

SAYS NEW LAW IS UNCONSTITUTIONAL

MATTER WILL BE TREATED IN THE COURTS

Attorneys Agree That Newly Enacted Laws Covering Matter of Legal Holidays Is Special Legislation

LOS ANGELES.—If the present sentiment among judges and lawyers throughout the state continues the new legislation regarding legal holidays will soon be reduced to tatters and declared illegal.

Action by the Sacramento Bar association Wednesday, when they condemned the new law as unconstitutional, as special legislation, and as bearing most heavily on the classes least able to bear it, was the opening gun in the campaign to put an end to the declaration of special brands of holidays to meet every conceivable emergency that may arise in the business world.

The determination of the bench and bar to take action in the matter is dictated mostly by the inconvenience suffered during the past few weeks owing to the stopping of the wheels of justice and the accumulation of litigation.

According to recent legislation the governor may still declare regular legal holidays on which the courts must be closed or special legal holidays when they may open for the transaction of specified kinds of business.

Law Is Unconstitutional

Judges of the superior court, although they do not wish to express an opinion on a question upon which they may have to pass, are understood to have agreed among themselves that the new laws relating to legal holidays and governing the duties of the courts are unconstitutional.

The prevailing opinion of local attorneys and judges seems to be that the courts could have been opened during the holidays with perfect legality, but because of the financial conditions the judges have not wanted to raise any dispute over the question and have let the matter rest.

The Sacramento lawyers who propose to test the law and take it to the supreme court hold that the special holidays bear most heavily on certain classes and relieve others. A contract may not be enforced, but a judgment for damages may be collected. If a contract becomes due during the special holidays the money due under it may not be paid. If a man sues another for damages, however, the amount can be collected.

The constitution expressly prohibits the passing of special legislation governing the procedure in courts of justice, and on this ground also the new law is condemned by attorneys and judges.

WHITE TONGSMEN FIGHT POLICE IN OAKLAND WAR

OAKLAND, Cal.—A pistol battle between a deputy sheriff and a special policeman on one side, and a Chinese and four white men on the other, took place in the park at Sixth and Alameda streets at 12 o'clock Friday night, in which sixty shots were fired. Wong Leong, a Chinese, and Dan Ryan, a non-combatant, and the special were wounded. The Chinese is in the hospital with nine bullet holes in his body and will die. Special Policeman Murdock and Ryan were both shot in the leg and are not seriously hurt. The Hong Sing tong and the Bing Kong tong have been warring. Four white men fighters had been imported from San Jose to take a part in the tong war.

Deputy Sheriff W. J. Moffitt followed a suspected Chinese to the park. The tongman opened fire and the fire was returned by Moffitt. Murdock came to the assistance of the deputy sheriff. At that moment, four men, apparently whites, opened fire on the two officers. Murdock went down, but continued using his gun.

PACK TRAIN IS ATTACKED BY MEXICAN INDIANS

EL PASO, Tex.—Members of a prospecting party who have been in the state of Sonora, Mexico, bring a story of "butchery" by Yaqui Indians in which four persons were killed and two injured. The Indians attacked a pack train and scattered provisions in the train over a distance of several miles.

At Monton de Lena the prospecting party met two badly frightened Mexicans, who told of a Yaqui raid that had just occurred a few miles ahead. Investigation disclosed the dead and badly mutilated bodies of four men and the horribly wounded form of another. It is reported the Indians have made five raids in that immediate vicinity in the last seven days and other deaths are reported.

KILLING NEAR MOJAVE IS USED AGAINST SALOONS

MOJAVE.—One of the reasons why the aqueduct board posted notices in the camps at Elizabeth Lake, on the Owens river aqueduct warning employees against visiting saloons within two miles of camp is made evident by news dispatches concerning a recent killing on the aqueduct route.

Ralph Bowers, a saloonkeeper at Eighteen Mile house, north of Mojave in the desert, lost his life it is claimed, at the hands of J. M. Finn, a teamster 60 years old. They quarreled over a poker game and Finn shot Bowers.

Saloons are being established despite the vigorous objections of the aqueduct officials, who fear disorder and a lowered standard of service from the men on the payrolls.

The killing will be used as ammunition in the different camps along the aqueduct route where anti-saloon sentiment is developing.

REST CURE IS NEEDED, SAYS

MAGNATE "JIM" HILL Corporations Must Purge Themselves, Declares Harriman's Opponent, or Government Must Do It for Them.

NEW YORK.—"What this country needs above everything else is the rest cure," said James J. Hill, who arrived in town Tuesday, in discussing the financial situation.

"We all want to go to sleep for a good, long time, and wake up with both eyes open. The country has been suffering from mistrust. While there is an easing in the mercantile credit situation the people who have money are holding on to it and giving checks instead.

"Nobody wants to let the money go. The merchants hate such a situation. It has put us on a paper basis, such as we were on just after the Civil War. We need a rest cure to remedy such conditions."

That there can be no restoration of public confidence until the state and federal authorities send to jail the men who have looted corporations, is the opinion of Stuyvesant Fish, who returned last night from Chicago.

"As has been foreseen and foretold the present crisis is due to utter lack of confidence in corporate management as controlled and directed from Wall street. Such lack of confidence is world wide," said Mr. Fish.

"To re-establish confidence abroad we must first re-establish confidence at home and particularly in the agricultural communities of the west and south, where the real wealth of this country is annually taken out of the soil in the shape of crops, lumber, coal and minerals.

"It has often been said that there were two ways of avoiding panic: First, by the corporations purging themselves—cleaning their own houses; second, by the strong arm of the government putting some of the rascals in jail.

"Neither the corporations nor the government, state or federal officials, has as yet acted efficiently; hence, we are confronted with a period of depression in general business which is real and widespread and must of necessity last until confidence is restored. This again can be expedited by vigorous action on the part of the corporations or the government, or delayed indefinitely through inaction."

MINE ON FIRE, ELEVEN MEN PERISH IN BURNING SHAFT

Fremont Consolidated Property Near Drytown, California, Is Burning. Efforts to Rescue Imprisoned Laborers Fail.

JACKSON, Cal.—One of the greatest calamities in the annals of mining in this county occurred at the Fremont Consolidated mine, near Drytown, Saturday afternoon. The employees, as usual, were hoisted from the underground works at noon.

At 1 o'clock the first skip, containing thirteen men, was lowered in the Fremont shaft. Reaching the 1000-foot level, volumes of smoke were encountered, showing that the mine was on fire.

The skip became jammed at this point and could neither be hoisted nor lowered. It is supposed to have been thrown off the track by one of the men being overcome by smoke and falling against the front wheels of the skip. Two men aboard got out and climbed to the surface by means of the ladder way. The other eleven were in the mine at last accounts. It is believed all have perished.

Great volumes of smoke have been rising from the shaft ever since. An attempt was made to reach the imprisoned men through the Grover shaft, several hundred feet distant from the Fremont. It is a part of the Fremont Consolidated mine and the two shafts are connected at the 700-foot level.

The rescuers got as far as the 700 foot level, but could go no farther on account of the smoke.

Four of the imprisoned men are Americans, four Italians and three Austrians. No hope is entertained that any are now alive. Steps are being taken to close up the mine, shut off the air and extinguish the flames in that way.

The Fremont is largely owned by Goodall & Perkins of San Francisco and has been on a dividend paying basis.

SEIZE ITALIAN NOBLE; TORTURE HIM IN GROTTO

NAPLES.—A dramatic and sensational kidnaping has occurred here, the victim being Marquis Giuseppe Suda, a member of the most ancient aristocracy and a cousin and aid of the king.

The marquis was seized and carried to a grotto, where he was tortured and a letter to the marchioness demanding \$500 extorted from him. He was found half frozen and badly injured and his condition is now considered desperate.

One of his assailants was disguised as a policeman.

COAST NEWS

IN GENERAL

WHAT IS DOING IN NEARBY PLACES.

Resume of Week's Happenings in the Active Harbors of the West.

REDDING.—Clay Hayes, who mortally wounded his wife near Gas Point Sunday evening in a drunken row, was exonerated by a coroner's jury. His dying wife said her husband did not mean to kill her.

MEXICO CITY.—While Hugo Sherer, a wealthy banker of this city, was giving a dinner to a number of friends last Sunday, \$40,000 worth of jewelry and several hundred dollars in cash was taken from the house.

LONG BEACH.—Despite the heroic attempt of a woman to rescue him, Thomas Frank Brinsmaid, believed to be a member of the firm of Brinsmaid and company of Des Moines, Ia., died in the surf about 2:30 o'clock Friday afternoon.

LOS ANGELES.—Another raid was made by the police Saturday on the river-bed district, and as a result twenty or more prisoners were taken to the city jail, adding that much more to its present congested condition.

FAIRFIELD, Cal.—While hunting geese near here Friday, Leslie Yhisie, a 15-year-old boy, was shot to death by a gun in the hands of his chum, John McClellan, of the same age. The shooting was accidental.

SAN BERNARDINO.—Thugs held up the traction car at Base Line and D street Sunday night at 11 o'clock, and with pistols forced the conductor and motorman to give up their money. They secured \$50, mostly company coin.

PORTLAND, Ore.—According to this year's issue of the Portland city directory, which is now in press, the population of this city is something over 223,000. The number was secured by the usual method of multiplying the names in the directory by 2 1/2.

SAN FRANCISCO.—Tindall M. Gray general manager on this coast of the Cosmos line, announced Saturday that he had completed arrangements with the Panama railroad and with steamship lines on the eastern side of the isthmus for a regular service between this coast and the rest of the world by way of Panama.

PORTLAND, Ore.—Delegates from commercial organizations throughout the state are to meet in Portland Monday for the purpose of discussing the advisability of requesting Governor Chamberlain to call a special session of the legislature to meet exigencies arising from the holiday and financial situation.

SAN FRANCISCO.—Charles Rogers, a teamster, was creating a disturbance in a Mission street saloon at an early hour Tuesday morning and Special Policeman Nicholas Murray entered the saloon to quiet him. Rogers attempted to take a revolver away from the officer and in the scuffle was shot in the abdomen. He is fatally wounded. Murray has been arrested.

PORTLAND, Ore.—A new interpretation having been placed on the Dick militia enactment of 1903 a general order has been issued by the war department, which will result in the forfeiting of the Fourth regiment, Oregon national guard. Twenty-two other states, it is said, will be similarly affected.

INSANE PATIENTS

LOS ANGELES.—With cells and basement filled with insane patients, officials and employes at the county hospital are at their wits' ends to make the conditions surrounding these poor unfortunates more bearable.

With the cells provided for the accommodation of the insane crowded to their utmost capacity, the officials have found it necessary to place a large number of demented persons in the basement, a place never intended for this class of prisoners.

At present there is a total of fifty-three insane persons in the hospital. Twenty of these are confined in the cells built for their temporary use, but the capacity of these cells is exceeded, two patients occupying cells intended for one. In the basement thirty-three patients are held.

KIDNAPERS THROW CITY IN TERROR

MEXICO CITY.—The police are actively at work on one of the biggest kidnaping cases of years. For the last two months an organized gang of kidnapers has been operating in this city.

Forty-nine children—22 boys and 27 girls—have been stolen from their homes. What is done with them or who might be taking them and by what means is not known. The ages of the children vary between 2 and 12 years. The city is terror stricken.

GIRL CHARGED WITH MURDER SINGS IN PRISON CELL

SAN BERNARDINO.—Louisa Williams, the mulatto girl charged with the murder of her six weeks' old infant by throwing it from a Santa Fe train, was given a preliminary examination before Judge Thomas Friday morning.

She was bound over to the superior court, and will await trial in the county jail.

The girl at first reported to be a young girl of innocence, is constantly singing in her cell.

TELEGRAPHIC

BREVITIES

GLEANED FROM NUMEROUS SECTIONS.

Items of Interest From the Outside World Condensed for Our Busy Readers.

WHITESBURG, Ky.—John Miller, leader of a faction of feudists, was shot and killed Tuesday, and Andy and Merrill Jones, members of another faction, were mortally wounded.

PITTSBURG.—The Isabella furnace of the American Steel and Wire company, at Aetna, a suburb, has been closed indefinitely, throwing over 1000 men out of work.

CHICAGO.—John Phillip Sousa, the noted bandmaster and composer, is seriously ill at the Auditorium hotel here from the effects of ptomaine poisoning, contracted in Milwaukee two days ago.

GREENVILLE, Pa.—The Carnegie Steel company's plant here has been ordered shut down, rendering 500 men idle. Most of the departments of the Shelby Tube company's local plant are closed, 400 men being affected.

KANSAS CITY, Mo.—Seven men are dead and two fatally injured as the result of a fire in a two-story brick rooming house at 1102 Union avenue, caused by an explosion of gas, at an early hour Monday morning.

NAPLES.—The slight activity of Mount Vesuvius continues. The crater and fissures surrounding it are emitting red ashes, but as there is no wind they are not carried far, and the Vesuvian villages therefore are not suffering materially.

NEW YORK.—Teddy bears valued at \$5000 went up in smoke Monday night when fire badly damaged Schwartz' toy store in Sixth avenue. Fire started in the rear, where the toy stuffed animals were displayed, and not a Teddy bear escaped.

CHICAGO.—After holding up Henry C. Kohl and four customers in Kohl's saloon at 867 West Chicago avenue Monday night, three young desperadoes forced their victims into the saloon ice box and turned on a phonograph to drown the cries of the prisoners.

NIAGARA FALLS, N. Y.—Cornelio V. Loveridge of Hudson street, Buffalo, committed suicide Monday by jumping into the Niagara river from Green island. She left a letter which is to be opened by the coroner. The body passed over the falls.

LONDON.—A twenty-ton steel girder being placed in its position Tuesday, in connection with the widening of Blackfriars bridge, collapsed. Twenty workmen were plunged into the river. All, however, were rescued except two. Several of the men were severely injured.

CHICAGO.—Buttermilk dietitians probably will be appalled to learn that the lumpy liquid which for years has been served in Chicago under the general classification of "buttermilk" is nothing more or less than a mixture of acid and skimmed milk.

GOLDFIELD, Nev.—At 1:30 o'clock Friday morning robbers visited the freight depot of the Tonopah, Goldfield & Bullfrog railroad, overpowered the watchmen and blew open the safe, securing everything of value it contained, amounting to several thousand dollars.

NEW YORK.—The three-days' sale of the objects of art collected by the late Stanford White was completed Saturday. Nearly all of the articles sold yesterday were large, stained glass windows, heavy marbles and the like. There were a large number of spectators at the sale, but the prices were small.

NEW YORK.—One hundred Italian coal shovelers who were loading the new liner Mauretania at her dock today became involved in a riot in which pistol shots were fired and several of the rioters jumped into the river to escape the bullets. The quarrel is believed to have been between a faction from Sicily and those from other parts of Italy.

TOKIO.—Japan is experiencing trouble in the interior of Formosa, where aborigines from the east side are continually becoming bolder. According to best information the fatalities withing the last sixty days during the fighting number over 200 on both sides. The number of aborigines in an unconquered section of the country is estimated at 120,000.

LUMBERMEN HELD UP BY RAILROAD LINES

WASHINGTON.—Forty-one lumber companies doing business in Oregon, Washington and Idaho have filed complaints with the interstate commerce commission against twenty railroads operating in that region and the states tributary thereto, alleging that these roads have unlawfully combined and raised the rate of freight on lumber from 3c to 12 1/2c per 100 pounds.

The complaint list is headed by the Potlatch Lumber company. The other forty complaining firms are said to comprise the most prominent lumber companies of the Oregon region. Among the defendant railroad companies are the Northern Pacific, Great Northern, Union Pacific, Burlington, Southern Pacific, Chicago, Milwaukee & St. Paul, and the Oregon Short Line.

Conspiracy between the twenty defendant roads is charged and it is charged that the proposed new rate is unreasonable.

RAILWAY COMPANY TO SETTLE

FENCE DISPUTE IN COURT

Fishermen Must Appear and Show Why They Should Not Be Permanently Enjoined from Tearing Down Property.

SAN PEDRO.—Feeling between the fishermen at San Pedro, who have for years built their cabins and lived along the narrow strip of land which leads from the Terminal Island side of the San Pedro harbor to Dead Man's island, and the San Pedro, Los Angeles & Salt Lake Railway company, which claims the ownership of the strip of land, culminated Saturday in a complaint being filed in the superior court.

The railway company is plaintiff in the suit and seeks to enjoin the fishermen who dwell along the breakwater strip from tearing down the fence which the company built around the property. A temporary injunction was granted by Judge William James, the company depositing a bond for \$1000 to guarantee its sincerity. December 6 is set as the date when the fishermen must show cause why they should not be permanently enjoined from tearing down the fences erected by the railway.

For years the fishermen of San Pedro have built their shacks along the breakwater, the crude and picturesque structures being erected on piles, the water washing up under them at high tide. The only means of access to the shanties is by boat or over a path which consists of a narrow board along the top of the bulkheads.

Although this board is unusually thick it has been worn down several inches by the continual tramp of feet passing along it. Platforms are built from this path to the houses, which extend over the water. Several of the little shacks are the summer homes of authors and students of natural history, who like the quiet atmosphere of the sailor community along the breakwater, and find there themes for their stories and objects of interest amid the sea life that exists around the breakwater.

The plaintiffs in the suit claim the property in question belongs to the railway company, and they desire to fence it in.

The fishermen, on the other hand, claim the right to free access to the water for their boats.

2,000,000 ACRES OF GOVERNMENT

LAND RESTORED TO ENTRY

Dates for Opening of Indian Lands Are Set and Show Large Tracts Ready for Settlement.

WASHINGTON.—The report of the commissioner general of the land office, R. A. Ballinger, for the fiscal year ending June 30, 1907, was made public today. It shows that about 2,000,000 acres of public land previously held under blanket orders of suspension were restored to entry. Nearly ten million acres were released from withdrawal in the same period.

"The most rigorous effort," says the commissioner general, "is being made with the force at my command to restrain unlawful and fraudulent practices in the public land states and to secure evidence to prosecute those guilty of violation of the law. The field force is totally inadequate in numbers to reach all such offenders, hence the gross offenders are more particularly sought for."

The report concludes with these data of future opening of Indian lands for settlement, already provided for by congress:

- Colville reservation, Washington, about 1,000,000 acres will be opened in 1908.
- Flathead reservation, Montana, about 1,000,000 acres will be opened in 1908.
- Yakima reservation, Washington, about 1,145,000 acres, time for opening not yet fixed.
- Blackfoot reservation, Montana, about 500,000 acres may be opened in 1908.
- Coeur d'Alenes reservation, Idaho, 310,000 acres, probably be opened in the fall of 1908.
- Roosebud reservation, South Dakota, about 335,000 acres, will be opened in 1908.
- Lemhi reservation, Idaho, about 64,000 acres, will be opened in 1908.

PLAGUE NOT WRATH OF ALLAH, DECIDE MOSLEMS

LAHORE, India.—The efforts of the Indian government to stamp out the plague have up to the present time been hampered by the refusal of the Mohammedans to evacuate the infected villages on the ground that they were forbidden by the Koran to flee from the wrath of God, and fully a quarter of a million deaths from the plague among the Moslems have been due to this belief.

But now the heads of the Moslem faith, urged by the government, have issued a proclamation pointing out the untenability of this idea and declaring that the Koran expressly enjoins Mohammedans to quit the places smitten by Allah with this disease. The government is publishing the proclamation broadcast.

TUBERCULOSIS TEST IS TRIED ON LAW STUDENTS

ANN ARBOR, Mich.—Sixty of the senior law students of the University of Michigan have subjected themselves to the new "optical tuberculin test" to determine whether there are any tuberculous germs in the body. The liquid is prepared from clean cultures of the tubercle bacillus, but precipitated in alcohol, and instead of being injected like Koch's lymph, it is dropped into the subject's eye.

If the disease is in the body it will be manifested in eight or ten hours. Of the students, not one showed any reaction, while on patients in the hospital it was manifest.

CONGRESS FACES

BIG PROBLEMS

SIXTIETH SESSION BEGAN AT NOON MONDAY

Anti-Trust Talk Likely to Be Silenced—Matters Concerning the Financial Situation Will Be Thoroughly Discussed

WASHINGTON.—Never at the beginning of any congress have the congressional leaders of both parties found themselves more at sea concerning legislation than they are on the eve of the convening of the present assembly of the national legislature, which will take place Monday at noon.

Very little except the financial situation is engaging the attention of any member of either house, and all the members of both houses, whether leaders or followers, confess their inability to forecast what may be done on that subject. All of them lament the present situation, but all of them do not believe that the remedy for it is to be found in legislation.

Those who believe that such a remedy will prove efficacious are in the majority, but their opinions as to means vary so widely that all admit the great difficulty of getting together. There is some general division along party lines, but there is also great divergence of views among both Republicans and Democrats.

In view of this state of affairs, it is evident that very little attention will be given to other questions until there can be some crystallization of thought on the financial problem.

May Amend Rate Law

In his speech of acceptance last night, Speaker Cannon indicated the possibility of some amendments to the railroad rate law, and but for the disturbance in the money centers there is little doubt that this would have been undertaken during the session.

It is still possible that something may be attempted in that line, but all plans to that end are now quite nebulous. The Democrats have already indicated a purpose of trying to force the tariff to the front, but the Republicans are so largely in the majority in both houses, and are so well united in their purpose of postponing action upon this important subject until after the presidential election, that their opponents have little hope of accomplishing anything beyond getting recognition for a few speeches for campaign consumption.

Among other subjects which will receive serious attention will be the question of taxing the sales made on the stock exchange, and while it is appreciated that even an effort in this direction may affect the market, there are a number of senators and members who attribute most of the disturbances in the financial market to those speculative processes and who would like to make the road as rocky as possible for them.

It is too early, however, to say whether such efforts at legislation will be successful. There will be some anti-trust talk, but the financial panic will probably have the effect of curtailing it to a considerable extent.

Statehood Bills Up

The Philippine tariff bill and the bills for the admission of New Mexico and Arizona as states will be introduced early in the session, and it is probable that all of them will receive considerable attention, but not so probable that any of them will become a law at this session.

The friends of the scheme for the deepening of the channel of the Mississippi river will undertake to inaugurate that enterprise during the session, and in that connection there will be an effort looking to the systematic development of all the inland waterways.

The president is expected to recommend in his message a channel of not less than fourteen feet from New Orleans to Keokuk, and thus initiate a campaign which will be pressed until the desired end is attained.

It is also understood the president will recommend an enlargement of the navy. While congress does not seem prepared to completely follow in this matter, the prospect is good for some increase of the navy.

A number of resolutions of inquiry growing out of the financial situation will be introduced by Democratic senators. Some of these will make inquiry concerning the recent issue of certificates by the treasury department, some will propound questions concerning the distribution in the national banks of the treasury reserve, and still others will deal with recent phases of the financial question.

JAPANESE WILL BE GIVEN TIME TO CURB EMIGRATION

WASHINGTON.—It is improbable that any legislation looking to the exclusion of the Japanese will receive the approval of the executive until the occasion has been raised to test the efficacy of the new regulations the Japanese government is preparing with a view to regulating emigration.

Such advises as the state department has received indicate that in preparing these regulations the Japanese government is acting in perfect harmony with the desire of our own government, and it is deemed only proper that they should be submitted to a test before any legislation is attempted.

DUTY ON PAPER TO BE REMOVED BY CONGRESS

WASHINGTON.—At the first opportunity after the convening of congress, Representative Champ Clark of Missouri will introduce a bill repealing the law imposing a duty on paper for printing.

Following is the full text of the proposed measure:

"From and after the approval of this act no import tax duty shall be collected upon white print paper or white book paper, or upon any of the materials and ingredients used in the manufacture or composition of the same."