The Morning Call.

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SUPREME COURT VERSUS MURPHY.

Must Be Indicted to Question the Grand Jury's Legality.

IS NOT ANSWERING CONUNDRUMS.

Attorney-General Hart's Petition Heard, But Heeded Not.

CREED HAYMOND FEELS TIRED.

Proceedings Had Before Superior Judge Wallace—The Grand Jury's Test Case to Come Before the Supreme Court This Afternoon on Writ of Habeas Corpus. The Boodlers Have Another Plan for Attacking the Grand Jury—Investigating Forged Private Contracts for Street-Work. The Bruner Case.

There was an interesting meeting of politicians in the Supreme Court yesterday morning, but they were not assembled to discuss the tariff, the silver question or the flight of Buckley.

Something was said, it is true, about the unceremonious departures from their homes of alleged statesmen, but the solons referred to were four members of a Senatorial combine, who will owe the memory which posterity will cherish of them to that reformer, George Faylor.

Among the whispers overheard in the room was one to the effect that the Grand Jury would summon M. H. de Young before it to explain how it was possible that twenty-four men who knew him could vote for him for the office of United States Senator—or any other office.

It was also whispered that Phil Crimmins' dreams on the preceding night were troubled and that sleep had forsaken the downy pillow of Martin Kelly; that Stephen T. Gage was aging fast and that the curls in Dick Chute's mustache were losing their buoyancy, so to speak, and becoming limp and dispirited.

LEGALITY OF THE GRAND JURY.

But it was not for the discussion of any of these entrancing topics that the gathering in the high hall of justice was held. They were there, lawyer and client, boodler and boaster, patriot and politician, to hear the Supreme Court decide whether the Grand Jury impaneled by Judge Wallace had a legal existence or not.

Among those who displayed an interest in the case by their presence were attorneys representing the Southern Pacific Railroad, Senators and Assemblymen, and the now deeply hated Faylor. Some of them read and wondered at a notice posted in the clerk's room, to the effect that the court would meet in this city on November 2d. Why will the court return from Los Angeles, where it sits on next Monday, on November 2d? and why will it sit here on that day? Will it be because indicted citizens will have their appeals ready on that day? They did not know, and the conundrum was given up.

THE ATTORNEY-GENERAL APPEARS.

At 10 o'clock Attorney-General Hart made his appearance, with his slouch hat tilted backward upon his head and a roll of manuscript in his hand, on which his stenographer had wasted the midnight gas. Creed Haymond, of Fourth and Townsend, and W. H. L. Barnes, attorneys for Stephen T. Gage, who has declined to appear before the Grand Jury, came about the same time, and George Faylor, who has had the temerity to bring a suit for his share of the Legislative sack, appeared also.

Faylor was excited. His cheek was flushed, and he forbore not to give his opinion of boodle and boodlers in the presence of gentlemen whose feelings might have been sorely wounded by his remarks.

At 10:40 o'clock all the Justices, with the exception of McFarland, were present on the bench, and the Attorney-General went forward with his manuscript. He at once began to inform the court of its contents, and was told that instead of hearing the entire document the court would be satisfied with a synopsis.

FOR A WRIT OF REVIEW.

It was a petition for a writ of review of the action of Judge Wallace in summoning a Grand Jury with the aid of an elisor. The Attorney-General used Judge Murphy's statement of the manner in which the Grand Jury had been drawn, from a verbatim report which appeared in an evening paper devoted to its own and Phil Crimmins' interests. Following this statement of facts the Attorney-General quoted the report made by Elisor Henry H. Scott on August 20th, giving the names of the grand jurors whom he had selected.

The Attorney-General then, to support the case of the people, whom he represented, quoted Rule 4 of the Superior Court, which provides as follows:

It shall be the duty of the Presiding Judge to preside in person over the drawing and impanelment of all grand jurors required by law or by the public interest to be drawn. Grand jurors *must* in all cases be drawn from the list of grand jurors selected by the Judges of this court, unless the Grand Jury box containing the names of jurors so selected shall be exhausted without securing a Grand Jury.

REASONS FOR REFUSAL.

Mr. Hart then told the court that this very important rule of the Superior Court has never been repealed or modified, and went on to tell how certain persons had been subpenaed to appear before the Grand Jury and had refused, giving the following reason therefor:

That said Grand Jury was illegal, and that the defendant and respondent, W. T. Wallace, as Presiding Judge of the city and county of San Francisco Superior Court, had exceeded his jurisdiction in the impanelment of said Grand Jury; that said matter having been heard by said Wallace he adjudged one Richard Chute guilty of contempt of court in refusing to obey said subpena and appear before said Grand Jury, and sentenced him to pay a fine of $500 and be imprisoned for a period of five days; that said judgment was being carried into effect when said Richard Chute filed before Department 12 of said Superior Court a petition for a writ of habeas corpus; that said writ was issued and said Richard Chute was produced before Judge Murphy, presiding in Department 12, who proceeded to hear said writ upon the facts hereinbefore stated, and in substance adjudged that the respondent herein, W. T. Wallace, as Presiding Judge of the Superior Court of the city and county of San Francisco, did not have jurisdiction to appoint an elisor and that said respondent had no jurisdiction to make the order impaneling said jury, or appointing a foreman thereof, or placing it in charge of an officer to perform the duties of a Grand Jury; that said Grand Jury was illegal and that respondent, W. T. Wallace, had no authority to imprison said Richard Chute or any other witness who might refuse to testify before said Grand Jury.

QUESTIONS FOR THE COURT.

Having stated this much of the case, the Attorney-General gave the court the following questions to answer:

First—Does the law and proceedings of said Judge in impaneling the body claiming to act as a Grand Jury authorize it to act as such, and under the law and such proceedings would the acts of such so-called Grand Jury be valid and have all the force and effect of a Grand Jury whose authority could not be questioned?

Second—Whether, under the laws and the rules of the Superior Court, any Judge of the said court has the authority to order the Sheriff or any person to summon for the body of the county persons to complete a Grand Jury while there still remains in the Grand Jury box of the county more than 100 names of persons selected as aforesaid to serve for the pending year as grand jurors?

Third—Had the Judge of said court authority under the facts of this case to appoint an elisor?

Fourth—If either of the foregoing questions are answered in the negative, then, whether the invalid act or omission went to the substance of the so-called Grand Jury, and whether its proceedings, when properly attacked, would or would not be invalid and necessarily be set aside?

NOT ANSWERING CONUNDRUMS.

The Attorney-General, after making his statement and asking his questions, said that he did not wish to argue the case unless the court decided to go into its merits. If the application he had made were denied the jurisdiction of the court to appoint a Grand Jury in this manner would be established.

"There is one preliminary question," replied Chief Justice Beatty, "that should be discussed at the outset. Is there a controversy here which this court is competent to consider? We are not here to answer conundrums, but to decide actual controversies."

"This question," stated the Attorney-General, "involves the legality of the Grand Jury."

"Yes, it is an agreed case. That I understand."

"The facts are agreed to," explained the Attorney-General, "but there is a great difference between the parties as to the legality of the Grand Jury."

The Chief Justice inquired how the people of the State were interested in the questions presented. He said he could see how they might be interested in upholding the Grand Jury, but how could they be interested in declaring it illegal?

Mr. Hart answered that the people are the presenters in all criminal cases, and are interested in having this case decided right. He quoted a section of the Code of Civil Procedure as authority for his submission of the case to the court.

ONLY AN INDICTED PERSON.

"You have a right under that section," replied the Chief Justice, "to submit a genuine controversy, but this is a case where one side wishes the Grand Jury declared illegal while the other side—the Attorney-General—appears asking the same result, but, in fact, wishes a decision the other way."

Mr. Hart began to argue the matter, but was frequently interrupted by the court. Finally he read a decision of the court in the case of Levy vs. Wilson, in which the legality of a Grand Jury was involved.

"The court is familiar with that case," said Judge Beatty, interrupting the attorney. "A real controversy was involved in it. A person had been indicted and applied for a writ of prohibition."

And then the Chief Justice uttered these very significant words: "It is plain from the case cited that *the only person who has a legal right to question the validity of a Grand Jury is one who has been indicted by it.*"

CREED HAYMOND FEELS TIRED.

As the words fell from his Honor's lips the face of Creed Haymond, who stood near Hart, indicated that he was suffering from ennui. It was whispered that a paper, which he put in his pocket when the Justice ceased speaking, was an application for a writ of prohibition in the case of Gage, which he was going to use if Hart's petition failed.

The Attorney-General informed the court that he believed he had a right to appear as he did with an application for a writ of review.

"Very well," said the Chief Justice, "we will consult."

The consultation was very short. The court returned to the bench in a few minutes and handed down the following decision:

PEOPLE vs. WALLACE }

The court is unanimously of the opinion that this is not a case which the court can entertain in the shape in which it is presented. When the question of the legality of this Grand Jury arises in a real controversy, between two parties opposed in interest, the court will decide it as properly as it can. This case does not present a real controversy. It is a made-up case, in which the parties to the record are not opposed in interest.

It is simply a submission of a series of questions which numbers of people undoubtedly have a curiosity or a desire to have decided by this court; but is not a case of which the court can take cognizance. The court cannot sit here to answer questions proposed by anybody. We decide real controversies.

If the Grand Jury is an illegal body, there are various regular ways of presenting the question, but it cannot be presented in this way.

The application is dismissed.

THE GRAND JURY A LEGAL BODY.

"Well, I think that declares that the Grand Jury is a legal body," said Mr. Hart as the court withdrew.

Barclay Henley said the decision was just what he expected.

In conversation with a CALL reporter a distinguished member of the Legislature intimated that steps would be immediately taken to test the legality of the Grand Jury by inducing one of four persons that have been indicted by it to bring the matter before the Supreme Court.

This will probably be the next move in the interesting game, and if the Grand Jury is to be compelled to spare the blushes of the boodlers, it will have to be made quickly, on account of the departure of the Supreme Court to Los Angeles on Saturday.

A TEST CASE,

That Will Settle the Status of the Grand Jury.

The test case of E. B. Haymond was brought before Judge Wallace yesterday afternoon. It lacked the seriousness of a genuine case, although it will doubtless serve to settle the contested points. When Judge Wallace stepped into the judicial chair his face wore a half-suppressed smile that was more or less apparent during the proceeding.

Barclay Henley, foreman of the Grand Jury, was an interested spectator, so was Jere Lynch, Chairman of the Committee on Legislative Investigations, and several others. In close consultation with them from time to time was ex-Supreme Justice A. L. Rhodes and Attorney Ben Morgan, who assisted the people in Chute's case before Judge Murphy.

Attorney-General Hart dodged nervously around the court-room, first in consultation with the grand jurymen, then with District Attorney Barnes, and apparently very much interested in all that was going on. The District Attorney was on hand, accompanied by Foreman Henley's affidavits, and waiting for the Judge to call the case.

CALLS THE CASE.

"In the matter of E. B. Haymond for contempt," said Judge Wallace, still smiling.

Mr. Haymond had not yet appeared. The District Attorney read the Sheriff's return in the attachment, certifying that he had been unable to find Mr. Haymond. Mr. Barnes explained, however, that he had but a few moments before seen the gentleman, and had been assured that he would answer in person right away.

It so proved Mr. Haymond appeared in court a few minutes later, and signified his readiness to proceed.

"Is Mr. Haymond represented by counsel?" inquired the Judge.

"I appear in my own behalf, if your Honor please," replied the contemptuous defendant.

"Very well, then; proceed, gentlemen," the Judge added.

The remainder of the proceedings, so far as the people were concerned, was exactly the same as in the Chute case. District Attorney Barnes read Foreman Henley's affidavit that Haymond had been summoned before the Grand Jury and refused to appear, the court was accordingly asked to take the usual course.

RELIES ON JUDGE MURPHY.

Mr. Haymond, in his own behalf, said that he relied upon the rulings of Judge Murphy in the Chute case, which declared the Grand Jury an illegal body. He therefore did not feel called to obey its summons or recognize its existence. In addition to his remarks, he filed with the court a printed copy of Judge Murphy's verbose decision.

Judge Wallace's smile broadened perceptibly as he noticed the young attorney, with all seriousness, draw a supplement of an afternoon boodle publication from his pocket and hand it to the clerk.

"Well, Mr. District Attorney," said he, "what do you wish to suggest in this case?"

"Your Honor has all the facts," replied Mr. Barnes, "and, of course, it is purely within the discretion of the court what shall be done."

Judge Wallace referred to the case of Chute, and said he had seen no reason thus far to change his mind. He believed he was right in pronouncing the judgment he did on Chute, and as this appeared to be an exactly similar case he would treat it in the same manner. He accordingly adjudged that the defiant witness be fined $500 and imprisoned five days in jail.

ARRESTED AND RELEASED.

Mr. Haymond was taken into the Sheriff's custody, and proceedings at once put on foot to obtain his release on a writ of habeas corpus issued out of the Supreme Court. Following is his petition:

Your petitioner believed in good faith that said so-called Grand Jury was not a legal Grand Jury, nor even a de facto Grand Jury, and that it was altogether without jurisdiction to legally command his attendance before it to be questioned on oath about any matter. This was not only the belief of the petitioner, but had been declared to be true by a Judge of the Superior Court of San Francisco. Wherefore your petitioner respectfully declined to appear before said so-called Grand Jury.

Among others are the grounds on which petitioner avers that the said alleged Grand Jury was not and is not a legal Grand Jury, and is wholly without jurisdiction to command petitioner to come before it to be questioned as a witness in the matter. The members comprising it were not designated, selected, drawn or summoned according to law.

Nine of said jurors, namely, James M. McDonald, Dr. C. D. Cleveland, Barclay Henley, W. M. Cubery, Jeremiah Lynch, W. S. Zeller, James Denman, P. J. Kennedy, Reuben Tucker, were not drawn from the Grand Jury box, but were summoned from the body of the city and county while yet there were more than 100 names in the Grand Jury box.

RETURNABLE THIS AFTERNOON.

Chief Justice Beatty issued the writ asked for, and made it returnable to-morrow afternoon at 2 o'clock before the Supreme Court in bank. Meanwhile the petitioner was admitted to bail on a cash deposit of $500.

PRIVATE CONTRACTS.

Street Department Irregularities Before the Grand Jury.

So far as any outward incident would indicate the meeting of the Grand Jury yesterday afternoon was uneventful. Most of their attention seemed to have been concentrated on the Street Department. There have been numerous evidences of late of forged private contracts for street work, and, in fact, the thoroughly fraudulent and rotten nature of the whole private contract system has been charged and ventilated time and time again during the present administration.

It is understood that the particular case inquired into yesterday was the contract for work on Holly Park street, held by a contractor named McCoy. Several of the property-owners charge that their names were forged to the contract. Superintendent Gilleran and some of his deputies were among the witnesses.

Mr. Ottinger, the railroad-ticket broker concerned in the Legislative scandal where it is said money was demanded to suppress a certain bill, was also a witness for a short time.

The report is abroad, and it comes from excellent authority, that Frank S. Sprague, Senator from Yolo and Napa, has been subpenaed. Sprague will be most readily remembered for his prominence in the attempt to clear Bruner from the scandalous charge of selling police positions on the San Francisco force.

PRESS OPINIONS.

The Feeling About Boodle Expressed in Editorials.

Following are more extracts from opinions expressed in the country press on the subject of Judge Murphy's opinion and the boodlers.

IF MURPHY IS RIGHT.

[From the San Bernardino Courier.]

If Murphy is right in this decision Christopher A. Buckley, blind arch-robber of the public treasury, may cease his flight and come home; he has nothing here to fear.

If Murphy is right Sam Rainey, fugitive from justice, may, with brazen effrontery, walk again the San Francisco streets; there is naught there for him to dread.

If Murphy is right Jake Rudolph, participant in ill-gotten gains, may again in California make a despicable living by obeying the behest of the sightless knave whose corrupt tool he has been; there is no Grand Jury to make him tremble.

If Murphy is right the $7500-waste-paper-basket incident in the last Legislature may forever remain a half-revealed blot upon the fair history of the State; one knows not when another Grand Jury shall be found with the honesty and vigor to investigate it.

If Murphy is right politicians of the Bruner type will blossom like carrion lilies in this commonwealth, and if their corruption is discovered legislators will be found shameless enough to whitewash their dishonor; there will be little fear of punishment to deter them.

But Murphy is not right. It will not be conceded that he has power to reverse the action of a court of equal jurisdiction. Above all the sovereign people will not placidly permit the work of this Grand Jury, their forlorn defense against the sway of corruption, to be set aside at the behest of men in whose pockets jingles the money which was the price of official dishonor. Right here is the issue drawn. Shall boodlers own Legislatures, courts and the entire official system of California, or shall there still be hope that they may be punished for their crimes? There is no evading the issue. Judge Murphy's decision forces it upon the people.

The public is thoroughly aroused in this matter. Not even the judicial ermine will save Murphy from general reproach and obloquy. He will be made to understand that it is the citizens of the State, not Judge Wallace alone, who have work for that Grand Jury to do. Too many hopes are entwined in its labors for a single doubtful judicial fiat to forever destroy it. There will be a meeting of citizens to take action in this matter in San Francisco to-morrow night, and its voice will be heard with no uncertain sound; it will be a ringing condemnation of corruption, whether it be found in Legislature or on the bench. It may even proceed to extreme measures, but that is hardly to be expected as yet.

The issue is squarely placed. Boodlerism or honest methods must now triumph. As Californians love their State, there should be but one termination to such a contest. The Grand Jury must live and the boodlers must fall.

WHO WROTE THE OPINION?

[From the San Jose Times.]

As Miss Castleton would say, "We hope we don't intrude" in suggesting to the Grand Jury of San Francisco that it take some pains to ascertain who wrote the opinion of seventy-nine type-written pages as read by Murphy in his farcical release of Dick Chute.

It is almost self-evident that Murphy neither had the time nor ability to pen a decision of this length during the brief period he held it under submission. What man is able to dictate so much matter that, in the nature of things, required the most intense application of the mind in such a limited time as Murphy allowed himself? Besides, every one will agree that the opinion evinces an ingenuity that is only surpassed by its infamy.

We make little doubt but that the opinion, in all except its merely formal parts, was in the hands of a type-writer before counsel for the people had been afforded an opportunity to present the numerous conclusive authorities of the law from decisions of the Supreme Court of the United States to the opinions of our own chief State Tribunal. It would be well, we think, for the Grand Jury to learn, if possible, who wrote the opinion of the notorious judicial tool—not, perhaps, for the purpose of securing the latter's indictment, but with the view of recommending his impeachment. It is now reported that Murphy's decision has determined Buckley and his partners to cease their wild hegira and return to the metropolis. If the people of that city are tame enough to permit Buckley to resume his sway among them, it is time that they emigrated en masse across the bay to the Marin shore, where they will be able to have the company of more respectable thieves.

A CONFLICT OF JUDGES.

[From the Santa Barbara Press.]

The remarkable decision of Judge Murphy of the San Francisco Superior Court in the habeas corpus case of Richard Chute is of interest to the whole State, and the effort of one Judge of a court to overthrow the decision of the presiding Judge of the same body will be followed with interest, for of course the matter will not stop here.

A Grand Jury was impaneled by Judge Wallace, President of the San Francisco Superior Court, apparently as provided by the State law, and the body thus called together undertook, it is supposed, to investigate the scandals of the late Legislature, and a number of well-known politicians were summoned to appear and testify, with the result that Chris Buckley has fled the country and others refused to obey. Richard Chute ignored the subpena of the Grand Jury and was sentenced by Judge Wallace to five days' imprisonment and $500 fine for contempt of court. A writ of habeas corpus was then sued out, not in the Supreme Court of the State, but before an associate Judge of Judge Wallace's own court, and that Judge, who is not above suspicion, has decided that the Grand Jury is illegal and ordered Chute discharged.

The people of San Francisco are fully aroused, and the attempt to purify the politics of the State will not be tamely abandoned, and all good citizens will applaud any movement which tends to punish bribery and political rascality. The action of some of the San Francisco papers in attempting to throw a partisan feeling into the matter is unworthy of them. Let the accused have a fair trial, and, if guilty, be punished without regard to where the blow falls.

A RESTRAINING HAND.

[From the Modesto Evening News.]

Judges Murphy and Wallace, it will be borne in mind, are Judges of the same court. Waiving the legal question of the right and power of Judge Murphy to review the acts and decisions of Judge Wallace, the action of Judge Murphy was at least in exceedingly bad taste. They are Judges of the same court of equal rights and powers. If one of the twelve Judges of that court can override another, there is no end of opportunities for criminals to escape from justice. Nor can the friends of Judge Murphy claim a necessity for his action. The prisoner could have taken his cause to the Supreme Court of the State. Instead of that, Judge Murphy of the same court is apparently selected for this specific purpose. At this writing it is hard to tell what the result will be. It looks now as if the present Grand Jury would be powerless to compel the attendance of unwilling witnesses. The situation is indeed a deplorable one. Apparently as soon as the jury commenced to get close to the great seat, if not the very fountain head of corruption in this State, a restraining hand in laid, as it were, upon the judicial department of the city to break down all efforts looking to the punishment of political crimes.

IT TOOK NERVE.

[From the Stockton Mail.]

To comprehend the ineffable depths to which the man Murphy, who dishonors the title of Judge, was willing to stoop in order to shield the boodlers from merited punishment, it is but necessary to remember that he combated a Supreme Court decision to attain the disgraceful end. In re Gannon the Supreme Court held that the panel of a Grand Jury "may be challenged for irregularities in its formation by any person held to answer for a public offense; or a person indicted by it may move after indictment found to set aside the indictment upon any of the grounds specified in Section 995, Penal Code. But the authority of such a body, whether de facto or de jure, cannot be legally assailed or called in question by a witness summoned before it. The authority of such a body, exercising its powers as instrumental to the court of which it is a part, must be respected and obeyed. The validity of the Grand Jury cannot be drawn in question in a collateral proceeding to punish the petitioner as a contumacious witness for defying its authority." That decision applies exactly to the Chute case; it could not have been more directly to the point if the notorious "Dick" had himself been before the Supreme Court in the present case. And that is the sort of law that Murphy boldly over-rode and set at defiance in his decision day before yesterday. It took the nerve born of desperation to do it, and the reason for that desperation may perhaps be found in the fact, as alleged, that Murphy is himself among the officials whose conduct the Grand Jury is investigating.

THE CONFLICT.

[From the Merced Express.]

The Grand Jury in session at San Francisco was drawn and impaneled under the supervision of Judge Wallace, presiding Judge of the Superior Courts of San Francisco. Chris Buckley and several of his confederates left the State, fearing an investigation of their methods of debauching the State Legislature and plundering the tax-payers of San Francisco. The Grand Jury, without fear or favor, has called for several leading politicians of both parties to testify concerning matters of the last session of the State Legislature. Richard Chute, a Republican leader and director of a railroad corporation, refused to appear and testify, whereon Judge Wallace ordered him fined and imprisoned, but Mr. Chute sued out a writ of habeas corpus in Judge Murphy's Superior Court at San Francisco, and objected that the Grand Jury presided over by Judge Wallace was not properly drawn, and Murphy decided that Chute had a good defense and released him. Of course it is not much use for the Grand Jury to try to investigate the acts of Legislative officials if they cannot compel the attendance of witnesses.

The conflict between the opinions and acts of Superior Judges in San Francisco has attracted public and professional attention all over the State. We applied to a lawyer friend for his idea of the situation. He suggested to us that an ancient, elementary and universal rule of jurisprudence is, "That courts of co-ordinate jurisdiction invariably defer strictly to the decisions of each other." It seems that this rule does not prevail at San Francisco now, for Judge Murphy has set aside the action of Judge Wallace directly and indirectly. Buckley seems to have had a singular influence in places.

THE BOODLERS.

[From the Tulare Register.]

The boodlers and all that numerous class who toil not seem to have their innings now in San Francisco. This may be only an incident of late court proceedings there rather than the aim, but the end is lamentable. Dick Chute, arrested for contempt of court in not answering a subpena to appear before the Grand Jury lately impaneled in Judge Wallace's court, was taken before Judge Murphy on a writ of habaes corpus, who discharged the prisoner on the grounds of irregularity in drawing the Grand Jury. The decision of Judge Murphy may be sound and built of flawless timber throughout, but he virtually concedes all that the lobbyists asked, and this is most unfortunate so far as the rights of decent people are concerned. The Grand Jury may as well adjourn. Its edicts can have no weight as any scalawag may refuse to answer a subpena. It is broadly intimated that this decision is the offspring of corrupt influences. It is denounced by lawyers on points of law and by laymen on general principles. It is considered savoring of the revolutionary when one Superior Judge may go behind the returns to pass upon the acts of another Superior Judge.

THOROUGHLY AROUSED.

[From the Los Angeles Herald.]

The city of San Francisco seems to be thoroughly aroused at the extraordinary action of Judge Murphy in sitting in judgment upon the finalities of Judge Wallace and overruling them. The issues raised in the Chute case will now be reviewed by the Supreme Court in the parallel case of Steve Gage, which the Attorney-General will bring before that tribunal at once. If Judge Murphy's interpretation of the law should be sustained it will vindicate that gentleman's acumen as a jurist, but it will not restore him the confidence of the public, for the latter believe that his decision was exacted from him by the boodlers and bosses in requital for having placed him where he is.

SALVATION OF THE STATE.

[From the Fresno Expositor.]

It is probably for the best that Judge Murphy released Chute, for a final judicial remedy will be found for the ignorance and probably worse faults of all the Murphys that are on and off the bench. The public should keep their resentment well under control. A means will be found to test Judge Murphy's construction of the law in the Supreme Court, and unless all moral forces have lost their power the Chute decision will prove the salvation of the State.

In the meantime every honest person in the State should strengthen the arm of Judge Wallace and his Grand Jury against Judge Murphy and the boodlers.

A SERIOUS BLUNDER.

[From the San Bernardino Courier.]

Judge Murphy has committed a serious blunder in discharging Chute and holding that the present San Francisco Grand Jury is an illegal body. It looks as though he were standing in with the "corrupt element" of San Francisco as against the hands of justice. His act simply arrays the courts against each other, and introduces some very complicated law points. The Grand Jury should take Murphy in hand.

IS NOT LAW.

[From the Oakland Enquirer.]

Judge Murphy occupies an unenviable attitude. Lawyers are now pointing out that he garbled the Supreme Court decisions which he quoted in his ready-made opinion, and some of the best attorneys in San Francisco have signed the call for the mass-meeting to denounce Murphy, thereby showing that in their judgment what he proclaimed is not law.

ASHORE IN THE FOG.

The Arcata Runs on Black Point, but Slides Off Again.

A streak of bad luck seems to follow the steamers belonging to the Oregon Coal and Improvement Company, for no sooner was the Arago out of a dangerous position on the south spit at Coos Bay, than the Arcata had a very narrow escape of ending her career on the beach at Black Point.

A telephone message was delivered at the Merchants' Exchange from Fort Mason about 8:30 o'clock last night that a three-masted schooner was ashore on the beach at Black Point. A very heavy fog prevailed at the time, and as only the upper part of the vessel's masts could be seen by those at the reservation, they came to the conclusion that the vessel was a schooner.

Word was at once sent to the Life-saving Station at Bakers Beach and the men soon had the life-boat launched and proceeded to the scene. The tug-boat officers were also notified, and in a short time half the tugs in the bay were heading for the point, closely scanning the shore in their search for the supposed schooner. In the meantime the fog lifted sufficiently for those at the post to see that the stranded vessel was a steamer, and she was soon made out to be the Arcata.

Both the life-boat and the tugs passed the steamer, which by that time had floated off into deep water, and as she asked for no assistance no one thought she was the craft all were searching for. The life-boat went up as far as Meiggs Wharf, and finding no demand for its services returned to the station, and soon after the tugs also gave up the search.

The crew were as dumb as oysters when questioned regarding the affair, declaring that the steamer had just touched the ground and got off again, without even stopping, and the closest questioning failed to elicit any further information. From other sources it was learned, however, that the vessel was on the ground fully an hour and a half, and was only got off by extraordinary exertions on the part of the crew.

The steamer was in charge of Mate Yarneberg, Captain Langhorne having remained at Coos Bay to superintend the work of floating the Arago. The trip down the coast was made all right, but while entering the harbor Yarneberg lost his reckoning in the heavy fog, and the first thing those on board knew the steamer was ashore. The engines were turned full speed astern, but the vessel did not budge, and orders were given to lower a boat and take out a kedge anchor from the stern.

This took some time, but was at last accomplished and the hawser taken to the steam winch. The engines were again started full speed astern, and this, together with the kedge astern, was sufficient to haul the steamer off into deep water. It was then found that the vessel was not making any water, and as soon as the kedge was lifted the vessel continued on her way to Vallejo-street Wharf, where she docked.

There was little or no excitement among the passengers, of whom there were about a dozen on board, many of them assisting to help the steamer off the beach.

A Train-Wrecker's Confession.

CINCINNATI, Oct. 6.—A special from New Lisbon, Ohio, says: William Canfield has confessed to having turned the switch which wrecked the limited train on the Pennsylvania road at New Palestine a few weeks ago, in which three men were killed. He says he attempted to wreck the train to plunder it. He is in jail.

MORMON PROTEST.

Resolutions Adopted by the Salt Lake Conference.

Exceptions to the Report of the Utah Commission to Secretary Noble.

Declaration Signed by President Woodruff, George Q. Cannon and Joseph Smith. Appeal to Press and Public.

Special to THE MORNING CALL.

SALT LAKE, Oct. 6.—At to-day's session of the Mormon Conference a lengthy set of resolutions was adopted relative to a statement made by the majority of the Utah Commission in the recent report to the Secretary of the Interior. The resolutions set forth that the commission made many untruthful statements concerning the Church of Jesus Christ of Latter-day Saints and the attitude of its members in relation to political affairs, etc. The general conference in these resolutions deny most emphatically the assertion of the commission that the church dominates its members in political matters and that church and State are united. Whatever appearance there may have been in the past of the union of church and State, the cause was, say the resolutions, that those holding ecclesiastical authority were elected to civil office by the popular vote. There is now no foundation or excuse for the statement that church and State are united in Utah, or that the leaders of the church dictate to its members in political matters. No coercion or any other influecne whatever of ecclesiastical nature has been exercised on us by our church-leaders in reference as to which political party we shall join, and we have been and are perfectly free to unite with any or no political party, as we may individually elect; that the People's party has been entirely and finally dissolved, and that our fealty henceforth will be to such national political party as seems to us best suited to the prosperity of a republican Government.

The resolutions further declare that the members of the conference do not believe there has been any polygamous marriages solemnized among the Latter-day Saints during the period named by the commission, and denounce the statements which convey the idea that such marriages have been contracted as false and misleading; protest against the perversion of facts, principle and intent contained in the report of the commission, and declare that the manifesto of President Woodruff forbidding future plural marriages was adopted at last October's conference in all sincerity and good faith, and that there is every reason to believe it has been carried out in letter and in spirit.

The conference appeals to the press and people of the country to accept its united declaration and protest; to give it publicity and aid in disseminating truth, that falsehood may be refuted and justice done to a people continually maligned and almost universally misunderstood.

Following this a declaration, signed by President Woodruff, George Q. Cannon and Joseph F. Smith, was adopted, saying the Commissioners' report of polygamous marriages was utterly without foundation in truth, and repeating in the most solemn manner the declaration by President Woodruff at the last general conference, that there have been no plural marriages during the period named; that polygamy has not been taught and that the practice has been strictly forbidden.

After the usual election of officers, the incumbents being retained, the conference adjourned.

The Salt Lake Tribune (Gentile) says the conference to-day resolved itself into somewhat of a political meeting. The most prominent men in the councils of the church delivered addresses. The commission report, says the Tribune, stirred Mormondom to its depths, and the leaders, in an endeavor to counteract the influence the report will have on Congress when their long-cherished object of making Utah a State is presented, are moving heaven and earth. The Tribune asserts that the language of the speakers was such as to leave no doubt that a division of party lines was made under direction of the church, and that its ultimate object is to achieve statehood.

RAILWAY TRAINMEN.

Questions Discussed at a Secret Session of the Brotherhood.

GALESBURG (Ill.), Oct. 6.—This morning's session of the Brotherhood of Railway Trainmen was taken up with the case of the lodge at Grand Forks, N. D., suspended for sending out circulars contrary to the by-laws. A delegate from that lodge apologized and the lodge was reinstated.

Reporters were excluded to-day from the floor of the convention.

At the secret session in the afternoon the charge of defamation of character made by Editor Rogers of the Trainmen's Journal was taken up, but after a lengthy discussion Rogers withdrew the charge, with the understanding that Sheehan would prefer charges against him later.

Then the trustee question came up. Grand Master Wilkinson, in a speech of two hours' duration, contended that he had a constitutional right to discharge the old board. He went over the entire ground, being interrupted many times with questions, which were generally ruled out of order. He spoke of unconstitutional acts of the old board, their usurpation of authority and their incompetency in examining the books and affairs of the Brotherhood.

GERMAN-AMERICANS.

Lengthy Parade and Interesting Literary Exercises at Fort Madison, Iowa.

FORT MADISON (Iowa), Oct. 6.—This city was given over to-day to the German-Americans, who thronged here in great numbers in spite of the threatening weather. There were probably 20,000 people in town this afternoon. This morning there was a lengthy parade from the business center to Central Park, where the programme was proceeded with in spite of the rain. Dr. H. A. Stempel, President of the day, made the opening address and was presented with the keys of the city by Mayor Hamilton. Governor Boies was introduced but made no speech. Then General Franz Sigel of New York delivered the oration of the day. This afternoon a concert was given in the park by the German singing clubs. This evening General Sigel held a public reception at the hotel and there was an elaborate display of fireworks.

OMAHA, Oct. 6.—Six thousand people marched in the German day parade this afternoon in spite of the falling snow. The storm, however, soon ceased and the remainder of the day proved pleasant.

EVANGELICAL ASSOCIATION.

The Conviction and Sentence of Bishop Esher Confirmed.

PHILADELPHIA, Oct. 6.—The Evangelical Association yesterday took up the case of Bishop Esher, and it was resolved that (after hearing a full and detailed report of the proceeding of the trial in Reading, Pa.), first, said trial conference was legally constituted and acted in accordance with the Book of Discipline, and second, the evidence justified the finding of guilty and the judgment of suspension by said conference. A committee was appointed to formulate the sentence. In the afternoon the case of Bishop Dubbs was taken up, but was not finished.

AN IMPROBABLE STORY.

Reports of the Indian Massacre in Mexico Discredited.

SAN ANTONIO (Tex.), Oct. 6.—Dr. Plutarco Ornelas, the Mexican Consul in this city, was asked concerning the alleged massacre of nearly 200 white colonists in the Salancingo district, State of Hidalgo, Mexico, by Indians. He stated that the published report was the first intimation that he had received of the affair, although he receives daily reports by telegraph from the seat of the Government of Mexico. "I am convinced," said he, "that the report is unfounded, or that it has been greatly exaggerated. The story of the massacre as given by Mr. Parton looks very improbable to say the least. I have telegraphed the Secretary of Foreign Affairs in the City of Mexico, asking him as to the truth of the report, and will probably receive an early answer."

DR. BRIGGS' PROTEST.

Action of the Presbytery Indorsed by a Committee of Inquiry.

NEW YORK, Oct. 6.—The New York Presbytery resumed its work this morning. After some routine work was disposed of Rev. A. Schiland, of the committee appointed to answer Dr. Briggs' protest of May 11th, arose and read his report.

Dr. Briggs interrupted him by asking in the spirit of fair play that his protest should first be read, because many who are now present had never heard it. It was read.

In it Dr. Briggs protested against the appointment of a committee to prosecute him, for various reasons, among them, that he had not been given sufficient time to answer the charges against him, and that advantage was taken of his absence in Europe.

Schiland then read the report. It urges that no charges had been presented when the protest was made, and no thought of a protest was necessarily maintained. It was a committee of inquiry only—to consider the inaugural address in its relation to the Confession of Faith, which is a subject of general criticism and widespread dissent, and of whose apparent teaching a number of presbyteries had already entered the most emphatic protest and adverse judgment. This committee had to deal with Dr. Briggs, not personally, but with the contents of an address publicly and officially made by him. If this address was misrepresented or misunderstood it was surely of great concern to Dr. Briggs; but he wrote to the committee that even if he were in better health, he would not attend. Dr. Briggs certainly gave assent to the correctness of the address as published, although he protested that "it would seem your committee was appointed to consider my inaugural address and not to consider any explanation of it I might desire to make." For this and other reasons the committee decide that the action of the presbytery was entirely proper and according to the usage of the denomination.

Dr. Birch, Chairman of the Prosecuting Committee, announced that he was about to serve Dr. Briggs with a copy of the indictment, and by arrangement with the accused, the trial was set for Wednesday, November 4th. The trial will be public in all probability, although the manner of conducting the trial has yet to be decided.

The following Committee on the Revision of the Confession of Faith was appointed, to report at the November meeting: Ministers—Van Dyke, Spenning, Marling, Kerr, Rossiter, Forbes and Chapin: Elders—T. G. Strong, H. W. Dodd and E. W. Dodge.

BETWEEN TWO COUNTRIES.

Difficulties Experienced in Returning Smuggled Chinamen to Canada.

BUFFALO (N. Y.), Oct. 6.—To-day at noon deputy marshals took four Chinamen to the ferry for deportation, acting under the instructions of Judge Coffee of the Federal court, who had ruled that they were to be returned to Canada as the country from whence they came. When the four Chinamen arrived at Fort Erie, on the opposite side of the Niagara River, a dilemma presented itself. Two had certificates of entrance to Canada and were accepted. The other two had none and were refused permission to land. They remained on board the boat and were ferried back to Buffalo. Here they were not allowed to alight because of the Exclusion Act, and so they remained on board the ferry-boat plying back and forth between two countries, taking in the river scenery, but very much in doubt whether they would ever set foot on dry land again. The captain of the boat was almost as distressed as the Chinese. He feared he might have to engage them as deck-hands, since he could not land them anywhere as passengers. Finally the Canadian authorities agreed to their landing in Fort Erie, provided they paid the entrance fee. This the Celestials willingly agreed to do. Each produced the required amount, $50.

ALLEGED FRAUD.

Charges Against the Officers of a Sugar-Refining Company.

CHICAGO, Oct. 6.—A bill for an injunction was filed in the United States court to-day by Silas W. Pettit of Pennsylvania against the officers of the United States Sugar-refining Company of Waukegan. Pettit avers that the officers of the company defrauded him and others into investing $174,000 in the stock of the United States Starch Works of Waukegan and to pay for alleged valuable patents on processes for making dry starch, when the process was utterly worthless, and had previously been patented in England. Complainant avers the management of the starch company is about to issue $100,000 in stock of that company to the sugar-refining company, with a view to freezing the complainant and his friends out, and he prays for an injunction to prevent this action. Judge Blodgett issued the restraining order as asked for.

KILLED BY AN ELEVATOR.

Fatal Accident to a Prominent Clergyman in Cincinnati.

CINCINNATI, Oct. 6.—Rev. Samuel Benedict, for many years rector of St. Paul's Episcopal Church in this city, was accidentally killed in the San Rafael flats to-night. He had descended in an elevator from the third floor to the ground, and was stepping out when in some unaccountable manner the elevator shot upward. His right leg near the hip was ground to pieces and he died in a few minutes. He was 69 years of age.

A Socialist Talks War.

BERLIN, Oct. 6.—Herr Bebel, a prominent member of the Socialist party, delivered a speech to-day, in which he declared that Russia should be trampled to the ground at all costs. Everybody would contribute to the victory of the German flag, and drive Russia out of Europe. Russia, he declared, ought to be revolutionized, both externally and internally, in order to eliminate the perpetual menace of war. Herr Bebel also declared that Poland should be made an independent State.

The Blaine Divorce Suit.

SIOUX FALLS (S. Dak.), Oct. 6.—The answer in the famous divorce suit of Marie Nevins Blaine vs. James G. Blaine Jr. was served upon Mrs. Blaine to-day. She asks for a divorce and the custody of her child and for suitable alimony. Blaine, in his reply, denies that he deserted his wife, but asserts that she deserted him. He pleads poverty, and says he has an income of but $2000 a year, which will cease the first of December next.

Discharged and Rearrested.

ST. LOUIS, Oct. 6.—When the motion for a writ of certiorari in the case of Charles F. Vail, on trial for wife murder, came up before Judge Green in the Criminal Court today Prosecuting Attorney Breeker moved a nolle prosequi on the first indictment and the court entered the nolle prosequi, discharging the prisoner. He was immediately arrested in court on the second indictment.

Melbourne's Rain Experiments.

KANSAS CITY, Oct. 6.—A Star's special from Goodland, Kans., says: Melbourne's experiments here have been only partially successful. Yesterday afternoon about 4 o'clock misting rain fell. Four hours later the rain ceased altogether, and this morning there is no trace of a cloud in the sky. Melbourne says the nights are too cold.

First Snow of the Season.

KANSAS CITY, Oct. 6.—Snow began to fall here at 9 o'clock this morning, and continued for about an hour. This is the first snowfall here of the season.

ST. PAUL, Oct. 6.—Dispatches from Luverne, in Southern Minnesota, say it is snowing there to-day, and work in the fields has been suspended.

Four Persons Killed.

STAPLETON (Staten Island), Oct. 6.—A wagon containing four persons—a man, woman and two children—was struck by a railroad train at a crossing in Gifford this morning. The man and woman were instantly killed, and the children were picked up in a dying condition.

ARIZONA'S WEALTH.

Annual Report of the Acting Governor.

Assessed Valuation of the Taxable Property $28,000,000.

The Bonded Debt—Output of the Mineral Wealth—Recommendations Suggested. Indians to Be Disarmed.

Special to THE MORNING CALL.

WASHINGTON, Oct. 6.—Hon. N. O. Murphy, Acting Governor of Arizona Territory, in his annual report to the Secretary of the Interior, expresses the opinion that the population of the Territory will reach 70,000 people before the end of the present fiscal year. There are at least, he says, 12,000 Mormons in the Territory engaged in agriculture and mining. The following shows the kind and quality of the taxable property of the Territory and its valuation, according to the report of the Territorial Board for the current year: Number of acres, 3,344,668; value of the same, $4,602,121; value of the improvements, $2,302,214; value of city and town lots, $1,972,252; value of improvements on the same, $2,347,424; number of horses, 47,912; value, $1,188,168. There are also owned in the Territory 1757 mules, 720,940 head of cattle and 288,727 sheep. There are also 1083 miles of railway, making a total valuation on all taxable property of the Territory $28,270,466. This amount, however, the Acting Governor regards as entirely too low. He is of the opinion that $70,000,000 would be much nearer the facts.

BONDED INDEBTEDNESS.

The bonded debt of the Territory is given at $606,000; interest thereon $45,890; floating debt $190,030; interest thereon $15,360; making a total indebtedness of $855,280. The indebtedness of the several counties aggregates $2,175,605. The indebtedness of the cities of Phœnix, Tucson, Prescott and Tombstone aggregates $188,938. The average rate of interest throughout the Territory is 3.28 per cent. The total number of acres rented under the public land laws during the year is given as 739,198.

THE MINERAL WEALTH.

Mining has always been the foremost wealth-producing industry of Arizona, and the report says that during the last year it has been very active. The mineral output of 1891 it is thought will exceed that of any previous year. The Acting Governor estimates the copper output at 30,000,000 pounds, the gold output at $1,132,955, silver $1,683,585. During the year very valuable deposits of superior onyx have been discovered, and the quality is said to be first class. The pine forests of Northern and Central Arizona cover an area of about 2700 square miles, or, approximately, 1,750,000 acres. The common-school system of the Territory is said to be firmly established, well maintained, and compares favorably with any in the country.

RECOMMENDATIONS MADE.

The Acting Governor recommends that Arizona be admitted into the Union as a State upon the adoption of a proper constitution by the people; that all the public lands within her borders be ceded by the Government to the Territory or State; that all the public lands be surveyed; that the school lands be made once available; that the Apache Indians be disarmed and prohibited from using arms; that the mineral lands in the San Carlos reservation be opened to occupancy and development by white citizens, and that the proceeds of the sale of the same be held in trust for the Indians. His recommendations of last year were also renewed.

DEFENSES ON THE LAKES.

It is altogether probable that the Secretary of the Navy will in his annual report, or perhaps through a communication by the President to Congress, recommend the modification, abrogation or extension of the agreement of 1817, by which the United States and Great Britain are restricted to the maintenance on the lakes of a very small force of vessels, permitted to be kept up by the agreement which was apparently one solicited by the United States. While no cause of irritation is now apparent that will call for the presence on the lakes of a fleet of armed vessels, the growing importance of the lake ports and the commerce of the United States on the lakes, together with some restrictions placed upon the Government in the use of money to increase the means of defense in the event of hostile demonstrations, render it advisable that there should be a new understanding, and that it should afford this country an opportunity of making use of the means at its command to provide for a more adequate defense in the case of any interruption in the existing friendly relations.

RECIPROCAL RELATIONS WITH GERMANY.

The negotiations with Germany which happily resulted in the annulment of the prohibitory decree against the importation of pork from the United States into that country included, also, propositions looking to the removal or modification of the heavy duties imposed by Germany upon breadstuffs and some other agricultural products imported from the United States in consideration of the liberal action of Congress and the President in respect to the free admission of sugar produced in foreign countries. There is reason to believe that the considerations urged upon Germany by the Administration and its representatives in behalf of the repeal or reduction of the duties on certain agricultural products of the United States, strengthened and aided as they have been by the meager harvests in the former country, have produced a deep impression upon the German Emperor and his counselors, and that there are fair prospects that the pending negotiations will be successful. Germany is hard pushed by Austria-Hungary in competition to find a market for her surplus beet sugar, and both countries have their eyes fixed upon the rich markets of the United States, which it would be within the power of President Harrison to close against them after January 1, 1892, if he should become satisfied that Germany and Austria-Hungary, or either of them, impose duties or other restrictions upon the agricultural or other products of the United States, which in view of the free admission of beet sugar, he may deem to be reciprocally unjust and unreasonable.

COAST INTERESTS.

Land Cases Decided—Postmasters Appointed—Pensions Granted.

WASHINGTON, Oct. 6.—In the case of the United States vs. Hiram Brown and J. C. Clinton, involving a portion of certain lots in the Oregon City District on appeal from the Commissioner's decision rejecting Brown's application to amend his patented entry, and Clinton's application to enter the land in question, Acting Secretary Chandler sustains the Commissioner. In the case of Frank B. Sharpstein vs. the State of Washington, on appeal from the Commissioner's decision rejecting his homestead application for land in the Seattle District, Wash., the decision of the Commissioner is affirmed by Secretary Noble, who says that the land is embraced in the indemnity school selections, and was not subject to homestead entry, and Sharpstein's application was properly rejected.

POSTMASTERS APPOINTED.

The following postmasters have been commissioned: Albert R. Tarwater, Gualala, Cal.; Oliver H. P. Bailey, Lathrop, Cal.; Nicola Fossati, Smiths Flat, Cal.

The following California pensions have been granted: Orestes Giddings, Albert E. McCombs, Thomas Herring, Albert H. Strawbridge, Chauncey P. Fairfield, Albert J. Warner, John Line, Casper Sittel, Thomas S. Champency, Brown Rawles, Isaiah S. Roach, Andrew Anderson, Alfred Adams, Detlef E. Michel, Josephis Lee, Rinaldo Dodge, George Richardson, Henry A. Wallis, Francisca R. A. Rates, Bridget Leacey, Fannie Hunt and Catharine Wilson.

WHIP AND SPUR.

Fast Pacing Made in a Match at Terre Haute, Indiana.

TERRA HAUTE (Ind.), Oct. 6.—Twelve thousand people went to the race track today to see the much-talked-of Hal Pointer-Direct race. There was much excitement about 3 o'clock when President Ijams appeared in the stand and announced that Salisbury had declined to start Direct; that the association was prepared to pay the money to the winner of the race; that Hamlin was ready to start his horse, and rather than disappoint the people would send him a mile against his record of 2:09¾. At 4:30 o'clock, however, Ijams announced that Salisbury had changed his mind and would start his horse. At 5 o'clock the two pacers scored up, and after several breaks the word was given with Direct at Pointer's saddle. The position was maintained to the quarter in 35 seconds. On they went to the half, in 1:09¼. As a double team they passed the three-quarters, and then the drive began. Pointer was maintaining a light lead and answering every stroke, when, within 1100 feet of the wire, Starr, with a magnificent drive, brushed Direct with a terrific burst of speed and the heat was his, the last quarter having been made in 31 seconds. Time, 2:13. In the second heat Geers changed his tactics and in scoring brought Direct down to the wire at a heart-breaking gait. After a splendid start they went to the quarter in 0:34, the half in 1:07, and then the fight began. Down the third quarter the pace was quickened to a killing one. In 0:32 they were at the third quarter. Then the lash began to fall upon the stallion, and the two drivers, using every art known to the profession, urged on their flying steeds. Slowly but surely Hal Pointer closed in. At the distance stand he was at the stallion's neck; half way home he was even, and so they remained to within fifty feet of the wire, when Geers forced him ahead and he went under the wire a winner by a nose. Darkness coming on, the remainder of the race went over until to-morrow. The second heat was made in 2:11.

The results of the other races were as follows:

Wabash stake, two-year-olds, value $1600, Triumph won, Valse second. Best time, 2:38.

In the 2:16 pace for $2000 Grant's Abdallah won, Frank Dortch second, Lee H third, Strong Boy fourth. Best time, 2:15.

OKLAHOMA BOOMING.

The Nez Perce Reservation to Be Thrown Open for Settlement.

KANSAS CITY, Oct. 6.—A Guthrie (Oklahoma), special says reliable information has been received from Washington that the Nez Perce Reservation, in the heart of the Cherokee strip, will be declared open by the President in a short time. There are over five hundred quarter sections of the richest land in the Territory in that reservation. Heavy rains in West Kansas have caused all the rivers to rise suddenly and much damage has resulted in the Territory. Many boomers have lost their horses, wagons and cattle. Over one mile of the Santa Fe track has been washed out.

DEMANDS RETRACTION.

Governor Campbell Indignant Over an Article on His Financial Condition.

COLUMBUS, Oct. 6.—Governor Campbell was indignant to-day over an article copied by the Cincinnati Commercial Gazette from the New York Recorder, relating to his financial condition, claiming, among other things, that he has lost half a million dollars in Wall-street speculations. The Governor telegraphed his attorneys in New York to demand a full retraction from the Recorder, and if refused to bring a suit for libel. Retraction is also demanded of the Cincinnati Commercial Gazette.

Trial of a New Torpedo Boat.

NEWPORT (R. I.), Oct. 6.—An official speed trial of the Patrick, torpedo boat No. 3, was made off this port this afternoon before the Naval Torpedo Board, consisting of Commander Converse and Lieutenants Bradbury and McLean. The board laid out and measured the course in the water, which could neither be called rough nor smooth, but they directed that the run should be made against wind and tide, the latter showing the strength of half a knot per hour. The boat was only run once and developed the speed of 2 minutes and 33½ seconds for the mile. The first half mile was made in 11.06 seconds.

The Ulster County Bank.

KINGSTON (N. Y.), Oct. 6.—The excitement over the Ulster County Savings Bank trouble is gradually wearing away, and business is getting back to its normal condition. Examiner Judson thinks the stealing will not be materially increased over $463,000, the amount stated by him at first, and he says it will require two weeks to complete the investigation.

Unfounded Rumor.

AUGUSTA, Oct. 6.—The report that Secretary Blaine is again ill has been circulated, but it is unfounded. McCormick Blaine, Emmons' little son, has been dangerously ill, but is now better. This fact probably gave rise to the rumor of the Secretary's illness.

Catholic Young Men's Union.

PHILADELPHIA, Oct. 6.—The seventh annual convention of the Catholic Young Men's National Union convened here this morning, 350 delegates being present from all parts of the country. The session lasts two days.

Pool-Rooms Raided.

NEW YORK, Oct. 6.—The police to-day raided the pool-rooms of the city while the Jerome Park races were in progress, securing thirty-five prisoners and $3186 in cash.

Blaine to Speak.

BOSTON, Oct. 6.—It is reported here that Secretary Blaine will make three speeches in the Massachusetts campaign—in Boston, Worcester and Springfield.

ONE MASS OF SCALES

Afflicted 3 Years by Dreadful Skin and Blood Disease, with Intense Pain and Loss of Hair.

All Other Remedies Fail. Relieved Instantly and Cured in 4 Weeks by the Cuticura Remedies.

I have a few words to say regarding the CUTICURA REMEDIES. They have cured me in four weeks' time from a Skin and Blood Disease which I have had for over three years. At certain times, my skin would be very sore, and always kept cracking and peeling off in white scales. In cold weather my face was one mass of scales. When in the cold air the pain was intense; it would almost bring tears to my eyes, and my blood also being in a poor condition, with a loss of hair. I have tried every known remedy that was recommended to me, but it was of no use, and gave me very little benefit. So, hearing of your CUTICURA REMEDIES, I concluded to give them a trial. The first application gave almost instant relief. In a few weeks' time I found myself cured, and I am thankful for what they have done for me. Your CUTICURA REMEDIES are a blessing to those who may have the opportunity to use them. I can recommend them to any one.
EDMUND KERAS,
2704½ Union ave., Chicago, Ill.

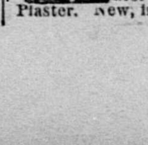
Cuticura Remedies

Effect daily more great cures of humors and diseases of the skin, scalp and blood, than all other remedies combined. CUTICURA, the great skin cure, and CUTICURA SOAP, an exquisite skin purifier and beautifier, externally, and CUTICURA RESOLVENT, the new Blood Purifier and greatest of Humor Remedies, internally, cure every species of itching, burning, scaly, pimply and blotchy diseases of the skin, scalp and blood, from infancy to age, from pimples to scrofula, when the best physicians and all other remedies fail.

Sold everywhere. Price, CUTICURA, 50c.; SOAP, 25c.; RESOLVENT, $1. Prepared by the POTTER DRUG AND CHEMICAL CORPORATION, Boston.

Send for "How to Cure Skin Diseases," 64 pages, 50 illustrations and 100 testimonials.

PIMPLES, black-heads, red, rough, chapped and oily skin cured by CUTICURA SOAP.



OLD FOLKS' PAINS.

Full of comfort for all Pains, Inflammation, and Weakness of the Aged is the Cuticura Anti-Pain Plaster, the first and only pain-killing Strengthening Plaster. New, instantaneous and infallible.

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