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RAIL DISASTER NEAR PALO ALTO

Northbound Freight Train Crashes Into Runaway Boxcars.

Engineer Haggerty Killed and Fireman Bowsher Badly Injured.

BURIED UNDER THE WRECKAGE

Twisted Iron and Splintered Wood Piled Forty Feet High Upon the Track.

PALO ALTO, CAL., Oct. 9.—A northbound freight train on the coast division of the Southern Pacific collided shortly after 2 o'clock this morning with three empty boxcars, which had escaped from the Palo Alto switch and were running down grade on the main line. Engineer Henry Haggerty was instantly killed. Fireman Joseph T. Bowsher suffered fractures of several bones and internal injuries of a serious nature. Trainman C. W. Bence was badly hurt. Engine and train were piled in a heap forty feet high upon the track and reduced to a tangled mass of twisted metal and splintered wood.

The grade falls rapidly from Palo Alto as far down as Mountain View and the runaway cars had gained a five or six mile momentum when the smashup occurred, half way between Palo Alto and Mayfield. How the empty cars got onto the main track is not definitely known. It is said that they were not "braked," as they should have been, when sidetracked. Others say that miscreants must have started the cars, but there seems to be little proof to back this assertion.

The train coming north was composed of eight heavily laden box and flat cars, and was traveling at the rate of thirty or forty miles an hour as it does not stop ordinarily at Palo Alto or Mayfield. The cars were filled with sacked wheat, flour, wool and asphaltum, and there was a quantity of butter, eggs and fowls in one of the cars. The train and the moving cars met directly over a "trap" in the track, and this was doubtless due a part of the phenomenal telescoping that followed. The empty freight cars were tossed twenty feet from the track, with the exception of the first car, which slid under the fore part of the engine and was crushed to fragments. The engine turned almost completely over; the cow-catcher being jammed into the ground and the tender being thrown into the air, resting on the rear end of the locomotive fifteen feet above the ground. The loaded cars in the rear were piled up one upon another to a height of thirty or forty feet on and about the engine.

The force of the shock is evidenced by the rails, which were bent like fibers and snapped in places like needles, while solid wheels and axles were broken into bits. The heavy wooden backing of the bumpers on the cars is sheared into long, stringy splinters, each grain separated from the others. Over the whole pile was a promiscuous mix-up of wheat, flour and potatoes. How any living thing could have escaped is a mystery; nevertheless most of the chickens did escape death in the wreck, but only to fall into the hands of those standing about, who carted them off, with little regard for their ownership. Another peculiar fact was that a number of crates of eggs endured the shock and were uninjured so far as external appearance goes.

Haggerty was probably killed instantly. His mangled body was recovered under the engine about an hour after the collision occurred. It was at first believed that Fireman Bowsher was also killed, but the rescuers heard his groans and cries while at work and released him from his dangerous predicament. He was at once placed in the hands of a physician, who did everything in his power to relieve the sufferings of the injured man. Whether any tramps were on the brakebeams is unknown; the removal of the wreckage alone will show that.

Haggerty was a popular engineer among his brother-engineers, and a trusty, careful man. For seven years he was engineer on the Santa Cruz division, and had a wide circle of friends in that section. Bowsher is not so well known among the train crews, but is a steady, cheerful fellow.

Said one of the grizzled old engineers who watched the operation of laying the switch about the wreck to allow passage of trains: "That is one of the worst smash-ups I ever saw, and I've seen some bad ones. Just think what the loss of life would have been had it been a passenger train instead of a freight."

It is quite probable that the engineer and fireman of the freight did not see the runaway cars until they were directly upon them, and Haggerty probably never knew what happened. The night was so dark that all beyond the range of the engine's headlight was absolutely invisible. If the engineer did survive for a fraction of a minute his agonies must have been appalling, for escaping steam penetrated every cranny of that portion of the wreck.

People who live near the scene of the collision say that they were awakened instantly by the shock and the subsequent noise. From the moment the dreadful accident occurred until long after dark to night the wreck has been surrounded by hundreds of onlookers.

The work of removing the wreckage from the main line will occupy two days—so the foreman of the wrecking crew states—and in the meantime trains are running about the heap on a hastily constructed switch.

Last fall a very similar wreck was narrowly averted in the same spot, when a number of cars laden with coal escaped from the side track running up to the Stanford University campus and missed hitting a passenger train by but a few feet.

SAN JOSE, CAL., Oct. 9.—Coroner Secord began an inquest this afternoon at Palo Alto over the body of Engineer Henry Haggerty, who was killed in the wreck this morning. A jury of eight men was impaneled and three witnesses were examined to identify the deceased.

KNOW NOT WHOM TO BLAME.

Southern Pacific Officials Cannot Account for the Disaster.

The Southern Pacific officials in San Francisco declared they could not account for the cause of the Palo Alto wreck—that is, how the two freight-cars happened to be on the main track. All the information regarding the wreck received at Mr. Fillmore's office came in a telegram early in the morning. This contained the merest outline of the accident and some additional matter in the form of a report which told the track had not been cleared and a temporary track was laid around the wreck so that trains could run through on time.

The accident occurred at 2:10 A. M., which is known from a remarkable incident of the smash-up. The conductor was in the caboose when the crash came. He was thrown up against the cupola with great force and received a very bad shaking, but the only real damage done was the shattering of his watch. As the hands pointed to 2:10 it is known that is the time the accident happened. Assistant Manager N. H. Foster stated that all energy was at first expended on restoring communication along the line. Then an effort was made to discover the cause of the wreck. According to official reports two freight cars were on the siding at Palo Alto, but somehow had become free and moved on to the main line. There is a slight grade downward toward the south from the switch, and this accounts for the movement of the cars.

It proves to be a wholly different question as to how the cars ever got away at first. The railroad managers said they believed it was the work of some miscreant who, under cover of darkness, deliberately turned off the brakes and let the cars move from the switch by gravity and their own momentum.

However, there was a possibility that the trainmen, after switching the two freightcars at Palo Alto, had failed to secure them by tightening the brakes, with the result that the cars moved down the gentle grade. Which theory is right occupied the Southern Pacific detectives and operating department all day, but the result of their inquiries was not satisfactory.

It would not be admitted that the brakes and their attachments were at fault, having been in a worn-out condition and utterly incapable of holding the cars in check. As the brakes were broken in the crash all evidence of possible neglect was gone.

Bowsher is stated to have been the only striking fireman to be taken back by the railroad. He used to fire for Littlejohn, one of the oldest engineers running on the western division in Sacramento. He is well known in West Oakland.



BLUE AND GRAY MEET AT CANTON

Grand Army Posts Welcome the Ex-Confederate Veterans.

Truly the Past Is Forgotten in the Present Battle for Prosperity.

MAJOR M'KINLEY'S VISITORS.

From East Tennessee and Virginia They Journey to Cheer the Next President.

CANTON, OHIO, Oct. 9.—In addition to the activity here to-day Major McKinley was enabled to hear the shouts and sounds from the great demonstration in Chicago, and the tramp of a hundred thousand marchers by long-distance telephone in Major McKinley's study and Mrs. Mc-

Kinley's living-room. The telephone company put a direct Chicago wire into the McKinley house for use to-day and there were twelve receivers attached to this end of it.

The first delegation to arrive was that from East Tennessee, about 500 strong, and they were all enthusiastic and demonstrative. The spokesman was Editor William Rule of Knoxville. Among those in the delegation were the donors of the large hickory stump which Major McKinley received some time ago from King County, Tennessee. The candidate to-day made use of the stump for the first time. In addressing the Tennesseans Major McKinley spoke as follows:

The honor of this call is mine, not yours. I appreciate that you have come a great distance, almost the greatest distance of any delegation which has yet visited me, to pay your respects to me, not personally, but rather to testify your devotion to the principles of the Republican party and your determination that those principles shall triumph at the election on the 3d day of November. Your presence here recalls pleasant and inspiring memories connected with the early history of your State.

A delegation of 500 miners from Monongahela County, Pa., then marched up to the house. Thomas Pollock made a short speech of introduction, to which Major McKinley responded. The next delegation, also a Pennsylvania one, was made up of citizens from Warren and Forest counties and numbered 600. Mr. McKinley addressed them as follows:

If I ever had any doubt as to the extent of the population of the State of Pennsylvania that doubt has been removed since the St. Louis convention. [Laughter and applause.] I think that I have had the honor of a call from nearly all Western Pennsylvania, and as far east as Harrisburg, all coming upon the same mission, all determined upon the same

end—that of contributing their part to the success of the grandest principles that were ever advocated by any political party and of the greatest party in the world. [Applause.]

We have had in this country since the beginning of the Government a trial of two revenue systems. One has been known as the tariff for revenue only, the other has been the protective system. We had had no experience under the former for so many long years that people had totally forgotten the distress which was the result of the inauguration of that system. We have had some experience with it during the last three years and a half [A voice—"We don't want any more of it, though!"] and, as my friend says, we don't want any more of it. [Applause.] This is one of the things you have a chance to vote on on the third day of November.

Clinton County, Ohio, farmers to the number of 800 followed the last delegation. Clinton County is in the rich agricultural section of Ohio, and its citizens are among the most prosperous farmers in the world. It is a strong Republican county. These points were brought out by the spokesman, Judge Adon. Major McKinley had not been notified of the coming of this delegation and his remarks were wholly impromptu.

The speech which Major McKinley expected to make first was made last. The ex-Confederate veterans who were expected to arrive at 8:30 in the morning did not all reach Canton until 4 P. M. They came on three special Burlington and Ohio trains from the Valley of the Shenandoah, and the party numbered in the aggregate nearly 2000. One-half of them were men who had worn the Confederate gray and fought under Stonewall Jackson. The veterans were met at the train by the Grand Army posts of Canton and Stark County and by the

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MARTIN KELLY'S WATERLOO.

Auditorium Ticket Declared Regular by Supreme Court.

BUCKLEY ALSO MEETS WITH DEFEAT.

There Can Be Only One Legal Convention for Each Party in the Field.

REGISTRAR ENTITLED TO DECIDE WHICH IS THAT ONE.

Supreme Court Decision Which Laid Low Would-Be Boss Kelly and Boss Buckley at the Same Time at One Stroke—Ruef Is Crestfallen.

The Kelly-Mahoney faction were given a stinging blow by the Supreme Court yesterday. D. L. Farnsworth, the candidate of that faction for Superintendent of Streets of this City, and James B. Brown, candidate for Senatorial honors from the Seventeenth Senatorial District, were denied the writ of mandate by which they sought to compel William M. Hinton, Registrar, to file their certificates of nomination.

At the same time the court denied the petition for a similar writ to D. A. Macdonald, the Buckley candidate for the position of Superintendent of Streets.

The Farnsworth and Brown cases were set up as tests by the Kelly-Mahoneyites, one concerning the strictly municipal and the other the legislative ticket. The Buckley Democrats rested their case on the issue of the petition of Macdonald alone.

The opinion of the court was written by Justice McFarland, and Justices Henshaw, Van Fleet and Temple concurred. Justices Harrison, Beatty and Garroutte dissented.

The point of the decision is that "a political party which at the last election polled at least 3 per cent of the entire vote can be represented only by one convention," and that "where two or more bodies claim to be the convention contemplated by the code the Registrar must determine which one of the bodies was an organized assemblage of delegates representing the particular political party named."

For days the Kelly-Mahoney faction has been anxiously watching for this decision as a drowning man might grasp at a straw. Fifteen minutes after the decisions of the courts were handed into the office of the clerk a woe-begone delegation from the Kelly-Mahoney headquarters filed in and read with growing solemnity the decision which ended their attempt to force the Registrar to give them official recognition.

"You may be happy yet," a bystander jocularly suggested to A. Ruef. "I shall not get happy on such decisions

as this," said Ruef, with deep melancholy. Ruef was paler than usual, and it was apparent to the most casual observer that he felt the blow keenly. The delegation with him were equally depressed. They sat in silence for awhile and then put out the gas and went home utterly broken in spirit.

The court took up first the case of Macdonald against Hinton and rendered the following decision:

The writ should be denied. Whether a Registrar, in filing or refusing to file a proffered certificate of nomination by a convention, acts ministerially or judicially, it is clear that he cannot be commanded by mandamus to do an act which the law does not require him to do.

Now, sections 1186-87 of the Political Code clearly contemplate that a political party which at the last election polled at least 3 per cent of the entire vote can be represented by only one convention. A contrary view would certainly defeat the purpose of the law. Therefore when each of the two or more bodies claim to be the convention contemplated by the code the Registrar must determine in the first instance, at least, which one of the bodies was "an organized assemblage of delegates representing" the particular political party named.

To say that the presentation of a certificate in due form is conclusive of the essential fact upon which the alleged right rests is to announce the principle that each party to a controversy is the exclusive judge of his own case. If the issue were presented here whether or not the convention which the petitioners represented was the convention which in fact represented the Democratic party, then this court would have to consider whether or not it would, upon mandamus, hear evidence and, after a trial here, itself determine the essential fact in dispute.

But this proceeding was submitted upon the admission that the convention represented by petitioners only "claimed to be" but was not a convention representing said political party, and upon the theory that a Registrar was bound to file their certificate because it was in due and regular form.

Therefore this question, whether or not this court should, upon mandamus, inquire into the fact and determine whether such convention did or did not represent said political party is not before us.

It therefore does not appear that the Registrar has refused to do any act which the law enjoins upon him as a duty. The petition for the writ of mandamus is denied and the proceeding dismissed.

The decisions in the cases of Farnsworth against Hinton and Brown against Hinton were in few words as follows:

Upon the authority of Macdonald vs. Hinton, S. F. No. 684, this day decided the applications for writs of mandamus in above cases are denied and the proceedings dismissed, the cases being substantially alike and having all been considered together.

A special dissenting opinion was filed by Justice Garroutte in the case of Macdonald, which is as follows:

I dissent. There are three constructions to be placed upon the statute: 1. That the action of the Registrar is final and conclusive. 2. That it is the duty of the Registrar to decide as a fact whether or not the certificate presented to him comes from the regular and genuine Democratic or Republican party which it purports to represent, and that such decision by him is reviewable by this court. 3. That it is the duty of the Registrar to fill all certificates which upon their face comply with the statute and that upon rejection by him of any such the remedy is by mandate of this court.

To hold that the action of the Registrar is final I cannot indorse for a moment. Every



Scene of the Freight Wreck Near Palo Alto. Engine and Cars Piled Forty Feet High in a Mass of Twisted Iron and Splintered Wood.

