance, but was warned away by the prisoner, who threatened to shoot her if she interfered. Price then shot Manes and disappeared.

BIG CORPORATIONS FACE INDICTMENTS

By Associated Press. NEW YORK, July 27.—The federal grand jury appeared before Judge Hough in the United States district court today and presented two indictments against three corporations as a result of its investigations into rebating in connection with the American Sugar Refining company.

United States District Attorney Stinson declined to make public the names of the corporations indicted. W. E. Foster, general auditor of the American Sugar Refining company, was one of the witnesses before the grand jury yesterday. It is said that at least one of the big transportation companies is named in the indictments.

MAN'S HEAD, HOWEVER, DISCOVERED IN HAY FIELD—Ohio Tragedy Surrounding by Mystery

By Associated Press. WARREN, O., July 27.—Much excitement prevails today at Leavittsburg, near here, as the result of the finding of the headless body of a man in a berry patch.

The head was later found in a nearby hay field. Both body and head were badly decomposed. In the pockets were found letters showing that the man was Albert Kennedy of Ellis Mo. He had recently been living at Mantua, where a brother now resides. Kennedy is known to have had \$300 just before his death. Only 75 cents and a silver watch were found in the pockets of the dead man.

Kennedy went west a few weeks ago to sell his farm, and he intended to bring his daughter back to Ohio with him. If his daughter accompanied him she has disappeared. Kennedy was last seen in Kansas City June 25. He was a temperate, quiet man of about 50 years.

NEGRO SHOOTS TO KILL

Vallejo Man Fires Twice at Man Who Starts Rough House Tactics

By Associated Press. VALLEJO, Cal., July 27.—A negro, E. M. Thomas, shot and killed Henry Bird, another negro, tonight at 213 Marin street, this city. Thomas ordered Bird to leave his house as he was fighting with two other men. Bird left, but returned and tried to re-enter, when Thomas shot him twice, one bullet hitting his wrist and the other going through his stomach, lodging in the back.

Bird is not expected to live. Rock Slides Kill Three. BUTTE, Mont., July 27.—Rock slides in the mines here today claimed the lives of three miners—Evan Evans, W. J. Holt and Ernest J. Keene.

WISCONSIN MAN DEFIES OFFICERS

EFFORTS TO CAPTURE DIETZ ARE FRUITLESS

Latter Declares He Has Ammunition Enough to Last Three Months. Arrest is Temporarily Abandoned

By Associated Press. MILWAUKEE, Wis., July 27.—All efforts to capture John F. Dietz have been abandoned, according to specials from points near Cameron dam, where Wednesday's battle took place. The wounded soldier has disappeared, and Sheriff Gilland charges Dietz with having killed him in revenge for the wounding of his son, Clarence.

Sheriff Gilland, it is reported, has decided to make no more efforts to capture Dietz. Colonel G. Munson, secretary to Governor Davidson, said over the long distance telephone tonight that no order for troops to capture Dietz has been issued by the governor.

DIETZ STILL HOLDS THE FORT

Declares He Has Ammunition to Last Three Months

By Associated Press. CHIPPEWA FALLS, Wis., July 27.—Thomas Rice, one of a party of officers who went to arrest John Dietz, returned to this city today, the party having given up the idea of taking Dietz. Rice says the story of the battle was not exaggerated. There was a 15-minute battle between the six members of the Dietz faction and the officers. Dietz informed the men that he had enough ammunition to last three months. He has a strong fort and will resist.

WILL PAY LESS THAN SIX-BITS

By Associated Press. SAN FRANCISCO, July 27.—The Home Fire and Marine Insurance company of California will be able to pay only 61 cents on every dollar of its \$2,500,000 loss in San Francisco.

Its directors, who announced the practical insolvency of the company last week, propose to divide the assets of the company equally among all the creditors. In this case the policyholders. They ask the insured to consent to this method of going out of business as the cheapest for all concerned. The policyholders will meet and decide whether they will consent to this plan or ask a settlement through the courts.

The Fireman's Fund Insurance company, which owns the Home Fire and Marine, will make its first payment on its policies August 15. President W. J. Dutton said last night that the Fireman's Fund assets will probably not be more than 75 per cent of its losses, although he cannot make an exact estimate at the present time.

MOB LYNCHES TWO NEGRO MURDERERS

By Associated Press. TAMPA, Fla., July 27.—John Black and William Reagan, negroes, were lynched by a mob of 200 men near Fort Gardner, Polk county, last night.

The negroes killed Edward Granger, a white turpentine operator, without provocation, and were captured by Sheriff Wiggins and three deputies near the scene of the killing a few hours afterward.

The mob halted the sheriff and posse and took possession of the prisoners. Both confessed, and were hanged to a nearby tree, being afterward riddled with bullets.

FIND BODY IN BERRY PATCH

Man's Head, However, Discovered in Hay Field—Ohio Tragedy Surrounding by Mystery

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Kennedy went west a few weeks ago to sell his farm, and he intended to bring his daughter back to Ohio with him. If his daughter accompanied him she has disappeared. Kennedy was last seen in Kansas City June 25. He was a temperate, quiet man of about 50 years.

HEAT PROSTRATES TWO MEN

Wheatville Rancher Hovering Between Life and Death at a Sanatorium

By Associated Press. FRESNO, July 27.—E. C. Rainey, a rancher at Wheatville, in a sanatorium here hovering between life and death as the result of heat prostration while at work on a harvester yesterday. He lost his mind and was in such a pitiable state that a brother sought him to town for treatment. His temperature was 104, and this morning it was 108. His condition is critical.

John Shea, an employee in the Southern Pacific local yards, is similarly affected. His temperature rose to 104, but he is recovering. Bona fide heat prostrations are rare here.

Engineer Dies in Wreck

By Associated Press. FLAGSTAFF, Ariz., July 27.—A head-on collision occurred at 7 o'clock tonight at Agassiz, three miles west of here, between two freight trains. Engineer Seogondollar was instantly killed and Fireman Nagler injured. The engine of the westbound train was demolished and eleven cars went into the ditch.

Forest Fires Still Raging

By Associated Press. ALBANY, Ore., July 27.—The forest fire in the Cascades near Detroit continues unabated, about 1000 acres now being burned over, and the flames are spreading rapidly.

DESCRIBE FIGHT WITH BLOODHOUNDS

By Associated Press. ATLANTA, Ga., July 27.—A dispatch to the Constitution from Pensacola, Fla., says:

With big welts and bruises all over their arms and bodies and with their clothing torn by the fierce attacks of bloodhounds which had trailed and caught them, three more men arrived here today from the camp of the Jackson Lumber company's camps at Lockhart, Ala., and asked for protection.

The men are John Cook and Harry Lyman, Americans, and Vendell Kolorshuit, a German. "We tried to escape last Saturday night," said the men, "but they put bloodhounds on us and we were trailed down. Cook was so weak and exhausted he could scarcely walk."

Lyman said: "We were given forty lashes each and taken back. The bloodhounds would have torn me to pieces, but I saved myself by a hard fight. Our second attempt to escape was more successful and we came to Pensacola to report the matter."

SPECIAL JURY TO TRY STANDARD OIL

TRANSPORTATION METHODS TO BE AIRD

This Decision Reached, It Is Said, Because of the Discovery of Important Evidence

By Associated Press. CHICAGO, July 27.—Standard Oil company methods of transporting its products are to be investigated August 6, when a federal court grand jury will convene in Chicago to take testimony on that subject.

The decision to draw a special grand jury was reached late this afternoon after an all-day conference between the government lawyers in the case and Judge Landis in the United States district court.

District Attorney J. J. Sullivan of Cleveland, Assistant District Attorney Francis Hanchett, Special Agent Shibley of the department of commerce and labor, Assistant Attorney General Oliver E. Pagn and Special United States Attorney C. B. Morrison were in the conference at which it was decided to call a grand jury instead of filing an information against the defendants to place them on trial.

It is declared that new and important evidence was discovered today, bringing about the change in the program.

TEXAS TO HOLD A PRIMARY ELECTION

By Associated Press. DALLAS, Tex., July 27.—For the first time in the history of Texas a primary election will be held throughout the state tomorrow.

This will be held by the Democratic party, which is required by the new law to nominate its candidates. Because of the overwhelming majorities of that party the result will be conclusive of the selection of all officers from United States senators to constable, and the general election in November will be perfunctory.

Under the party rule in this state the state legislature elects as United States senator whomsoever a majority of the Democratic voters may choose. Senator Bailey has no opponent. All minority parties will also hold precinct conventions tomorrow, as they are not regulated by law save as to the time they shall hold conventions.

LONG DRAWN OUT STRIKE IS ENDED

By Associated Press. WHEELING, W. Va., July 27.—The conference of miners and operators of the fifth Ohio sub-district, which included Belmont, Harrison and Jefferson counties in Ohio, and the four West Virginia Panhandle counties, today reached an agreement ending the long drawn out strike of four months, in which 5000 miners were involved. By Monday evening mine in the district will have resumed.

The strike is still on in the upper end of the fifth district, involving 4000 men in the Stark-Tuscarora section, and these are the only Ohio miners on strike. The settlement is a compromise.

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RUSSIAN TROOPS DESERT THE ARMY

FORMER OFFICERS COMMANDING 40,000 WORKMEN

Disciplined Rifle Legion Formed at Yusovka—Revolutionists Prepare for Armed Uprising at Karkov

By Associated Press. BRESLAU, July 27.—A correspondent telegraphed from Sosnowic that handbills have been posted there calling on workmen to enter upon a general strike at 4 o'clock Saturday morning throughout the Russian-Polish frontier districts.

All factories, the handbill declares, must be closed and trains stopped wherever they are at the time announced, without proceeding to their destination.

By Associated Press. KHARKOV, July 27.—The staff correspondent here of the Associated Press finds that the revolutionists are actively preparing for an armed uprising and a proclamation of the republic of Kharkov in the autumn.

The French vice consul here