

# THE COURT RECORD

## LONG LINE OF DECISIONS SHOWING CORPORATION INFLUENCE IN THE SUPREME COURT.

### Laws Set Aside by Judicial Process—Litigants Deprived of Jury Trials—New Theories Upsetting Old Customs—The Record Dissected.

Do the corporations own the South Dakota supreme court? Can the plain citizen expect justice when he comes into court with a great corporation on the other side of his case?

Does the average lawyer receive fair play when he meets the corporation attorney in legal contest before the bar of our supreme court?

These are important questions and the life, liberty and property of every citizen is involved.

What is the record of the court in this respect? We can only judge the future by the past. The same influences which have surrounded the court for the past six years are still dominant in the republican party, and the present judges, if re-elected, cannot be expected to change their course of conduct, as their re-election would be an endorsement of their past acts. In these pages we show the record, and every candid man must admit that the judges have framed a line of decisions which practically relieve the great corporations from the ordinary liability of ordinary citizens and make them practically invulnerable to the attacks of those who have suffered financial loss, or met personal damage at their hands. The average lawyer, when he comes in to court, asks only fair play, and no favor, and the average litigant asks only an unprejudiced court. These decisions will convince any candid reader that the present court is not unprejudiced. Every voter is interested in this matter and we ask a careful reading.

In territorial days and in the earlier history of the state, corporation litigation did not assume the great importance that it has in later years. The cases were fewer in number and generally were decided against the corporations. Up to June, 1892, the important cases were *W. & St. P. Ry. Co. vs. City of Watertown*; *Kelsey vs. C. & N. W. Ry. Co.*; *White vs. C. M. & St. P. Ry. Co.*; *Wing vs. C. & N. W. Ry. Co.*; *Gates vs. C. M. & St. P. Ry. Co.*, all decided against the company. At this time, June, 1892, A. B. Kittredge, attorney for the C. M. & St. P. Ry. Co., and W. B. Sterling, attorney for the C. & N. W. Ry. Co., first appear on the records of the supreme court.

#### A GREAT CHANGE.

The appearance of these gentlemen in court marks a new era. From this time forward there has been built up in this state an ingenious line of decisions, which make it practically impossible for the private litigant to recover from a corporation damages for injury received. These decisions wipe out statutes, deprive litigants of jury trial and establish new theories of law which are dangerous to every citizen.

In 1893, one Saunders was injured at Highmore, being thrown violently from the car platform by a sudden shock of the train. He sued the company. Up to this time it had been the rule of the courts in personal injury cases that it was only necessary for the plaintiff to prove the injury. This made a prima facie case and the burden of proof was on the company to show it was not guilty of negligence. (See *R. R. Co. vs. Miles*, 6 So. 699; *Michel vs. R. R. Co.*, 25 Pac. 245; *R. R. vs. Quinkert*, 28 N. E. 338, Ind., and others.) Saunders proved his injury and relied upon the well established rule. Sterling, attorney for the railroad company, asked Judge Fuller (who was the circuit judge) to direct a verdict for the company on the ground that the mere fact that the company had injured Saunders did not raise a presumption of negligence. He asked for the following ruling: "Negligence will not be presumed from the mere fact of accident." Such a ruling would be far-reaching in its effect. It not only reversed the established rule, but by placing upon a plaintiff the burden of proof that the company is negligent, gives him an impossible task and throws nearly every case out of court. Judge Fuller granted the request, gave the ruling and ordered a verdict for the plaintiff. The case was appealed. A few months later there was a vacancy on the supreme bench through the death of Judge Bennett. Judge Fuller was appointed to fill the vacancy on the recommendation of W. B. Sterling and was one of the three supreme judges when this famous case came before this court on appeal. Judge Fuller's ruling was sustained and has controlled all cases tried since that date.

In *Heumphreus vs. F. E. & M. V. Ry. Co.* (8 S. D. 103) another well established rule of law is reversed. Plaintiff's husband was killed while riding in a car of emigrant's movables containing live stock. The car jumped the track, killing him. His stock contract required him to care for the stock and to ride in the way car. Judgment was reversed on appeal, Fuller writing the opinion, on the ground that deceased should have remained in the way car. This was too rank for Corson, who in a dissenting opinion pointed out that other courts held where a man is required to care for his own stock, he cannot be required to spend all his time in the way car. The law laid down by Fuller governs all cases since then.

#### JURY TRIAL ABOLISHED.

Trial by jury is one of the constitutional rights of every citizen, in ques-

tions of both property and personal rights. The courts have always held this to mean that the jury is to decide questions of fact, and in so doing they must be judges of the credibility of witnesses. In *Cronk vs. C. M. & St. P. Ry. Co.* (3 S. D. 93) our court established a new doctrine. The case is from Moody county, a suit for damage for fire set by a locomotive. The engineer and fireman, as witnesses for the railroad company, swore they had used "ordinary care and prudence" in running the locomotive. In the questions submitted, the jury found among other things that they had not, and gave a verdict against the company. On appeal, A. B. Kittredge, attorney for the company, contended jury should have believed these witnesses, and found for the company. The court while approving the well established rule that setting a fire by the locomotive is a presumption of negligence, held as Kittredge requested and reversed the judgment. This rule practically destroys jury trial in railway cases, as it compels the jury to believe the railway witnesses. See also *Uhe v. C. M. & St. P. Ry. Co.* (3 S. D. 562) judgment for plaintiff, appealed and reversed.

A new rule is also laid down for the benefit of railways in *Mattoon v. F. E. & M. V. Ry. Co.*, 6 S. D. 301. In this plaintiff secured a judgment, the railway company appealed and secured a reversal. The supreme court held that where section men set fire to burn the right of way and the fire escaped and did damage to adjoining land owner, such owner could not recover unless he could show the railway employees negligent. Of course, this could not be done unless he spent his time watching the section men. This ruling is extraordinary, as the ordinary citizen not in the employ of a railway company, who sets a fire and lets it escape, is liable for double damages, whether he is negligent or not and he is also liable to criminal prosecution.

See also case of *Peart v. C. M. & St. P. Ry. Co.* (8 S. D. 451).

#### KILLING STOCK.

One of the most extraordinary changes made by our present court to favor railway companies has been the rule laid down in stock killing cases. In the famous "Lighthouse case", appealed from Brown county in 1893, (3 S. D. 518) the court (Kellam, Bennett and Corson) laid down the following sound rules of law:

"1. It is the right of the jury to determine the probative force of evidence."  
"2. In an action for killing stock trespassing upon the defendant's right of way, the jury is not obliged to accept as conclusive the positive evidence of the engineer, if the jury believe it to be unreasonable."  
Under this rule it would be possible to recover for stock killed by trains, but when Fuller was appointed the railway companies assaulted these rules, and in the case of *Hebron v. C. M. & St. P. Ry. Co.* (4 S. D. 538) in January, 1894, secured a modification of them. In *Harrison v. C. M. & St. P. Ry. Co.* (6 S. D. 100) later in the same year the Lighthouse case rules are practically nullified. In this latter case Judge Smith in the circuit court refused to lay down the new rule asked by the railway company, but was governed by the Lighthouse case rules, and he was reversed by the supreme court which at the same time reversed itself and in *Kelbick v. C. M. & St. P. Ry. Co.* (78 N. W. 951) Judge Fuller gives a finishing touch to the Lighthouse case rules. In this case there was a direct conflict of testimony and the circuit judge (Smith) refused to take the case from the jury who gave a verdict against the company. Fuller held that this was an error, that the jury should have believed the railway witnesses, though they were contradicted, and reversed the judgment.

In these cases the court has laid down rules, entirely new to the spirit under which it is impossible to secure a judgment against a railway company for killing stock if the engineer or fireman testify they did not see the stock in time to stop. This rule prevailed in *Uhe v. F. E. & M. V. Ry. Co.* (7 S. D. 183). See also Corson's dissenting opinion in *Bates v. F. E. & M. V. Ry. Co.*

The effect of these later rulings of the higher court upon trial judges in the circuit courts is shown in the celebrated *White Lake* case tried before Judge Smith in the Fourth circuit. A farmer sued the Milwaukee company for horses killed by a train. It was shown by competent witnesses that the horses had run ahead of the engine on the track for a mile, that the track was straight and slightly up-grade. The engineer and fireman swore they did not see the stock in time to stop. Judge Smith directed a verdict for the railway company on the motion of Kittredge on the ground that under the rules laid down by the supreme court which in later cases, the evidence of the railway witnesses must be believed. These rules are such an effective bar to the recovery of damages for stock killed by trains that reputable attorneys almost invariably advise their clients not to bring suit. Yet the rule is a monstrous one for it takes away from the jury the right to judge the evidence before them, and it is all the more vicious for the reason that the railway witnesses are under duress. If they should testify adversely to the company they would probably lose their jobs.

#### A QUEER DOCTRINE.

For the protection of laboring men and contractors, the legislature enacted a statute providing for filing a lien for labor or material furnished a rail-

way company, requiring such a lien to be filed in the county where the work was done or material furnished. In *Adams v. G. I. & W. C. Ry. Co.* (10 S. D. 240) October 5, 1897, the supreme court nullifies the statute. Judge Fuller writing the opinion holds that a lien cannot be filed against a section of a railroad, but in order to be valid must be filed against the whole line of road. This would be an effective bar in this state, where all the roads extend outside the state lines and it is plain our legislature cannot make laws to apply outside the state.

The honorable judge says in this remarkable opinion, "public policy forbids the acquisition of a lien on a part of a railway. It is better to suffer mischief peculiar to an individual than an inconvenience which must of necessity seriously prejudice the public generally."

Judge Carland of the United States circuit court holds exactly opposite to this decision of Judge Fuller, in the case of *Sweeney v. G. I. & W. C. Ry. Co.* and established a mechanics lien against the same railway company. When Judge Carland rules on a question of law the bar of this state will accept it with great confidence.

In the following cases verdicts were given against the railway companies on the trials, in the circuit courts, and these judgments were reversed in the supreme court:

*State v. C. M. & St. P. Ry. Co.* (3 S. D. 330)

*State v. C. M. & St. P. Ry. Co.* (4 S. D. 261)

*Meuer v. C. M. & St. P. Ry. Co.* (5 S. D. 568)

*Peart v. C. M. & St. P. Ry. Co.* (3 S. D. 431)

*Church v. C. M. & St. P. Ry. Co.* (6 S. D. 235)

See also *Williams v. C. & N. W. Ry. Co.* (10 S. D. 336).

#### RAILWAY COMMISSION CRIPPLED.

An important and far reaching case is *Railway Commissioners v. C. M. & St. P. Ry. Co.* (77 N. W. 104).

This was a case brought by the state railway commission to compel the railway company to run a daily passenger train between Mitchell and Chamberlain. The statute gives the commission power to take testimony in cases of this kind, and to find from such testimony whether the extra service asked for is needed by the public and warranted by the business of the company. The findings of the commission are made by the statute a prima facie case before the court. In this case the commission found the train service was needed and that the company's business warranted it. The company admitted the findings of the commission but denied that the facts sustained these findings, but offered no evidence whatever to sustain their denial. Judge F. B. Smith of the circuit court directed for the railway company and the supreme court sustained the decision, thus entirely ignoring the plain statutes, a most extraordinary decision, as will be seen by comparing the same with section 17 of the Railway Commission Law.

The decision of the supreme court in the case last named, in effect ties the hands of the railroad commissioners, in that, if the railway companies will not comply with the orders of the commission their findings establish nothing, and when they or the aggrieved parties go into court, all the facts must be proven just as though the commission had not acted, although the law itself says that their findings shall make a prima facie case in all courts. The court did not assail the constitutionality of the law, but set it aside without referring to it.

#### TELEGRAPH COMPANIES TOO.

A case that shows perhaps more plainly than any other, the remarkable change in the court, is that of *Kirby v. Western Union Telegraph Co.* (4 S. D. 105). Plaintiff presented a message to defendant company written on a plain sheet of paper. The company refused to receive the message for transmission unless it was written on the company's blank, which contained a contract as to the liability of the company. The court held among other things:

"As a common carrier, the telegraph company cannot legally refuse to accept and transmit an offered message because the person offering will not sign an agreement that such carrier will not be liable for damages in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission."  
This decision was given in July, 1893, with Kellam, Bennett and Corson on the bench. It was unanimous and seems to be a reasonable construction of the duty of a common carrier to the public, because if the telegraph monopoly can impose conditions the public must submit, as there is no other way to send a message. Six months later Bennett was dead and Fuller's supreme judge. The company asked and got a rehearing and the court squarely reversed itself (7 S. D. 623). Fuller wrote the opinion and Corson concurred.

The decision was not made public until October, 1895, and holds exactly contrary to the first decision. It affirms the right of the telegraph monopoly to impose its own terms before sending a message.

#### A STANDARD OIL CASE.

In the case of *Coates v. C. M. & St. P. Ry. Co.* (8 S. D. 175), Coates, an independent oil dealer, sued the railway company for excessive freight charges. The court holds the company was justified in estimating the weight of a tank car at 40,000 pounds, without regard to the real weight of the car. There was no excuse for this decision as the railway company has scales on every division of its road and can get the actual weight. It does not need to guess at it. This decision was not only favorable to the railway company but helped the Standard Oil company drive a competitor out of business.

The supreme court seems to have practically established the following rules to govern railway and corporation cases.

1. The railway is a public utility

and therefore exempt from the ordinary remedies in the collection of debts which are applied to the individual. (10 S. D. 240).

2. Railway companies are exempt from the penalties of the law with regard to setting fires. (6 S. D. 301).

3. A railway being a public utility the companies are exempt from civil damages for fires set by their locomotives, providing railway witnesses swear ordinary care was used in running their train. (3 S. D. 93).

4. The railway company cannot be held liable for stock killed by trains, if the railway witnesses swear they did not see such stock in time to stop. (6 S. D. 100).

5. That in jury trials on questions of fact, the jury is bound to believe the positive testimony of railway witnesses no matter how unreasonable it may seem even if contradicted. If they do not their verdict will be set aside. (6 S. D. 100; 78 N. W. 951; 3 S. D. 93).

6. That a railway company need not weigh cars, but may guess at the weight and when it guesses too high the shipper has no remedy. (3 S. D. 173).

7. That a common carrier may make its own rules with regard to shipments and no matter how burdensome to the public and the individual they must submit. (7 S. D. 623).

All cases that go to the supreme court, while the present judges sit, must be governed by these rulings. The circuit judges must apply these rules in the trial of cases before them, or the railway attorneys will appeal.

#### SOME COMMENT.

It will be noted that the bulk of these cases are Milwaukee railway cases and in most instances, A. B. Kittredge appears as attorney for the railway company. The cases are of public record and any person can readily find and read them for himself in the reports of the court—either the South Dakota official reports or the Northwestern reports. The foregoing analysis of these few more important cases are fully borne out by these records and we urge an examination thereof by the independent voter.

#### SOUTH DAKOTA STATE BAPTISTS.

Close of the Annual Convention Held at Mitchell.

Mitchell, S. D.—The annual convention of the Baptist churches of South Dakota adjourned Sunday evening, when Rev. O. A. Williams, D. D., of Minneapolis, preached the closing sermon, all the churches in the city suspending their evening services to join with the Baptists. During the day the visiting ministers occupied the various pulpits in the city and large audiences were the rule. At the Sunday morning service, held in the opera house, Rev. L. Morgan, D. D., LL. D., of New York, corresponding secretary of the American Baptist Home Mission society, delivered a powerful sermon.

During the Friday session some interesting papers were presented by the pastors and delegates. Mrs. C. F. Hackett of Parker read a well prepared paper on three themes: "The Teacher's Armor," "The Teacher's Battle" and "The Teacher's Reward." Rev. Andrew Swartz of Sioux Falls read a paper on "Soul Winning." Rev. Dr. Lovett of Sioux Falls gave a history of the Baptist churches of South Dakota.

At the business session which followed, an invitation was presented from Parker to meet in that city for the next convention, and it was decided to accept the offer. Rev. F. T. Drewett of Canton was selected from among the pastors to preach the annual sermon in 1900. Rev. L. Edminster was introduced to the convention and made a very liberal offer, expressing his intention of presenting to the Baptist ministers of the state his extensive library.

The moderator appointed the following committees for the year 1900: Home missions, C. M. Cline, O. Lind, Mrs. E. T. Cressey; foreign missions, A. C. Keene, T. M. Coffey, F. T. Drewett; publication society, E. E. Duly, A. J. Finch, H. H. Gunderson; Christian education, J. M. Daniels, O. W. Thompson, I. H. Newby; obituaries, J. Edminster, W. H. Willhian, J. J. McIntire; arrangements for 1900, T. M. Shanafelt, Mrs. C. F. Hackett, E. H. Lovett; state missions, E. H. Lovett, F. M. Cliffe, A. R. Blitton.

Friday evening Rev. Ola Hanson, a missionary to Burmah, gave an interesting address on the work accomplished in that country by the Baptist church.

Saturday morning and Sunday afternoon the Baptist Young People's union held its annual meeting, and the following officers were elected: President, R. H. Cantwell; vice presidents, P. J. Meyer and Miss Kate Cool; recording and corresponding secretary, Mrs. A. G. Hislop; treasurer, Miss Katherine Trask; transportation leader, Rev. E. H. Lovett; board of managers, F. T. Drewett, Nettie Lemmon, G. A. Ufford, H. E. Noerden, Miss Mabel Cotteleu. The report of the secretary for the past year was given, which showed the union to be progressive and a satisfactory increase in membership.

The reports of the various officers made during the convention show that the Baptist denomination in the state has more than held its own, increasing the number of churches and likewise the membership to an appreciable extent. The pastors and delegates returned to their homes abundantly pleased with the work of the convention.

While a few counties sent in liquor license money following the decision of the supreme court, such action has not been general on the part of the counties which have delayed action. In regard to this action State Treasurer Schamber has issued a circular letter to the treasurers who have not responded, asking them to remit such money in their hands and help relieve the treasury of the necessity of registering warrants.

Articles of incorporation have been filed for the Annual Conference of M. E. Church at Mitchell. Trustees, W. B. Redburn, J. E. Dibble, T. H. Youngman and W. H. Deeble. For the Miller Driving Park association at Miller, Hand county, with a capital of \$2,000. Incorporators, Nathan Johnson, J. W. Coquette, L. D. Sweetland, Charles Miller and S. V. Christ. For the Sierra Alto Copper Mining company, at Pierre, with a capital of \$2,000,000. Incorporators, Theodore F. Schultz, Charles A. Dustin and L. O. Smith.

## PITH OF THE NEWS

### DIGEST OF THE NEWS FROM ALL PARTS OF THE WORLD.

#### A Comprehensive Review of the Important Happenings of the Past Week Called From the Telegraph Reports—The Notable Events at Home and Abroad That Have Attracted Attention.

#### From Washington.

Secretary of Agriculture Wilson says this year's corn crop in the United States will be close to 2,500,000,000 bushels.

Acting Secretary Allen has disapproved the action of Rear Admiral Watson in the court-martial case of Naval Cadet George Van Orden, attached to the Helena, who was tried and sentenced at Cavite Aug. 25 last, to dismissal from the service for leaving his station without being regularly relieved.

Mr. Tracewell, the controller of the currency, has decided in the case of Assistant Naval Constructor Gillmer, that any officer of the navy, whether of the line, medical or pay corps, when detailed for duty beyond the seas is entitled to the same pay and allowances an army officer would receive under the same circumstances, including mileage for travel.

#### Accidental Happenings.

The Goodrich block, a three-story structure at Nashville, N. H., was burned; loss, \$50,000.

At Lafayette, Ind., the Lafayette bridge works were destroyed by fire. Loss, \$75,000; insurance, \$25,000.

Seventeen business houses of Mansfield, a small town seven miles south of Carbondale, Ill., were destroyed by fire with a loss of over \$80,000.

Fire at Huntsville, Ala., destroyed almost the whole block bounded by Washington, Clinton, Green and Randolph streets. It started in a livery stable. The loss will be about \$75,000.

The barkentine Uncle John, bound from Honolulu to Puget sound, went ashore on the west coast of Vancouver island and is a total loss. All the officers and men escaped by taking to boats.

The crew of a large three-masted schooner, which went ashore near Calhoun Hollow life saving station, near Highland Light, Mass., was rescued through the united efforts of the men of the Calhoun Hollow and the Havel river life saving stations. The vessel is the Thomas W. Holden of Boston, bound from Liverpool, N. S., for New York with a cargo of pulp wood.

#### Personal.

Thomas Lord Kimball, one of the prominent railroad men of the West, died suddenly at his home in Omaha, Neb., aged sixty-nine.

William R. Smith, well known as the man who first refined petroleum, died at his home at Eureka, Mass., aged seventy-two years.

Col. Andrew Schwarz, a well known Grand Army man and for many years proprietor of the Grand Central hotel of Columbus, Ohio, is dead, aged fifty-three years.

Rev. Henry Parrish, D. D., who, for the past seven years, has been pastor of the Pilgrim Baptist church in Philadelphia, has accepted a call to the First Baptist church at Youngstown, Ohio.

Officials of the internal revenue service from all parts of the country tendered a banquet at the Union League club at Chicago in honor of Commissioner of Internal Revenue G. W. Wilson.

Baron Thomas Henry Farrer of Abinger Hall, one of the most distinguished British authorities on trade and finance, and at one time permanent secretary of the board of trade, is dead in his eighty-first year.

James Monroe Heskell, great grandson of President James Monroe, is dead at his home in New York, aged fifty-five years. In 1833 he ran for mayor of Baltimore against William Pinkney White, but was defeated.

George Trich, the millionaire hardware dealer of Denver, Colo., and owner of the largest establishment of his kind in Colorado, died of kidney trouble, aged seventy. He leaves a wife and nine children. Mr. Trich came to Colorado in 1860. He was born in Baden, Germany.

#### Criminal Record.

New Orleans newspaper men mortally wounded each other in a street duel.

Judge Basil Laplace, member of the senate, was killed by a mob at his plantation, near New Orleans.

Sheriff George Killehen of Denver has killed John Carter, alias Kid Adams, one of the outlaws who held up the Shobe's stage a few days ago.

A New York man has been arrested, charged with defrauding the government by selling war revenue stamps chemically restored after cancellation.

Djavid Bey, son of Halli Rifat Pasha, the grand vizier, was assassinated by an Albanian who fired four shots from a revolver. The murderer was arrested.

Rev. L. W. Woodward, a prominent minister of Oak Harbor, Ohio, committed suicide after preaching to his congregation. No cause is known for the act.

Adolph Wagner, a printer, was shot and fatally wounded at Louisville, Ky., by his wife after a quarrel in which the woman says Wagner attacked her violently.

Rev. W. L. Woodward, a prominent minister of Oak Harbor, Ohio, committed suicide after preaching to his congregation.

W. H. McGinnis, the train robber, member of Black Jack's gang, was convicted at Santa Fe, N. Mex., of the murder of Sheriff Parr of Colorado and sentenced to imprisonment for life.

One of the boldest robberies which ever occurred in San Francisco was accomplished recently, when \$4,000 in gold was taken from the United States postmaster's wagon. The robber had the appearance of being a working-man.

#### Foreign.

The Paris Matin is authority for the statement that the Dreyfus family will shortly go to Egypt for the winter.

It is reported that the postmaster general of England is considering the feasibility of introducing the penny telegrams.

Lord Charles Stewart Reginald, second son of the Marquis of Londonderry, is dead of consumption, aged twenty years.

The Spanish government has sold the floating dock at Havana for \$800,000 to a syndicate of Vera Cruz merchants.

It is announced at Madrid that the Filipino government has given full power to Agoncillo to treat for the release of the Spanish prisoners now held by the insurgents.

Count Egloffstein, a prominent member of the Club der Hamleirosen, the trial of certain members of which for gambling at the club began Oct. 3, was sentenced to nine months' imprisonment for cheating at cards.

George E. Fitzgerald of El Paso has received an offer from an English syndicate of \$150,000 for a vast tract of land owned by him and two brothers within the present boundary limits of Venezuela.

Lord Curzon of Kedleston, viceroy of India, telegraphs that no further rains have fallen in India and that the weather is prejudicial to the standing crops and the cold season softening. The agricultural outlook shows no improvement.

A musical festival in honor of Queen Wilhelmina of the Netherlands and her mother, the queen dowager, was held in the new palace. Sir Frank C. Lascelles, the British ambassador, and Gen. Benjamin Harrison and Mrs. Harrison were present.

A German cotton spinners' trust has been formed by Rhensish, Westphalian, Saxon and Sillesian firms, comprising 95 per cent of the cotton spinning establishments of the empire. The Association of Cotton Yarns' Consumers has issued a circular stating that the trust's terms are such that henceforth German yarns will be able to give German yarns 15 per cent cheaper than they can be gotten by Germans.

#### General.

A knit underwear trust is in process of formation at Albany.

The Kansas volunteers were given an ovation by the people of San Francisco.

The street railway men at San Antonio, Tex., have struck for shorter hours.

A movement has been started in Washington to buy a home for Admiral Schley.

A Madison (Wis.) boy enlists, learns for the first time who his real mother is, and will not go to war.

The National Salt company, by absorbing the United company, now controls the salt industry of the country.

The Chicago will start on her cruise on the 25th inst. Meanwhile Admiral Fahley will visit with friends in Georgia.

The International Commercial congress, which will open in Philadelphia this week, promises to yield important results.

The trustees of the University of Vermont have voted to confer the degree of doctor of laws on Admiral Dewey.

The Peoria Packing and Provision company, idle for two years, will soon be running full capacity and giving employment to 125 men.

The committee for reproducing the Dewey victory arch in marble have received pledges of \$100,000 toward carrying out the purpose.

Considerable anxiety is felt at Gloucester, Mass., over the report that an American schooner has been seized at Skibboeren, Ireland, for fishing within the three-mile limit.

The United States transport Newport arrived at San Francisco, thirty-three days from Manila, with 464 members of the volunteer signal corps aboard and thirteen civilians.

The executive committee of the strikers at Cramps' shipyard, at Philadelphia, have decided to bring charges against the officials of the company for violation of the contract labor law.

Four hundred Wayne county farmers have brought suit at Omaha against the Grain Growers' Mutual Association of Nebraska, alleging gross mismanagement in the conduct of its affairs.

Thousands of Teaneckese attended the presentation of a handsome sword to Lieut. Valentine Sevier Nelson of Knoxville, Tenn., who was with Dewey on the Olympia at the battle of Manila bay.

The Illinois Central Railroad company has subscribed \$50,000 toward the \$5,000,000 stock fund of the St. Louis world's fair, the celebration of the Louisiana purchase, to be held in 1903.

One of the most serious car fatalities ever recorded exists among the big railroads terminal in Chicago. Several of the roads report that the congestion of business has assumed the proportions of a blockade.

The Midland Terminal and Cripple Creek & Florence railroads will consolidate about Nov. 1 and form a new railroad which will bear the name of the Denver & Southwestern. The company is capitalized at \$4,223,000.

A report from Jefferson, Ohio says Andrew Carnegie has made public his plans to give the citizens of Conneaut and the dock laborers at the harbor a fine library building. The drawings have been approved by him.

At a public meeting at Worcester to ratify the Republican state ticket, Senator George F. Hoar pledged the candidates his loyal support and approved of the platform on which they were nominated.

The forest fire which has raged for two days on the slopes of Mount Tamalpais, threatening the towns of Mill Valley and Lockport, Cal., and many country residences, has been extinguished by a timely rain.

The proposer combination or trust of chair manufacturers with a capital of \$3,000,000 will not be formed. It is said the promoters of the scheme are not meeting with the success that they expected, and that a number of companies owning plants are hesitating to enter a combine fearing prosecution.