

DENYING A NEW TRIAL

SUPREME COURT HANDS DOWN SOME DECISIONS.

THE BRITANNIA MINING CASE

Findings of Lower Court for Defendant Affirmed—Weed Case Settled—Butte Butchering Co. and Downey Cases Passed Upon.

(Special to Inter Mountain.) Helena, Jan. 13.—The supreme court this morning issued an order denying the motions for a new trial in the case of P. A. Largey against Lee Mantle and William Owsley, in the litigation over the Britannia mining claim. The lower court decided the case in favor of the defendant, Mantle, and the findings are affirmed. The court, in its order denying the motion for a new trial, says: "This action was commenced by plaintiff against the defendant to recover the sum of \$15,000 alleged to have been received by defendant for the use and benefit of the plaintiff, for that certain mining claim called the Britannia and held in the name of the defendant was common property of the plaintiff and the defendant and was sold by defendant for the sum of \$50,000, the plaintiff having fully paid all charges and expenses owing him for developing the claim. "By leave of the court, one Owsley intervened and claimed for himself the said sum of \$15,000 for that he was the owner of the undivided half interest in the said Britannia lode claim. Defendant denied that either owned any interest in the property or had any interest in the proceeds of the sale."

Jury Found for Defendant. The jury found all the issues in favor of the defendant and judgment was entered accordingly. The plaintiff and the intervenor severally appealed from the judgment and from the order denying their motions for a new trial. The plaintiff argued his appeal upon the alleged error of the court in giving certain instructions and refusing others. The intervenor does the like, adding that the court erred in overruling his objection to a certain question asked by the defendant of a witness named Allport. The court says: "We find nothing prejudicial to either the plaintiff or the intervenor in these matters. "The instructions given and complained of are not all very clear, but are such as could easily be understood when read in connection with the rest of the charge, and those refused, so far as they stated the law, were sufficiently covered by these given, we find no prejudicial error to either party. "The order denying motions for new trial and judgment are affirmed."

Weed Disbarment Case. In the Weed disbarment case this morning the court sustained Mr. Weed's objection to several sections of the complaint and granted the petitioner 20 days in which to amend his complaint to make it conform to the forms and usages of the court. It is regarded as quite possible that the matter will be settled out of court and that Mr. Weed may not press his petition for Mr. Weed's disbarment, and the matter will be a closed incident.

Butte Butchering Case. Judge Pigott handed down a decision affirming the verdict for \$1000 secured in the lower court by A. Tall, George Haltenhoff and William Hart against the Butte Butchering company and five other local meat markets. The suit was for \$10,000 which the plaintiffs sought to recover as damages for injury done their business by reason of unlawful acts committed by the Montana Retail Butchers Protective association. In pursuance of a conspiracy alleged to have been entered into by the defendants to prevent the plaintiffs from selling meat at figures below the prices established by the association. "For many days our undivided attention," says the court, "has been given to the voluminous transcript and the printed arguments of counsel. Repeated examinations and thorough discussions have satisfied us that the record does not disclose any error. The questions presented by the specifications of error present no new or doubtful points of law and would not serve any useful precedent. "To state, discuss or decide them would not serve any useful purpose in the case at bar, nor be of sufficient value as a precedent to warrant an extended opinion. We therefore refrain from enumerating the records and reports with comparatively useless matter. The judgment and order are affirmed."

The order of the lower court in the case of Patrick J. Brophy against Patrick Downey and Catherine Downey is affirmed. The suit is to recover on a promissory note executed in 1891. The only defense put up by the Downey's was that a mortgage was executed to secure the note and that it has not been foreclosed. They secured a non-suit and a new trial was ordered by the lower court. The defendants appealed and the supreme court sustains the order.

Killed His Wife. (By Associated Press.) Madison, Wis., Jan. 13.—Benjamin Kelg, a boiler-maker, today killed his wife and then cut his own throat at their home in this city where they conducted a students' boarding house. Kelg is still alive, but will probably die. Passersby heard a quarrel and the wife entreating her husband not to kill her, and an hour later the tragedy was discovered.

Death From Gas. (By Associated Press.) New York, Jan. 13.—Thomas O'Brien, a tugboat captain, and an unknown man aged 50, were found dead in a room in a small water front hotel here today. Death was caused by inhaling illuminating gas, which had escaped from two open fixtures in a chandelier.

MAKES PLEA FOR JUSTICE

REPRESENTATIVE BELL DENOUNCES THE PENSION SHARKS.

SAYS EVANS IS ALL RIGHT

Justice to Deserving Veterans Demands That Fraudulent Ones Be Exposed—House Legislating Today for District of Columbia.

(By Associated Press.) Washington, Jan. 13.—This was District Columbia day in the house, and immediately after the reading of the Journal Mr. Babcock of Wisconsin, chairman of the District of Columbia committee, claimed the day, and the house proceeded to the consideration of district business. At the conclusion of the District Columbia business the house took up the pension appropriation bill. Mr. Barney of Wisconsin, in charge of the bill, explained that it carried \$139,846,480 as against \$145,245,239 appropriated for the current year. The estimates for the payment of pensions decreased from \$144,000,000 to \$135,000,000. He was asked by Mr. Richardson of Tennessee why the amount for pensions decreased five and a half millions, while the number of pensioners was said to be larger. Mr. Barney explained that this was accounted for by the fact that the arrearages were decreasing and the number of large pensions, those from \$50 to \$75 per month, were also decreasing. In reply to another question he stated that the commissioner of pensions believed the high tide of pension payment had been reached and the amount required would probably remain stationary for some years.

Denounces the Sharks. Mr. Bell of Colorado denounced the practices of the "pension sharks." He declared that they were importuning soldiers in the Spanish war and those who had since served in the Philippines to apply for pensions. He said that in some cases soldiers who were thoroughly examined at the time of their discharge and found to be perfectly sound yielded to these importunities and applied for pensions within a month after their discharge. He made a strong plea for justice to the soldiers, not only of the rebellion, but of the Spanish war, contending that to secure justice for deserving veterans pensions to the unworthy should be opposed. As against the soldier in the civil war who had not applied for a pension until recent years, he thought the present commissioner was too strict, but in the matter of ferreting out fraud he thought Commissioner Evans had been unexcelled by any of his predecessors.

WALL STREET STOCK MARKET.

Small Transactions at First But a General Selling Movement.

(By Associated Press.) New York, Jan. 13.—Very small transactions in stocks were recorded at the opening and the price changes were insignificant. The volume of business increased largely when a general selling movement began. The Atchinson and Coalers were first attacked and then the pressure was extended to all other prominent stocks. Before 11 o'clock prices were between one and two points below Saturday's close in a great number of the principal groups. Lackawanna advanced 3/4 points. The market was supported and rallied generally a fraction, a renewed bear attack taking place after midday and prices being carried a fraction lower than before for many leading stocks. Some slight rallies were not followed up and the market fell into stagnation. Bonds were irregular. The downward drift was resumed after 2 o'clock and the recoveries were mostly lost. Amalgamated copper was forced nearly two points under Saturday. Sugar touched 120. The closing was exceedingly dull and heavy.

HOWARD FAVORS CHINESE.

He Is Opposed to the Exclusion Act and Gives Reasons.

(By Associated Press.) New York, Jan. 13.—Gen. O. O. Howard, addressing the Young Men's Christian association in the West Side Auditorium, spoke upon "What Is the Proper Attitude of American Young Men Toward the Chinese Within Our Boundaries?" The general said that the present exclusion law had worked such hardships that it was time for far-sighted men to take into consideration the whole subject of Chinese exclusion. He maintained that impartial exclusion would keep out men of every nationality if the Chinese were to be kept out. He had prepared a list of hardships suffered under the present law. One such case was that of So Ho Luck, a young Chinaman who was supporting himself as a student in Portland, Ore. Because he became a night clerk in a hotel, instead of working in a restaurant, he was excluded from the country when he returned after a vacation spent in China. Another was the case of 50 merchants who went on to Europe to buy goods because they were not allowed to land by the American authorities.

Dr. Anthony Acquitted.

(By Associated Press.) Washington, Jan. 11.—A cablegram received at the state department from United States Consul General Bingham, at Capetown, announced the acquittal and release of Dr. Richard S. Anthony, who had been on trial there on a charge of high treason and aiding the enemy. Anthony is an American citizen, but has lived for some time in South Africa, where he married a Boer woman, Mrs. Anthony is at present in Chicago. Her children are in San Francisco.

Week's Liverpool Imports.

(By Associated Press.) Liverpool, Jan. 13.—The imports into Liverpool last week were 48,500 tons from Atlantic ports, none from Pacific and 39,900 quarters from other ports.

WANT PROTECTION BUT LITTLE DISPLAY

AUTHORS THINK COPYRIGHT SHOULD BE LONGER AND INTERNATIONAL.

INTERVIEWS WITH AUTHORS

Strong Tide in Favor of Extended Term of Copyright Protections—Important Changes Pending.

(By Associated Press.) London, Jan. 13.—The principal bookmen of London, Paris and Berlin are again agitating the question of international copyright. Judging from a recent symposium of opinions in the Morning Post, there seems to be a strong tide in the direction of an extended term of copyright protections for authors and publishers. Here are some of the opinions of the continental writers: Georges Olive, the well-known novelist, says: "The day when legislation recognizes that literary property is like any other property will be the day of justice for authors." Paul Heyse says: "Property in the products of intellect should descend in the way of inheritance to the most distant successors of the owner." Jean Rameau says: "I cannot see why one should not be as complete master of the products of one's brains as of those of one's hands." Heinrich Seidl holds that permanent copyright would be neither right nor just. Alfred Mezieres thinks it quite easy to distinguish between ordinary property and literary property, and he holds that to a certain extent literary work belongs to humanity. Ludwig Fulda goes so far as to say the day is coming when rights in property of all kinds will not be recognized as permanent and inextinguishable at all, because it is not moral or useful that distant descendants should acquire the right to live in idleness. Between the two camps are men like Carl Freusell, who thinks that copyright justice would be secured by a copyright given to an author for life and to his heirs for a period of 30 years after his death. British opinion is fairly represented by the recent decision of the Incorporated Authors' society, recommending an author to make his own terms with a publisher. Francis Watt, in an article on "The Law of Copyright in England," points to the bewildering confusion of the British enactments and says the act of the United States congress has given great satisfaction to British authors. He believes the present century will witness important copyright changes in this country.

PRaises AMERICAN JOURNALS.

T. P. O'Connor, M. P., Pays a Glowing Tribute to the Press. (By Associated Press.) London, Jan. 13.—T. P. O'Connor, M. P., in a letter to the Association of American Publishers of New York, declining an invitation to dinner, says: "As a public man I would be rejoiced at witnessing the tremendous advance of the United States in the last 19 years that excites so much admiration and some envy and apprehension in other lands. "As a journalist I must admit that the greater truth to life, the large extension of the sphere of subjects demanding attention and the increased human interest that modern journalism displays, all had their impulse from American journalism."

CAPITAL STOCK INCREASED.

Stockholders of Swift & Co. Vote to Raise It by \$5,000,000. (By Associated Press.) Chicago, Jan. 13.—Stockholders of Swift & Co. voted unanimously to increase the capital stock from \$20,000,000 to \$25,000,000, as recommended by the directors last month, the proceeds to be devoted to extensions of the business. The reports given out indicate net earnings of \$7,700,000 in the fiscal year ended on September 28. The statement does not specially state the profits, but the surplus gained \$1,300,000 over the previous year, and dividends of 7 per cent or \$1,400,000 were paid. They were \$1,919,622 in the previous year. The distributive sales were above \$200,000,000 as compared with \$170,000,000 in the preceding year.

BALTIMORE BANK MERGERS.

Report that National Marine Will Control Continental National. (By Associated Press.) Baltimore, Jan. 13.—It is reported in financial circles that the National Marine bank is negotiating to secure control of the Continental National bank of this city. Thornton Rollins, president of the Continental National bank, has purchased the stock of John K. Ober in that bank. Mr. Ober will retire from the board of directors, and the vacancy will be filled by Frederick G. Boyce of the banking house of Townsend Scott & Sons. Recently Eugene Levering bought a large block of stock in the Continental and this was believed to be the initial step to a consolidation with the National Bank of Commerce, of which Mr. Levering is president. Mr. Levering's stock, with that owned or controlled by President Rollins, it is said, constitutes a majority. Townsend Scott was last week elected a director of the National Marine bank, and the fact that Mr. Boyce of his firm goes into the Continental board, gives color to the report that the National Marine is seeking to secure control of the Continental.

POPE VERY WEAK.

Latest Report That He "Is Not Really Ill, But Only Just Alive."

(By Associated Press.) London, Jan. 13.—A dispatch to the Chronicle from Rome states that an ecclesiastical friend who visited the Pope last evening says he found him in a state of incredible weakness, the result of the diplomatic receptions held during the past four days. He added that "the Pontiff is not really ill, but only just alive."

PLANS FOR THE INAUGURATION OF GOVERNOR NASH OF OHIO.

WILL BE NO INAUGURAL BALL

Kilbourne, the Late Democratic Nominee, Will March With His Employees in Procession—Inaugural Reception Monday Evening.

(By Associated Press.) Columbus, Jan. 11.—Now that the matter of organizing the General Assembly is out of the way, preparations for the second inauguration of Governor Nash will be completed. The outlook now is that the exercises of Monday will far eclipse those of years ago. One of the important matters of the governor's second term will be his first message to the general assembly. That document is said to be one of unusual strength. While it is not long, those who have been taken into the governor's confidence say that it is full of pertinent suggestions, which, if followed by the legislature, will result in great good to the taxpayers of the state. The inauguration exercises, as usual, will include three important points—the swearing in of the governor in the state-house rotunda, the inaugural parade, which will follow, and the inaugural reception on Monday evening. Taking the Oath. The inaugural ceremonies will take place at 12 o'clock sharp. At 10:30 in the morning Troop B, cavalry, known as the "Governor's Own," and the veteran drill corps will march to the governor's office and there will be the administration of the oath of office. The same as like ceremonies of the past. The inaugural parade is scheduled to move at 1 o'clock. Gen. H. A. Axline, former adjutant general, has been selected to act as grand marshal. He says that from 7000 to 10,000 men will be in line. The parade will march from Broad and Third streets, over the principal downtown streets, counter-marching on Broad. Governor Nash and his staff will take positions in the parade next to General Axline and his staff. A Military Escort. The governor will be escorted by Troop B. Following the governor will be the United States troops from the garrison and the various organizations of the National Guard, State University cadets and independent military companies, civic societies, political clubs and labor organizations. A notable feature of this latter will be the employees of the Kilbourne-Jacobs Manufacturing company of this city, with Col. James Kilbourne, late democratic nominee for governor, at their head. Governor Nash has insisted that everything tending to display be out of the inauguration ceremonies and celebration. If it were not for his opposition a grand ball would be included in the arrangements.

MUST NOT RUN SUNDAY.

Zanesville's Mayor Wants no Traveling Done on Sunday. (By Associated Press.) Zanesville, Ohio, Jan. 13.—This city had its first experience with radical blue laws yesterday. Saloons, candy stores and tobacco stores were closed after midnight last night. Mayor Holden and Chief Tracy have also notified the management of the Zanesville Street Railway company and the drivers of milk wagons that they will have to suspend business on and after next Sunday. Drugstores yesterday were limited to prescription business. The street railway management has notified the mayor and chief that they will not respect the order. In an interview today Mayor Holden justifies his course by saying: "I am still in favor of an open Sunday, but since the courts have taken it upon themselves to oppose me and close up saloons on Sunday I deem it no more than right that all other unnecessary and equally illegal businesses should suffer to the same extent." The citizens generally do not take kindly to the new order of things, and some lively doings are anticipated within the next few days.

FAVOR MR. CLEVELAND.

Mr. Herbert Thinks Him the Man to Send to the King's Coronation.

(By Associated Press.) Washington, D. C., Jan. 13.—Ex-Secretary of the Navy Henry A. Herbert thoroughly approves of the suggestion that ex-President Cleveland be sent to England to represent the United States at the coronation of Edward VII. Speaking of the matter Mr. Herbert said: "If this government is to send as its representatives to the coronation of King Edward VII any one not now in official position, it seems to me that Mr. Cleveland would be a happy selection. He is our only living ex-president. All the world knows him as a man of great dignity of character, of intense patriotism and pre-eminent ability. He is the most thoroughly representative American in his antecedents and general make-up to be found in the union, and the president, by selecting him, would indicate clearly that it was an American and not a partisan he was looking for."

FELT SYNDICATE PLANNED.

Principal Mills in New England to Enter the Combination. (By Associated Press.) Nashua, N. H., Jan. 13.—Plans are under way for the consolidation of the principal felt manufacturing mills in New England. The syndicate is composed of New York and New England capitalists. The object of the syndicate, according to statements of representatives of the syndicate, is to regulate the manufacture of the goods to meet the demands of the market, thus obtaining better prices, so that the mills will show a satisfactory profit. It is reported that several of the largest mills have agreed to enter the syndicate, and it is believed that the smaller mills will be forced to join.

WERE DISCHARGED ORDER IS ISSUED

JURYMEN SUMMONED TO SERVE IN CLANCY'S COURT.

JURY LIST WAS ILLEGAL

Had Been Drawn Up in an Irregular Way—New List Well Drawn in Strict Accordance With Law.

Judge Clancy this morning was confronted by the jurors who were recently drawn and subpoenaed in the execution of an order made by him for a venire of jurors to try a number of civil suits on his calendar set for trial beginning today. When court was convened the good citizens were sequestered in the seats behind the bar, awaiting to present their excuses for not being able to serve on the jury. But they were not put to the usual trouble in wiggling out of jury duty, nor compelled to serve on the jury against their wills. Judge Clancy had come to the conclusion since the venire was issued that the method of selecting taxpayers for jurors followed by the county commissioners was illegal, and he discharged the whole venire and told the men to go home. New List Will Be Drawn. The fact that the jury list was drawn up by stenographers in the assessor's office and passed upon and accepted by the commissioners afterward was brought to his notice last week, and he decided that the method was irregular and invalidated the jury list, as the law requires the list to be drawn up in the county clerk's office. In accordance with this view, the old jury list will be permitted to go out of existence, and the commissioners will draw a new list for this year according to the law and the instructions of the court, and after it has been drawn another venire will be issued by Judge Clancy and the cases set for trial in his court will be tried then.

DOES NOT PROVIDE.

Michael Powers Charged With Neglecting His Children.

Deputy County Attorney Lynch today issued a complaint charging Michael J. Powers with failing to provide his four small children with the necessities of life. The complaint was made by Mrs. Annie Powers, the divorced wife of Powers, and was filed in Judge Arnold's court. Mrs. Powers says that the children, the oldest of whom is 12 years of age, are in the Home of the Good Shepherd at Helena and that she has become unable to pay their way there any longer. Mrs. Powers and Powers were divorced about two years ago, and the woman keeps a boarding house. Powers is a miner and is employed in the Diamond mine.

TWO DIVORCE SUITS.

Brace of Women Who Want Their Liberty. Two women who have become tired of the silken but sometimes galling bands of wedlock brought suits for divorce in the district court today. They are Mrs. Annie A. Shafer and Mrs. Catherine Piskur. Both suits were brought on the grounds of cruelty. Mrs. Piskur is the wife of Martin Piskur, an ex-deputy sheriff, and she had him arrested a short time ago for assault. She alleges that he has mistreated her. Mrs. Shafer alleges that Shafer wants to get her home from her and has abused her with vile language and threats, and has said that when he got her into the Warm Springs asylum he would get the property. There is a child 12 years old in this unhappy family.

Canal Committee Meet.

(By Associated Press.) Washington, Jan. 13.—The senate committee on inter-oceanic canals held a session today and M. Lampre of the Panama Canal company was again before it. No new facts of especial importance were brought out. The committee will meet again tomorrow. Lord Dufferin III. (By Associated Press.) London, Jan. 13.—The Marquis of Dufferin and Ava, formerly governor general of Canada, is seriously ill at Clondelose, his residence in County Down, Ireland. Omaha Livestock. (By Associated Press.) South Omaha, Jan. 13.—Cattle—Receipts, 3800 head. Market active and steady. Native steers, \$3.00@3.50; cows and heifers, \$3.00@4.55; western steers, \$3.70@5.30; Texas steers, \$3.50@4.40; canners, \$1.50@2.80; stockers and feeders, \$2.80@4.50; calves, \$3.00@6.50; bulls, stags, etc., \$2.00@4.25. Sheep—Receipts, 1500 head. Market steady. Fed wethers, \$4.25@5.05; westerns, \$3.75@4.25; ewes, \$3.50@4.05; common and stockers, \$2.50@4.00; lambs, \$4.50@6.00. Chicago Livestock. (By Associated Press.) Chicago, Jan. 13.—Cattle—Receipts, 21,000. Market, 10c lower. Good to prime steers, \$6.00@7.10; poor to medium, \$4@6.25; stockers and feeders, \$2.25@4.40; cows, \$1.25@4.75; heifers, \$2@5; canners, \$1.25@4.30; bulls, \$2@4.50; calves, \$3.50@6.25. Texas fed steers, \$3.25@5.25. Sheep—Receipts, 25,000 head. Market, steady. Good to choice wethers, \$4@5; fair to choice mixed, \$3.50@5.25; Western sheep, \$4@4.75; native lambs, \$3.50@6; Western lambs, \$5@6. Kansas City Livestock. (By Associated Press.) Kansas City, Jan. 13.—Cattle—Receipts, 9400 head, including 1500 Texans. Market, 10c@15c lower. Native steers, \$4.75@6.50; Texas and Indian steers, \$3.75@5.25; Texas cows, \$2.40@4.00; native cows and heifers, \$2.60@5.25; stockers and feeders, \$3.00@4.50; bulls, \$2.25@4.25; calves, \$3.50@6.00. Sheep—Receipts, 2500 head. Market, steady. Muttons, \$3.75@4.75; lambs, \$3.00@4.00; range wethers, \$4.00@4.65; ewes, \$3.75@4.25.

JUDGE HARNEY REVERSES HIS POSITION IN NIPPER SUIT.

GRANTS RESTRAINING ORDER

Seven Affidavits Were Filed in Suit Today—Heinzes and Others Restrained From Injuring Anaconda Company's Interests.

Judge Harney today assumed a new position in the suit recently brought by the Anaconda Mining company against the Nipper Mining company, the Heinzes and others. He reversed his recent decision refusing to grant a restraining order and issued an order of that character to the plaintiff. When he refused the restraining order Saturday, he said that the insolvency of the defendants was not shown. His order today was made in chambers upon a petition and several affidavits. The restraining order commands the defendants to refrain from mining in the Nipper to the injury of the plaintiff's interests. Affidavits were filed in the suit in support of the application for the restraining order. The signers of the affidavits are Chief Engineer August Christian of the Anaconda company, Charles Adams, Martin Feeney, Matthew Connell, Con Noonan, Neils Lund and William Bailey. Engineer Christian's Affidavit. In his affidavit Christian says that the defendants have assumed exclusive ownership and possession of the Nipper claim, and refuse to permit the plaintiff, who owns five-thirtieths, to have access to it. He also affirms that he knows that mining operations are being carried on in the claim. He alleges that large quantities of valuable ores and minerals are being hoisted from beneath the Nipper, and that the estate of the plaintiff in the claim is being wasted and injured and destroyed. The affiant adds that by reason of the fact that the plaintiff has been denied access to the underground workings of the Nipper and the premises are held in hostile possession by the defendants, the plaintiff has no means of ascertaining, with any degree of certainty, the amount of ores being extracted therefrom or the value of the ores. Christian says that if the trespassers are permitted to continue and unless the defendants are restrained from mining the claim the plaintiff will be unable to ascertain the amount of ores extracted or the damage done to the plaintiff by that, and the plaintiff's estate will be destroyed without affording it any remedy by which its damages can be adequately ascertained or determined. Admi Refused Admittance. Charles Adams says in his affidavit that Harry Hurley, who is in charge of the mining operations at the Nipper, refused him admittance to the mine when he appeared as the representative of the Anaconda company. He says he presented a letter to Hurley, signed by Christian, authorizing him to represent the company. Con Noonan says in his affidavit that he worked in the Nipper between December 28, 1901, and January 3, 1902, and that 14 men worked with him in the mine, engaged in taking out rock and ore. Martin Feeney was present when Hurley refused Adams admittance to the mine. Bailey and Lund make affidavits to having recently been employed in mining in the Nipper, and Connell makes affidavit to hearing from the Never Sweat, where he worked, the operations in the Nipper. Gustave La Grande was arrested today by the police department on a charge of threatening R. M. Biele and his wife with bodily harm. He was released on a bond of \$50 and will have a hearing in the police court tomorrow.

IN THE SENATE.

Bill Creating Department of Commerce Being Considered.

(By Associated Press.) Washington, Jan. 13.—When the senate met today Mr. Mason gave notice that tomorrow he would address the senate in reference to Cuban customs duties, a bill and resolution relating to which was introduced by him today. A resolution of Mr. Hale, providing for the printing of a number of copies of the report of the Schley court of inquiry, was referred to the committee on printing. On motion of Mr. Nelson the bill creating a department of commerce was taken up. At 3:12 the senate adjourned. Mr. Hoar introduced a resolution providing for the appointment of a committee of seven senators to examine into the conduct of the war department in the Philippines, the administration of the government there, the condition or character of the inhabitants there, said committee to have power to send for papers and persons to administer oaths and to sit during the sessions of the senate.

Court Will Hear Case.

(By Associated Press.) Washington, Jan. 13.—In the United States supreme court Chief Justice Fuller announced today that argument on the application of the state of Minnesota for leave to file a bill of complaint against the Northern Securities company, bearing upon the consolidation of the Northern Pacific and the Great Northern would be heard Monday, January 27. The chief justice also issued an order requiring that notice of the appeal should be given to the Northern Securities company.

Policeman Kills Two Men.

(By Associated Press.) Knoxville, Tenn., Jan. 13.—Early today policeman Cruse shot and probably fatally wounded Lon and Alexander Nelson. Cruse was going home when he claimed he was fired upon and on investigation he found the Nelsons with some other men on a corner. A difficulty ensued in which Cruse shot the two Nelsons. It is alleged that an attempt was made several months ago to assassinate the policeman.

Well Known Preacher Dead.

(By Associated Press.) Louisville, Ky., Jan. 13.—The Rev. John Healy Haywood, aged 85, one of the best known preachers in the Unitarian church in the country, died today.