

## PEOPLE REST IN SCHMITZ CASE

Prosecution Closed Because of  
Unexpected Ruling by Court in  
Favor of the Defense.

### STATE WILL NOT CALL RUEF.

Defense May if It Chooses—That Side  
Expects to Begin and Close  
Evidence Today.

San Francisco, June 10.—An important ruling by Judge Dunne in favor of the defense early this afternoon brought to a sudden and premature close the case of the prosecution against Mayor Eugene E. Schmitz, for extortion. The defense, taken by surprise, was not ready to begin the introduction of evidence, so Mr. Campbell, after a 15 minute recess, advised the jury that the case would be closed in favor of the mayor, and adjournment was ordered until tomorrow at 10 o'clock.

Abraham Ruef, indicted jointly with Mayor Schmitz, and who has pleaded guilty, though paradoxically proclaiming himself innocent of the charge, will not be called by the state to testify against the mayor, and his former political partner. When the prosecution so unexpectedly closed its case without having called Ruef, the general idea was that the mayor had been saved by Henry for rebuttal. But the assistant district attorney denied that.

"We shall not call Ruef at all," he said. "That opportunity now passes to the defense."

This ruling by Judge Dunne that resulted in cutting short the state's case was the sustaining of an objection to the introduction of a mass of testimony tending to show that the mayor had made a common practice of playing fast and loose with restaurant and saloon licenses and had ordered a number of them held out of office for motives. This testimony the state proposed to offer under that provision of the law permitting the people to impeach the commissioner of the state, and the defense similar to the one charged, in order to show his criminal intent in perpetrating the crime.

This would have been allowed by Judge Dunne had the state been able to answer affirmatively the question from the bench. But do you intend to show that money was passed in these other alleged holdups of licenses?

Mr. Henry was compelled to reply: "No, but we can show that the money was not for motives of duty or in the honest payment of a license."

Asst. Dist. Atty. Henry made no effort to hide the disappointment he felt. After hinting that in rebuttal he would put on witnesses to show that Mayor Schmitz and Ruef gave police protection to low dives in Jackson, Dupont and Pacific streets in exchange for a share in their profits, Henry closed his first and last witness of the day, Camille Mailhebaud, formerly proprietor of one of the dives of the French restaurant from the five holdups, which the mayor and Ruef are indicted on charges of extorting a total of \$3,000.

Mailhebaud's examination and cross-examination consumed little more than half an hour, when Mr. Henry made his last announcement. "That is our case. The people rest."

The defense expects to begin and complete the introduction of its evidence tomorrow, unless the cross-examinations of the state consume more time than ordinarily.

### RECEIVER OF MESSAGE BOUND BY TERMS OF CONTRACT

Chicago, Ill., June 10.—The judgment obtained by Halstead & Co., about a year ago for \$2,498.45 against the Postal Telegraph Cable company for an error in the transmission of a message, which attracted considerable notice at the time in the papers, was reversed yesterday by the appellate court, the court holding that the person receiving a telegram is bound by the terms and conditions, the same as the person sending the telegram is bound. The court, in its opinion, said:

"It is not doubted that the message here involved was an unexpected message, and the learned court charged the jury that, as between the sender and the receiver, the sender is bound by the terms and conditions, and lawful limitation by contract, but charged that it did not limit the rights of the plaintiffs, evidently upon the theory that the action here was sounding in tort, the defendants were liable to the plaintiffs for the actual damages sustained, and it is this latter question, going to the substance of the tort, which we believe constitutes the legal error in the case."

The court accordingly reversed the judgment and approved a decision of the supreme court of Massachusetts in a similar case, where the court said:

"There is nothing in this regulation which tends to embarrass or hinder the free use of the telegraph or to impose upon those having occasion to transmit or receive messages any onerous or impracticable duty."

"If the defendant in the case at bar had been obliged to accept and transmit the message, without regulations, then it would assume its common-law duty."

**TIRE D AND SICK  
YET MUST WORK**

"Man may work from sun to sun but woman's work is never done."

In order to keep the home neat and tidy, the children fresh and healthy, and women overworked and suffering in silence, drifting along from bad to worse, knowing well that they ought to have help to overcome the pains and aches which daily make life a burden.

It is to these women that Lydia E. Pinkham's Vegetable Compound, made from native roots and herbs, comes as a blessing. When the spirits are depressed, the head and back aches, there are dragging-down pains, nervousness, sleeplessness, and reluctance to go anywhere, these are only symptoms which unless needed, are soon followed by the worst forms of Female Complaints.

**Lydia E. Pinkham's Vegetable Compound** keeps the feminine organism in a strong and healthy condition. It cures inflammation, ulceration, displacements, and organic troubles. In preparing for childbirth and to carry women safely through the Change of Life it is most efficient.

Mrs. Augustus Lyon, of East Earl, Pa., writes:—Dear Mrs. Pinkham:—For a long time I suffered from female troubles and had all kinds of aches and pains in the lower part of back and sides. I could not sleep and had no appetite. Since taking Lydia E. Pinkham's Vegetable Compound and following the advice which you gave me I feel like a new woman and I cannot praise your medicine too highly."

**Mrs. Pinkham's Invitation to Women**  
Women suffering from any form of female weakness are invited to write Mrs. Pinkham at Lynn, Mass. Out of her vast volume of experience she probably has the very knowledge that will help your case. Her advice is free and always helpful.

## A Skin of Beauty is a Joy Forever.



Dr. R. T. Felix's Oriental Cream or Magical Beautifier.  
Removes: Tan, Pimples, Freckles, Redness, Scurf, and all skin blemishes. It is the most perfect skin preparation ever made. It is sold by all druggists and fancy goods stores in the United States, Canada and Europe.  
Felix, T. Hopkins, Prop., 27 Great Jones Street, New York.

from law obligations, but having the right to make regulations, and being under no obligation to accept the message for transmission unless the parties agreed to abide by such reasonable regulations, and it is contended that the sender did sign the blank provided by the company, and which contained the limitations above mentioned, it must be presumed that the company undertook the duty only as limited by its reasonable regulations, and it is contended that the sender, or to result from a breach of duty, the limitation upon the amount of damages to be recovered being reasonable, the plaintiff has no standing to maintain this action, unless he is the real principal in the transaction, and then only to the extent of the amount paid for the transmission of the message."

If you will make inquiry it will be a revelation to you how many ailments of kidney and bladder troubles in one form or another. If the patient is not beyond medical aid, Dr. R. T. Felix's Oriental Cream will never disappoint. For sale by F. J. Hill Drug Co., "The never substitutes."

### NUMBER OF FRENCH MAYORS ARE RESIGNING.

Paris, June 10.—Up to a late hour tonight no change has been recorded in the situation growing out of the movement on the part of the French mayors. The number of mayors are carrying on their duties. No disorders have been reported, however.

In the chamber of deputies today the majority of the government was in the prevention of the introduction of the law proposed. In the course of the debate, M. Klotz, minister of justice, suggested the establishment of a state monopoly of alcohol, which would be the only effective solution of the difficulty. The debate was closed by the minister of finance, M. Caillaux, who explained how the bill meets the situation.

Narbonne, France, June 10.—In the presence of an enormous crowd this evening the mayor of Narbonne, M. Caillaux, announced publicly that a civil strike had begun and he had been driven from his office. This was surrounded by the municipal council. At the same time a crowd of about 500 men, armed with clubs and stones, then the crowd paraded through the principal streets of the town. There were no disorders.

Montpellier, France, June 10.—In the absence of the mayor of this city, M. Caillaux, announced the resignation of the mayor of Montpellier, M. Caillaux, to the municipal council. The mayor of Montpellier will resign tomorrow.

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### MILLIKEN BROS. STEEL MANUFACTURERS, FAIL.

New York, June 10.—Applications for a receiver for Milliken Bros., incorporated, a large manufacturer of structural steel, were filed in the United States court today. The company is located at 100 Broadway, New York. The company is a subsidiary of the American Steel and Wire Company, which is a subsidiary of the American Steel and Wire Company.

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## ADD FUEL TO JAPANESE FLAME

Japs on Pacific Coast Raising  
Funds to Overthrow the  
Saionji Ministry.

### ANTI-AMERICAN SENTIMENT.

It is Being Nourished by the Progress-  
ive Party—in a Measure Seems to  
Be for Political Purposes.

Washington, June 10.—Thousands of dollars are being raised by the Japanese of the Pacific coast to carry out the compact they have entered into with the Progressive party of Japan for the overthrow of the Saionji ministry, the annulment of the exclusion clause in the immigration bill and the guarantee of the naturalization rights of the Japanese residing in this country. These additional facts in the international plot were vouchered for in semi-official circles tonight. The enormous fund which is being collected will be used to arouse a feeling in the Japanese empire antagonistic to the American government.

Notwithstanding the sweeping denial of the existence of the alliance between the Japanese of the Pacific coast and the Progressive party of Japan, given out by Charles Takahashi of Seattle, the Associated Press today secured the text of certain reports which he forwarded to the United States and Japanese societies of Seattle. In one of the reports, which it was authoritatively stated today was afterward read by Takahashi at a meeting of the Japanese in Seattle on the evening of May 26, he quoted Ambassador Aoki's statements in regard to the relations between the United States and Japan growing out of the recent disturbances in San Francisco and the adoption by the congress of the United States of the immigration law excluding coolie labor from continental United States.

"To these discussions," Ambassador Aoki said, "Japan has ample grounds to oppose the immigration limitation law, but if we go to extremes I fear the Japanese government will be absolutely disagree with the United States and will ask the Japanese people, which the United States government will have eventually to grant. At present the rejection of the law is at this time to bring up these questions which are unpopular in American politics."

"What was the fundamental antagonistic statement that the embassy made compared with those of Secy. Straus?" asked the Progressive party. "The embassy said that the Japanese government was satisfied with such uncertainty and the contradictory statements."

"The departure of Takahashi from this city," he said, "is a report in which he told of a letter from Secy. of Commerce, Straus, on May 7 regarding the immigration laws. In this report, Takahashi quoted statements from Secy. Straus, which he said were directly contrary to those made by Ambassador Aoki as to the agreement of the two governments to exclude coolie labor from the United States."

"Secy. Straus," the report says, "as a matter of course, is in a position to see the difference and contradiction from what was assured to us by Ambassador Aoki and Counselor Miyakoda of the Japanese government. Compare my previous telegrams and reports and you will find from what was assured to us by Ambassador Aoki and Counselor Miyakoda of the Japanese government. Compare my previous telegrams and reports and you will find from what was assured to us by Ambassador Aoki and Counselor Miyakoda of the Japanese government."

"It was after the interview with Secy. Straus that Takahashi and Miyakoda received an invitation from Viscount Aoki to dine at the embassy. Takahashi's answer to the invitation was that he did not come to eat, but to settle the diplomatic questions."

Just before Takahashi's departure from Tokyo on May 14, Takahashi sent him a telegram from Washington as follows:

Depart for Japan instantly and arouse public opinion as we understand before. There is no hope with the Japanese embassy here."

GEN. WOOD LAUGHS.

Seattle, June 10.—Reports from Washington that a combination between the Japanese of the northwest and the Progressive party at home are discredited here by both the Japanese consul, S. Hashimizu and Brig. Gen. E. Wood. The former declared the report to be absurd and without any foundation. "Mr. Yamakawa," the consul declared, "is a member of the Liberal party and there is no reason why he should enter into any combination with the Progressive party. Reports have entirely misrepresented the conference at Washington and again can do no good."

Gen. Wood laughs at the idea of any combination trying to bring on war and says that the trouble is due to the agitation of several disreputable persons who thought they saw an opportunity to make some noise; that Japan does not intend to go to war with the United States.

C. T. Takahashi, who represented the Seattle Japanese society at Washington, said:

"The whole question is too absurd for comment. I can speak unqualifiedly on behalf of the businessmen and merchants of the Japanese race. War is not wanted and the trouble is due to the agitation of a small party who are trying to disturb the high order of friendship that exists between the United States and Japan."

AOKI SAYS NOTHING.

Washington, June 10.—Continuing his policy of adding nothing to the discussion of Japanese-American incidents, Viscount Aoki, the Japanese ambassador, today as usual denied himself to newspapermen.

Ambassador Aoki is understood to take the view that there are no matters of difference between the United States and Japan which are not capable of adjustment if allowed to be considered on their merits. It is said to be his view that he will deplore the publication in this country of the propaganda which is being used

In Japan to influence votes in the fall for members of the lower house of the Japanese legislative body.

At the state department it was said that there were no developments in the situation. The Japanese consul in San Francisco, Mr. Hashimizu, is expected to reach this city within a day or two. But the Japanese consul in San Francisco, Mr. Hashimizu, is expected to reach this city within a day or two. But the Japanese consul in San Francisco, Mr. Hashimizu, is expected to reach this city within a day or two.

It is pointed out also to correct what the officials regard as the impression to the effect that the Japanese have made much more and more trouble than was warranted by the facts, that actually the conduct of the Japanese government in the matter has been extremely modest and dignified. It is believed to represent the majority of the Japanese people that it is the state department that it has followed by every self-respecting civilized nation in dealing with cases of attacks upon their citizens in a foreign country. These cases occur frequently, and it is said to be the rule, where they exceed the ability of the police powers for the diplomatic conference of the nation, whose subjects are affected, to courteously draw the attention of the general government to the situation for action by their own government, which is the duty of every nation.

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## HUSLER'S FLOUR!

Makes good—by making Good  
Bread and other good things to eat.

### SHORT TALKS BY L. T. COOPER.

#### SPRING AILMENTS.

A man and a house need the same thing in spring—a good cleaning out. A certain amount of impurities have gathered in both during the winter. I am an authority for house cleaning. So far as the man is concerned, Cooper's New Discovery taken for two weeks will bring the desired results. It will positively do these three things—clean out the stomach and bowels, tone up the system generally and bring back the snap to body and mind that now seem dull and worn out. Try it and see if you won't be as pleased as Mr. Hull, whose letter I quote below:

"I suffered a general breaking down of the system. Had no appetite, poor digestion and was constipated. I lost ambition and took no interest in anything. Nothing I could do seemed to give me relief until upon a friend's advice I began to use Cooper's New Discovery. It helped me from the start. Now I am able to do as much work as the next one and I enjoy it. I have a hearty appetite and am stronger and better than ever. Your New Discovery is certainly the best tonic and system builder I have ever known." A. W. Hull, 142 Porter St., Detroit, Mich.

These are the famous medicines with which Mr. Cooper recently created such a stir in Chicago. His demonstrations there attracted wide attention. We are agents—The F. J. Hill Drug Co., 80 W. Second South St.

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### NOTICE TO CONTRACTORS.

STATE LAND BOARD RESERVOIR and Irrigation Project.—Sealed proposals will be received by the State Board of Land Commissioners at its office, City and County Building, Salt Lake City, Utah, up to and including Friday, July 13, 1907, for furnishing the material and constructing a reservoir-dam and spillway on the eastern margin of Parkville, Garfield County, Utah; and also for a canal with all appurtenances, for the irrigation of a tract of land known as the Fanguitch Bench. The dam is to be of concrete, with a height of 100 feet, with a spillway of 100 feet, and will contain approximately 100,000 cubic yards of fill, 5,000 cubic feet reinforced concrete and 5,000 cubic feet stone masonry. Canal will be 12 feet wide on the bottom and approximately 30,000 feet long, including approximately 300 linear feet of number three of timber trestles with concrete abutments and routings.

Bids will be received for the work complete or for the work in sections as contained on the sheet of proposals in the office of the State Board of Land Commissioners, a copy of which may be had on application.

All proposals must be addressed to the Secretary of the State Board of Land Commissioners, Salt Lake City, Utah, and must contain a certified check payable to the said secretary in amount equal to ten per cent of the amount of the bid.

Plans may be seen and specifications included in the proposals may be obtained at the following places: Office of the Secretary of the State Board of Land Commissioners, Salt Lake City, Utah; office of the State Engineer, Salt Lake City, Utah; McLaughlin, Engineers, Agricultural College, Logan, Utah.

The right is reserved to reject any and all bids.

W. M. J. LYNCH, Pres.,  
THOMAS C. CALLISTER, Secy.,  
State Board of Land Commissioners.

### SPECIAL STOCKHOLDERS' MEETING.

UNION PACIFIC RAILROAD COMPANY, 120 Broadway, New York, May 9, 1907.—Special meeting of stockholders.—Notice is hereby given that the stockholders of the Union Pacific Railroad Company, notice is hereby given that a special meeting of the stockholders of the Union Pacific Railroad Company has been called by the Board of Directors to convene at the office of the company, at Salt Lake City, in the State of Utah, on the 15th day of June, 1907, at 12 o'clock noon, for the purpose of considering and acting upon an amendment to the articles of incorporation of the company, recommended by the Board of Directors, increasing its common capital stock from \$100,000,000 to \$150,000,000, and of authorizing the issue and use of additional stock and of taking all such action as the stockholders may deem proper and advisable.

The books for the transfer of the stock of the company will be closed for the purpose of the meeting at 3 o'clock p. m. on the 28th day of May, 1907, and will remain closed until 3 o'clock p. m. on the 31st day of May, 1907, and will be reopened at 10 o'clock a. m. on the 1st day of June, 1907.

By order of the Board of Directors,  
ALEX. MILLAR, Secretary.

### ASSESSMENT NO. 1.

GIANT MINING COMPANY, Principal place of business, Salt Lake City, Utah. Notice is hereby given that at a meeting of the board of directors, held on the 10th day of June, 1907, an assessment of \$1.00 per share on the capital stock of the corporation, issued and outstanding, payable on or before the 15th day of July, 1907, to M. C. Morris, Secretary, at Room 25, Templeton Building, Salt Lake City, Utah. Any stock upon which this assessment may remain unpaid on the 15th day of July, 1907, will be sold at public auction, and unless payment is made before will be sold on the 15th day of July, 1907, to satisfy the assessment, together with the cost of advertising and expense of sale.

M. C. MORRIS, Secretary.  
Location of office, No. 25 Templeton Building, Salt Lake City, Utah.  
Date of first publication, June 11, 1907.