

OUTLAW SLAYER LOSES HIS JOB

Bakersfield Judge Declares Man Who Killed McKinney Is Not Entitled to the Marshalship

APPEAL WILL BE TAKEN

Mystery of the Theft and Burning of Ballots Has Not Been Thoroughly Solved

BAKERSFIELD, Jan. 8.—Superior Judge Mahon to-day decided the contested election of Marshal of Bakersfield in favor of the contestant, E. P. Davis. At the election last spring the returns showed that Davis had been defeated by five votes by the late Marshal Packard. The latter was killed in the battle with Outlaw McKinney a few days before entering upon his term, and the Trustees appointed Bert M. Tibbet, the slayer of McKinney, to the place. He is ousted by this decision.

Last September some one entered the City Clerk's vault and stole all the ballots. The burned fragments were found by the roadside east of Kern, where two men were seen early one morning burning them. The thieves were not recognized and their identity has never been learned, but the contest instituted by Davis went into court on the oral testimony of the election officers and watchers, who swore that penciled ballots were illegally counted for Packard. Judge Mahon admitted this evidence in spite of objections, and finds that Davis was elected by a majority of eight votes. Tibbet's attorneys announce that the case will be appealed on the legal questions involved.

MINING MEN ARE LOSERS

Enterprise Started in Plumas Fails After an Expenditure of Thousands of Dollars

BIG PLANT IS FORFEITED

Inability to Make Payments Under Terms of an Option Is the Cause of Collapse

GREENVILLE, Jan. 8.—The mining enterprise of the Plumas Gold Mining Company, inaugurated here by W. D. Lawton, formerly of Sacramento, has just reached a disastrous climax. Lawton secured an option on the mine of Standart & McGill, and backed by the banking firm of Douglas, Lacey & Co. of New York City spent last season erecting a complete milling plant of an estimated 100-ton daily capacity. Upward of \$65,000 actually was spent on the plant, and it was not completed. The company recently defaulted a \$60,000 payment on the mine, which under the terms of the option forfeits the entire plant and prior payments of \$13,000 to Standart & McGill, who have again assumed possession. The machinery not in place and other personal property has been attached by local creditors for claims aggregating \$30,000. It is alleged that the cause of the failure was extravagant mismanagement.

OAKLAND, Jan. 8.—In a suit for divorce filed to-day Salvatore Ferranti, charges his wife, Gulla Ferranti, with having thrown a clock at him. Ferranti says that his wife is disappointed because he has not as much money as she expected. They were married last June.

SENATOR DIETRICH'S TRIAL COMES TO SUDDEN ENDING

United States Judge Holds That Nebraska Statesman Cannot Be Prosecuted, as Alleged Bribery Occurred Before He Was Sworn In as a Member of Upper House of Congress



OMAHA, Nebr., Jan. 8.—United States Senator Charles H. Dietrich and Jacob Fisher, postmaster at Hastings, Nebr., were released from custody to-day. Judge Vandeventer, in the Circuit Court, instructed the jury to bring in a verdict of not guilty of the charges of bribery, etc., and the District Attorney entered a nolle in the indictments recently returned against them. Immediately after convening court this forenoon Judge Vandeventer handed down a decision sustaining the demurrer interposed by counsel for Senator Dietrich, which had been made on the ground that Dietrich was not actually a member of the Senate when the alleged bribery took place. The effect of the decision is that a man is not an actual member of Congress after his election until he shall have taken the oath at the bar of the House to which he is elected, and that he is not amenable to the law as a member of Congress and an officer of the United States Government.

FISHER INDICTMENT NOLLED. Immediately after the verdict was ordered for the defendant, District Attorney Summers announced that he wished to enter a nolle in the case of Jacob Fisher, postmaster at Hastings, explaining his motion by saying: "If Charles H. Dietrich was not a member of Congress until after December 2, 1901—and the court held that he was not—then Jacob Fisher cannot be put upon trial for or on account of agreeing to pay or paying certain sums of money to him or performing contracts for him during the months from July to October, 1901, under a contract made with him as a member of Congress whereby Jacob Fisher was to be appointed postmaster."

The court made the order and then called up the case against Senator Dietrich in which he is charged with holding and enjoying a lease with the Government while he was a United States Senator.

CLEARs THE DOCKET. The District Attorney stated to the court that the Government had not, within his knowledge, ever placed a man on trial on what might be termed a technical violation of the law. He said that under the construction placed upon section 1781 Dietrich had enjoyed the lease but a short time after he had become a United States Senator—that is, after taking the oath. He said that, although he had received rentals from April 24 to December 2, under the court's construction of the section there had been no violation of the law. The property was deeded to Senator Dietrich's daughter shortly after December, 1901.

"I would not," said the District Attorney, "ask a jury to return a verdict of guilty against a man under any circumstances unless I believed such a verdict to be in the interest of justice."

The court, therefore, on motion of the District Attorney, entered a nolle, which cleared the docket of cases against Dietrich and Fisher.

District Attorney Summers said after court adjourned: "Officially this office has nothing to say—the court has settled the matter. If Senator Dietrich wished to secure a vindication through a trial of the case on its merits he had an opportunity to do so by not raising the technical point of whether or not he was a member of Congress from the time of his election to his taking of the oath of office."

DRIGGS IN HARD LUCK. His Defense the Same as Dietrich's, but He Must Serve Time.

NEW YORK, Jan. 8.—Former Congressman Driggs, who was convicted here yesterday of receiving compensation for aiding in the procuring of a contract with the Government, in his defense said that although he had been elected a Congressman, he had not taken his seat at the time of the alleged improper transaction. Driggs' attorney contended throughout that

LOSS TO BANK GROWS HEAVIER

Latest Revelations of Defalcations of Cashier Marcell Show an Enormous Shortage

WORTHLESS NOTES FOUND

Deposits Made by Farmers and Stock Raisers Are Gone and There Is No Hope of Recovery

ST. JOSEPH, Mo., Jan. 8.—The latest revelations of the defalcations in the Bank of Highland, Kansas, by Cashier J. E. Marcell show an aggregate loss of more than \$160,000. Of this \$67,000 is on account of deposits made for the most part by the farmers and stock raisers of Doniphan County, Kansas. In the hands of State Bank Examiner S. C. Crummer is less than \$2000, this sum being the amount of money in the bank at the time it was taken in charge.

There are notes of the face value of \$7,000, one-half of which are pronounced worthless. It is also stated that a new note for \$50,000 has turned up in the hands of the Pioneer Trust Company of Kansas City.

Cashier Marcell has been removed from his home in Highland to the county jail in Troy, where he is under heavy guard to prevent possible injury. When Marcell was arraigned before a Justice of the Peace he entered a plea of not guilty to the numerous charges of forgery, and bail was fixed at \$5000 in each count. He said that he still had faith in his ability to restore order if he were permitted to exercise his own judgment.

WHOLESALE BUSINESS QUIET

War Talk Stimulates the Markets for Cereals and Provisions.

NEW YORK, Jan. 8.—Bradstreet's to-morrow will say: The new year opens quietly, but with satisfactory features predominating. Cold and stormy weather has retarded business and transportation, but in some sections has stimulated sales of heavy goods and rubbers at retail. Wholesale business is seasonably quiet at leading Eastern and Central Western markets, but it is worth noting that the spring demand and shipments have been good at the Southwest. Indications show a slight improvement. Preparations for spring are going forward actively and with a good show of conservative confidence.

War talk has been a stimulus to many markets, notably those for cereals and provisions, but securities and cotton have been depressed thereby. Iron and steel in the crude forms have shown steadiness and are in better demand in the more finished forms in the West.

Lumber, while affected by climatic conditions upon building, is in active export demand. The industrial situation looks rather better, employees showing a disposition to accept lower wages.

Wool is steady as a whole, based on conservative buying by manufacturers who have opened new lines of goods, but nothing definite is yet to be seen as to future trade tendencies.

The final returns of 1903 are fully as good as those foreshadowed in earlier weeks. December, 1903, railway earnings indicate a 7 per cent increase over the excellent returns of 1902.

Wheat, including flour, exports for the week ending January 7, aggregate 3,363,323 bushels, against 2,915,236 bushels last week and 5,058,951 bushels this week last year.

Business failures for the week ending January 7 number 262, against 299 last week and 336 in the like week in 1902.

POST AND CORPS INSTALL OFFICERS

Those Who Bear the Name of Lincoln Receive Their New Superior.

Lincoln Post and Lincoln Corps of the Woman's Relief Corps, Grand Army of the Republic, were installed jointly in public in the Pioneer building Thursday night in the presence of nearly 300 people. With that gallantry which has always characterized the old soldiers of the Pioneer Post of this State, it gave way to the ladies, that they might be the first to install their officers. The installing officer was Past National President Mrs. E. d'A. Kinne, assisted by Laura Hirsch as conductress. The new officers are: Mary E. Howe, president; Catherine Barnstead, senior, and Helen L. Hancock, junior vice president; Mary E. Ferguson, treasurer; Jennie Koon, chaplain; Belle Donovan, conductress; Johanna T. Clark, guard; Edith Easton, assistant conductress; Mary M. Smith, assistant guard; Ella Corbett, Mary Wilsey, Annie O'Connor and Cora A. Fenno, color bearers; Mary M. Plim, musician; Cora M. Doble, secretary; Mary E. Keating, patriotic instructor; Mrs. K. L. Byrne, press correspondent. At the close of the ceremony Mrs. A. Parolini, on behalf of the corps, presented Mrs. Emma B. Leeds with a handsome pin as a token of sisterly love and appreciation.

Then followed the induction into office of the officers of the post by Colonel C. Mason Kinne, S. V. C. of the Grand Army, assisted by D. P. Soner. These officers are William E. Estees, commander; John S. Marshall, senior, and Albert Hancock, junior vice commander; J. J. Bolles, quartermaster; G. G. Crawford, M. D., surgeon; M. Murphy, chaplain (nineteenth term); D. P. Soner, officer of the day; John Eichner, officer of the guard; C. J. Hanley, adjutant. After the ceremony Charles W. Edelman, the retiring commander, was presented with a diamond shirt stud in token of appreciation of his services.

During the evening there was a short programme of music and song.

Four Applications on File.

The new Public Administrator, M. J. Hynes, yesterday came into court with an application for letters of administration upon the estate of the late Moses G. Cobb, the attorney. There were already three such applications on file, one by Attorney A. Ruef, another by Rosa Barry, sole devisee under Cobb's will, and one by the attorney of Mrs. Sophia Cobb, widow of the deceased.

THE HAGUE, Jan. 8.—The First Chamber of the Netherlands Parliament, following the example of the Second Chamber, to-day voted about \$1,750,000 for the purchase of quick-frozen Krupp guns after a declaration of the War Ministry that he considered the Krupp guns preferable to the Ehrhardt guns.

GUARD FIRES ON PLOTTERS

Attempt Made at Night to Cast a Bundle Over a Wall of the Oregon Penitentiary

BULLETS FOR INTRUDERS

Officials Believe That the Convicts at Salem Have Planned an Escape From the Prison

Special Dispatch to The Call.

SALEM, Or., Jan. 8.—Through the alertness of Guard Lute Savage, who watches the south wall of the State penitentiary at night, two unknown men were baffled last night in an attempt to scale the stone ramparts of the prison and place a bundle in the yard. Savage fired at the men, but they escaped in the darkness.

About 2 a. m. the moon was down far enough to cast a deep shadow along the east wall. In making his regular patrol along the top Savage discerned two men lurking in the shadow. He watched them carefully and saw that they were carrying a bundle about the size which two or three rifles would make if wrapped up together.

Savage challenged and instantly the men broke out of the shadow and ran away, carrying their bundle with them. Before they vanished Savage fired twice at them with no visible effect. The shots aroused the other guards and an investigation disclosed nothing but the tracks of two men sunk deep across the field to the county road.

In connection with the recent attempt to poison the night guards at the prison, the visit of the two men last night is taken as proof that some of the convicts contemplate a daring escape modeled along the lines of the Tracey and Merrill disaster. The city police have found that two strangers hired a buggy late last night and were seen at midnight near the penitentiary.

Police Search for Feld.

Chief Wittman received a letter a few days ago from Albert Bornefeld of Houston, Tex., to the effect that Bornefeld had received word from Mrs. Clara Verheyen of Kempen, Rhenish Prussia, that her mother had died leaving some property and asking him to notify her brother, John Feld. Bornefeld wrote that Feld left Houston for San Francisco on December 19 and requested the Chief to locate him. Detective Anthony has been making inquiry for Feld without success. Feld is a baker, 55 years of age.

Will Discuss the Forests.

The annual meeting of the Semper-virens Club of California will take place this afternoon at 2 o'clock in the conservatory of the Palace Hotel. The reports of the various officers will be read, the constitution will be submitted for approval and adoption and the election of officers will follow. An address, "The Protection of the Forests," will be delivered by John McNaught, after which there will be a discussion.

SAN JOSE, Jan. 8.—Slavich's restaurant, one of the largest in town, to-day applied to the Superior Court for an injunction to restrain the Waiters' and Cooks' Union from placing sentries in front of the place of business warning customers to keep away.

SPACE GRANTED THE UNIVERSITY

All Obstacles to Having Institution at Berkeley Represented Are Now Removed

ALLOWANCE IS GENEROUS

Exceeds All That Has Been Allotted to the General Educational Display of California

Seemingly all the obstacles in the way of having at the St. Louis exposition a display representative on a large scale of the University of California have been overcome. Commissioner Filcher has telegraphed from St. Louis to Professor Robert Furlong, chief of the department of the educational show for California, that he has secured a space of 1600 square feet in total in a very advantageous place for what the University of California has to show. Professor Furlong has consulted with certain of the committees of the faculty of the University of California that was appointed to take up the matter of making a St. Louis display and a telegram has been sent to St. Louis notifying the management of the exposition that the space will be accepted.

Professor Furlong went to Berkeley Friday afternoon to consult with the university committee. Some of the members of the committee were absent and a final meeting has been arranged to take place at the university to-day. The position that has been offered for the use of the University of California is in an alcove and is near the general educational display of this State in the education building. The dimensions of the floor room are 40x40 feet, with the aisles deducted.

The alcove is at a corner of the education building. It is not near the space occupied by other universities, but it has the advantage of giving California practically a collective exhibition in the same building. Visitors will see not only what sort of educational facilities are afforded by the public schools and other educational institutions of the State in the grammar and high school grades and the technical schools like the Lick and the Wilmerding and the Cogswell and Polytechnic High schools in this city, but will also be given an idea of the University of California by walking only a few steps.

All questions connected with the university exhibit at St. Louis probably will be discussed to-day. The space secured for the university is larger than that given to the general display of the schools.

Officers Are Installed.

The newly elected officers of the Widows' and Orphans' Aid Association of the Police Department were installed yesterday afternoon in Police Judge Mogan's courtroom. The installing officer was John Rainsbury. The officers are: President, Sergeant A. A. Perrin; vice president, Corporal Harry Cills; treasurer, Sergeant Daniel A. Sylvester; recording secretary, Corporal J. J. O'Meara; financial secretary, Samuel H. Rankin; trustees—T. C. Murphy, R. Kerrison, T. J. Larkin, George M. Gelmann and Sergeant H. J. Wright.

REGAL SHOES.

Many a man would like to wear Regals but he is ashamed to pay so little as \$3.50 for a pair of shoes.

Ashamed to take so much for so little?

Bless you, no. He's got a sort of semi-suppressed notion that he can't be really "swell" unless he pays from \$5 to \$14 for his shoes. Now, if he would ask the sleeping car porters, he would discover that a large proportion of those who ride in Pullmans, walk in Regals. And he may be astonished to learn that a clear majority of the officers in the American Army and Navy are now wearing Regals.

The trouble is that people get the idea that because the Regal sells at \$3.50 it is a "\$3.50 shoe." 'Tisn't. In everything but price it is a \$6 shoe—a fact which we are prepared to demonstrate by a comparison of style, fit, finish, and leather qualities.

There are 60 Regal shoes, 30 of them in Greater New York, where the styles originate. The new styles are on sale at our San Francisco store at the same time as in the New York stores.



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REGAL THE SHOE THAT PROVES

San Francisco Store, Cor. Geary and Stockton Sts.



A View of the Great St. Louis Exposition From Your Armchair ... ST. LOUIS ... World's Fair Portfolio Series IN BEAUTIFUL COLORS PRESERVE THIS SERIES TO BE BOUND IN PORTFOLIO FORM Greater San Francisco's Greatest Daily scores again with an entirely new Sunday feature. By an exclusive arrangement, secured at an enormous cost, THE SUNDAY CALL will be the first to issue the WORLD'S FAIR OFFICIAL ART SERIES, reproductions in color of the grounds and buildings of the Louisiana Purchase Exposition. THE FIRST OF THIS SERIES WILL BE ISSUED SUNDAY, JANUARY 31st The original of that Sunday's Art Supplement is the first artistic reproduction showing the architectural beauty of the Ivory City, and is selected as one of the best of the many views submitted, it being the object to combine in a limited series the most important and interesting features of the St. Louis World's Fair. The Palace of Machinery, representing power, force, in reality the pivot on which this immense exhibition revolves, is the inaugural issue of what will doubtless prove the most interesting series that was ever given free by a publication. The main entrance to this building shows a triple arcade, with large pavilion in the center. The north front, which is thirteen hundred feet in length, has an arcade of nine arches as a center feature. Following the classical in architectural effect, there are found several beautiful examples of the Italian and Spanish Renaissance styles. The brilliancy of color, the realistic scene, with the moving crowds of sightseers, give variety and animation to the picture. Nothing is so universally attractive as power. Men, animals and nature are most fascinated when, by its exercise, they demonstrate possession of extraordinary power. Admiration for might and the desire to see it in evidence, to feel it and sense it, to remember it and to tell of it, are instinctive factors with men, women and children. This is the keynote to the collection and arrangement of the exhibits in the Machinery Department—Power. Here are shown the methods and means for creating every variety of machinery for the generation, transmission and use of power. Forty thousand horses harnessed together and pulling with one mighty concentrated effort convey the idea of the total power which makes the wheels of this World's Fair go round. The engines, condensers, pumps, moving machinery and accessories making up the power plant, which is the largest ever shown at an exhibit, are installed on the main floor of Machinery Hall and occupy the entire westerly half of that building—an area of something over 200,000 square feet, or about the size of an ordinary city block. There will doubtless be an unprecedented demand for this SERIES. Nearly every one will want to preserve them to be bound in PORTFOLIO FORM. Make certain of your getting the full set by giving an advance order.

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