

COURT POSTPONES ACTION ON WRIT AGAINST JUDGE HARNEY

JUDGE LINDSAY WAS NOT PREPARED TO SUBMIT HIS CASE TO SUPREME TRIBUNAL.

STATUS OF THE CONTROVERSY

Action in Helena Was on Writ of Habeas Corpus on What Should Be Done With Lawyers and Writ of Certiorari to Review Judge Harney's Decision.

(Special to Inter Mountain.) Helena, April 28.—Nothing was done in the supreme court today in the sensational contempt matter growing out of the Minnie Healey suit in Judge Harney's court Saturday. Judge Harney's legal representative, Judge Lindsay of Butte, was not prepared to present his side of the matter, and it was continued to 10 o'clock tomorrow.

Judge Lindsay stated to the court that

PIONEER IS GONE

JAMES S. AUCHINCLOLE DEAD AT KINGSTON, ONTARIO.

HE PASSED SUDDENLY AWAY

While Fishing in a Lake He Has an Attack of Apoplexy—Part Owner of Famous Nancy Hanks Mine.

(Special to Inter Mountain.) Garnet, April 28.—News was received here Saturday from Kingston, Ontario, announcing the death of James S. Auchinclole, one of Montana's pioneers. He was fishing and had just succeeded in pulling in a large salmon when he fell over in the boat completely ex-

CZAR ABOUT TO ISSUE UKASE OF IMPORTANCE

SAID TO BE ON EVE OF GRANTING CONSTITUTION FOR GOVERNMENT OF COUNTRY.

RIOTING IN SOUTH RUSSIA

Military and Police Unable to Cope With the Situation in Poltava—Assassin Is Starving Himself—Fear Further Uprising.

(By Associated Press.) St. Petersburg, April 27.—(Sunday).—Persistent rumors are in circulation to the effect that the czar will shortly issue a rescript, giving Russia a constitution similar to the scheme of administrative reform drawn up by the late General Loris-Melikoff, when he was minister of the interior, and which was sanctioned by the late czar, Alexander III. Rioting continues to spread in South Russia. The military thus far have been unable to prevent incendiarism, terrorism and plundering. The land proprietors throughout the government of Poltava are seeking refuge in the city of Poltava. Prince Obolensky, the governor of Kherson, is apprehensive of a rising in that government. The police forces in many cities have increased in strength, notably at Irkutsk and Archangel. Balshaneff, the assassin of M. Sipiaguine, the late minister of the interior, is now reported to be very sick, due to voluntary starvation.

GENERAL FUNSTON DEFENDED

MR. CURTIS OF KANSAS MAKES A VIGOROUS DEFENSE OF AGUINALDO'S CAPTOR.

PROUD OF HIS GREAT BRAVERY

Recommended for Promotion by Two Soldiers of the Civil War and His Commission Signed by President McKinley.

(By Associated Press.) Washington, April 28.—This was the District of Columbia day in the house under the rules, but the regular order was postponed until Monday next, in order that the house might proceed with the consideration of the agricultural appropriation bill. Mr. Curtis made a brief but fervent defense of General Funston against the criticism to which he had been subjected. "The people of Kansas," he began, "are proud of the bravery and daring of gallant Fred Funston. (Applause on the republican side.) He has been criticized here for an act which, for daring of conception and execution, ranks with the greatest feats of arms—he captured the new George Washington—Aguinaldo. "If another man had accomplished what General Funston did the democrats would have made him their candidate for president." He called attention to the fact that his promotion had been recommended by General Wheaton and General MacArthur, both soldiers of the civil war, "soldiers who knew more of war and the rules of war than all the politicians in this country combined. And his commission," he added, "was signed by one of the greatest presidents we have ever had—the soldier, statesman and martyr, William McKinley." (Applause.) Mr. Pease of Illinois submitted some remarks in support of the contention that the laws of neutrality were being made by this government in allowing the shipment of mules and horses to South Africa for use by the British against the Boer republic.

OLEO BILL PASSES THE SENATE

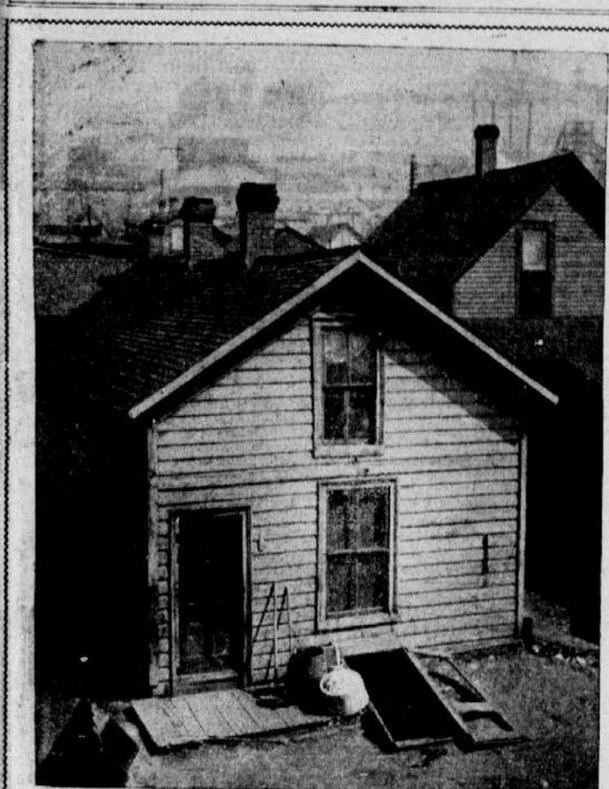
HOUSE AMENDMENTS WERE ALL AGREED TO BY UPPER BODY—IT NOW BECOMES LAW.

KANSAS MILLER'S TELEGRAM

Senator Harris Presents Kick Relative to Foreign Discrimination Against America Flour—Mills May Shut Down.

(By Associated Press.) Washington, April 28.—When the senate convened today, Mr. Harris of Kansas presented a telegram from the Kansas Millers' association, which stated, on account of foreign discriminations, with the best wheat in the world at their door, Kansas millers are not producing over one-third of their full capacity and unless relief through reciprocal concessions is affected, many mills will shut down indefinitely and some of them will be forced to the wall. The telegram was referred to the committee on foreign relations. The oleomargarine bill as it came from the house was taken up and Mr. Culberson of Texas moved that it be referred to the committee on agriculture. The motion was defeated, 26 to 35. Mr. Teller then offered an amendment to the renovated butter section of the bill, as passed by the senate, defining a butter trust, and providing that a tax of 10 per cent shall be imposed upon the products of such a trust and upon the capital and assets of such a trust. The amendment was defeated, 25 to 28. Mr. Proctor, in charge of the measure, moved that the senate non-concur in the house amendments and a conference be requested. Mr. Cockrell, Missouri, interposed with a motion to agree to the house amendments and the motion was agreed to without division, thus passing the bill. Shot by a Policeman. Missoula, April 28.—James Hines, employed at the Florence hotel, was found dead this morning beneath the window of his room in the third story. It is supposed he fell from the window or committed suicide.

WEARY OF MANY FAMILY QUARRELS MRS. MARY KNAFF KILLS HERSELF



KNAFF HOME ON EAST PARK STREET. Mourning for the dead prevails at the Knaff home on East Park street. The husband seems filled with remorse for his treatment of the dead woman. Today in a fit of remorse he exclaimed: "Her soul is blessed today; in a few days mine will be blessed too." It is believed Knaff will carry out his threat to kill himself.

SOME TESTIMONY IN COURT—MARTIAL CASE OF GEN. SMITH

(By Associated Press.) Manila, April 28.—The trial by court-martial of Gen. Jacob H. Smith, on the charge of conduct prejudicial to good order and discipline, was resumed here today. Major Littleton W. T. Waller of the marine corps testified to receiving from General Smith the orders to "kill and burn" and render Samar "a howling wilderness," previously referred to in these dispatches. The natives of Samar, said Major Waller, were more treacherous and implacable than the tribesmen of the South. Without General Smith's drastic measures, the war there would not have been ended yet. General Smith never intended killing women or children. Corporal Pritchard of the Ninth Infantry, who took part in the fight at Gandara, testified that he saw boys of 12

NEW DISTRICT CREATED

(Special to Inter Mountain.) Washington, April 28.—The president today approved the bill establishing an additional land district in Montana with the land office at Great Falls. The new district will have an area of 17,609,338 acres, taking portions from both the Helena and Miles City districts.

Fell From Window.

Chicago, April 28.—In a pistol fight between two policemen and five burglars here early today, one of the latter was killed. Policeman O'Connor saw two men, one of whom he recognized as a thief, standing in front of a store on Archer avenue at Loomis street. When he approached the men opened fire, feeling at the same time. The officer gave chase, returning the shots. The firing attracted Policeman Herman Maronde, who reached the store just as three more men came out of a side entrance. A pistol fight between the trio and the policeman ensued, and one of the men was shot through the head, dying instantly.

Possibly Mud.

[St. Louis Globe-Democrat.] One of Mandia's newspapers is named the Volcano, although it is not of the lava-throwing kind.

It Beats Two Pairs.

Really, there's an embarrassment of boys in the Castellane family. This makes three of 'em, and that's an out.

CORRESPONDING WITH MEXICO RELATIVE TO KRATZ CASE

(By Associated Press.) Washington, April 28.—The state department has had some correspondence with the government of Mexico regarding the case of ex-Councilman Kratz, who is a fugitive from justice, from St. Louis, charged with bribery. The man, at the department's instance, has been arrested and is locked up at Guadalajara, but, as the offense with which he is charged is not one of the offenses named in the treaty as subject to extradition, the department has been trying to procure his delivery to the Missouri authorities as a matter of comity.

Swallows Carbolic Acid and Dies in Great Agony in Four Hours.

HUSBAND PREDICTS DEATH

Says That Wife's Soul Is Blest by God and That His Will Be Blest Within a Few Days—Woman, After Taking Poison, Lies Upon a Couch and Waits for Death—Inquest This Afternoon at Montana.

Mrs. Mary Knaff, 29 years of age, swallowed a dose of carbolic acid at her home, No. 362 East Park alley about 3 o'clock yesterday afternoon, and died in great agony four hours later. The act is said to have been the result of domestic trouble.

Mrs. Knaff was the wife of John T. Knaff, a butcher, and it is claimed that she and her husband did not get along well together.

After taking the dose she calmly informed Mr. Knaff of what she had done and then laid down on a couch to await death. Knaff at once summoned Drs. Sullivan and Smetters, but when the physicians arrived at the house the woman was beyond human aid and died without regaining consciousness.

Family Quarrel. Coroner Johnson viewed the remains and made some inquiries concerning the cause of the woman's act. Among other things he learned that Saturday afternoon Mr. and Mrs. Knaff had quarreled over some trivial matter and that it was renewed yesterday. It is said that James K'eron, a cousin of Mrs. Knaff, living at 805 North Wyoming street, told some one that on several occasions the woman had declared to him that her husband was not treating her right. Mrs. Lillie Finley, who had been staying with the Knaffs for a week or so, says the Knaffs quarreled Saturday and renewed the fracas yesterday; that Knaff went away yesterday morning and when he returned in the afternoon it appeared to her that he had been drinking; that Mrs. Knaff asked him for a couple of dollars, but he refused to give it to her and a scuffle ensued. Mrs. Knaff appeared to be very angry.

Swallowed Acid. After the scuffle Knaff began eating lunch and Mrs. Knaff went upstairs. She remained several minutes and when she returned to the dining room her lips were white as a result of contact with acid. She at once told her husband what she had done. In the opinion of the physicians the woman swallowed nearly two ounces of the deadly drug.

When Knaff learned from the doctors that his wife could not live he broke down and cried. He wanted a dose of the acid for himself, but there was no more of the drug in the house. Some one suggested other drugs and Knaff asked for one of them, but failed to get it.

Knaff Wanted to Die. He asked for a revolver and some one present expressed a desire to get him one, but before it arrived he changed his mind about wanting it. According to statements made by those who claim to know, Knaff has not been working much lately, but has been drinking.

In order to provide the household in food Mrs. Knaff kept boarders. The couple had no children. The inquest over the body of Mrs. Knaff took place this afternoon at the Montana undertaking parlors, No. 123 East Park street. The evidence disclosed substantially the same facts as set forth in the foregoing account of the tragedy.

Restrained From Playing. (By Associated Press.) Philadelphia, April 28.—The court of common pleas today granted a perpetual injunction against Second Baseman Lajoie and Pitchers Bernard and Frazer, restraining them from playing with any baseball club other than the Philadelphia National league club.

When Silence Gave Consent. [St. Louis Star.] Miss Silence and Mr. Gabb were recently united in wedlock. Another instance of silence gives consent.

WHAT SUPREME COURT SAYS

In an order made by the Supreme Court on March 25, 1902, upon application for a writ of mandamus to compel Judge Harney to decide the motion for a new trial in the "Minnie Healey" case, the court held that it was the duty of Judge Harney to settle the bill of exceptions containing the affidavits which he has stricken out. The language of the opinion of the Supreme Court in this matter is as follows: "The district court has the power to determine what is scandalous matter in a pleading, affidavit or other paper put upon the files and to order the same to be stricken out, to the end that the files may be free from objectionable or scandalous matter. "That court, however, has no power to prevent the party claiming to be aggrieved by such an order from having the same reviewed in an appropriate way, and to this end should settle a bill of exceptions embodying the matter, so that the order may be properly reviewed by this court. "Otherwise, should that court have fallen into error and determined that the matters stricken out are scandalous, when, in fact they are not, the rights of the moving party might thus be lost. Matters which are not pertinent to the controversy and which at the same time reflect upon the court, or a party, are properly characterized as scandalous. When, however, the same matters are pertinent and must be alleged in the pleading or affidavit in order to have the judgment of the court upon the rights of the parties thereon, then they are not in fact scandalous and may not be so characterized and stricken out."

he had been called into the case on Saturday night, and that he had not had any opportunity in the short time intervening to prepare for the hearing.

The hearing was to have been upon the writ of habeas corpus and the writ of certiorari. A new additional bond of \$500 was required of Attorneys Forbis and Evans, the first one having expired at 10 o'clock this morning, and Attorney T. J. Walsh of Helena, who appeared for them, notified Attorney D'Gay Stivers of Butte to provide the bond, which was done. No objection was raised to the continuance by Attorney Walsh.

The hearing upon the writ of habeas corpus was to have been for the purpose of determining what should be done with the lawyers found in contempt and ordered fined and imprisoned by Judge Harney.

The hearing upon the writ of certiorari was for the purpose of reviewing Judge Harney's action and the records in the proceeding, and both hearings would have been combined, the two writs being necessary to cover the matter.

(Continued on Page Three.)

INTEREST IN SOME LIBEL SUITS

LABOUCHERE BEING SUED FOR PUBLICATION OF ARTICLE ABUSING CLUB.

BROUGHT BY LORD SUFFIELD

United States Minister Choate, Lord Stratheona and Other Notables Shown to Be Members—Defense Allege Comment True.

(By Associated Press.) London, April 28.—More interest than usually attaches to libel suits against Henry Labouchere was exhibited at the trial of a case in the king's bench division of the high court of justice today, in which Lord Suffield was the plaintiff, Lord Suffield, who is permanent lord-ling waiting to the king, claimed damages for articles published in Labouchere's paper, Truth, one article alleging that a club, of which Lord Suffield was president, was "an impudent and transparent humbug," and that the council of the club and others connected with the scheme were a line of figureheads on the front page of city prospectuses "for the purpose of deceiving, and by means of which smaller people were lured into a snare."

Counsel for Lord Suffield pointed out that Lord Stratheona and Mount Royal, the Canadian high commissioner, was president of the club in 1897, while the council of the club, when Mr. Labouchere wrote his strictures, included Mr. Choate, United States ambassador; Cardinal Vaughan, Lord Stratheona and Mount Royal, Lord Charles Beresford and similar celebrities.

One of Truth's accusations was that Lord Suffield was "knowingly president of a swindle." The defense admitted the publication and declared that the statements and facts contained in the article were true and that the comment was fair.

hausted. It was said to be a stroke of apoplexy, from which he never recovered, dying in about eight hours after reaching his home.

Mr. Auchinclole came to Montana with his brother—now a resident of Granger, Idaho—in 1864 and after placer mining with more or less success on Elk creek, opened a store at Elk City. In this enterprise he was for a time associated with Wesley W. Jones, who later became sheriff of Deer Lodge county, when it included about all of the territory between Brown's bridge and the British line.

Of late years Mr. Auchinclole was one of the lucky-owners of the Nancy Hanks mine at this place, which in a few short months produced nearly half a million dollars in gold.

In his old age Mr. Auchinclole—now able to afford it, being a comparatively wealthy man—returned to his birthplace, where he passed away, surrounded by his relatives and the friends of his youth.

ZIP! BEEF PRICES

STEAK VALUES BOOSTED IN ALL BUTTE RESTAURANTS.

BEEF MAY GO STILL HIGHER

There's Something Doing Every Day in the Cattle Market—Packers Pass the Price to Restaurants and Latter Cinch the Public.

	New	Old
Small Steak	.60	.50
Sirloin	.70	.60
Top Sirloin	.60	.50
T-bone	.70	.60
Tenderloin	.70	.60
Extra Tenderloin	\$1.00	.90
Porterhouse	.90	.75
Double Porterhouse	\$1.70	\$1.50

These are the prices for the juicy steaks you will have to pay in two of the restaurants in Butte. The prices were boosted today all over town, and in first-class restaurants the above schedule is likely to rule. Places that have lower prices say they will put them up soon.

Skyline prices of beef is the cause of the advance to the consumer by the restaurants. Restaurant men assert that even these prices may be again raised to keep company with the soaring prices of beef. There was no indication today that cattle would cheapen. In fact, all reports were that prices would probably go higher before the week was over, and restaurant keepers declared that if this proved true they would have to increase their prices again.

Still Going Up.

In the last 10 days some radical changes have been made in the figures of beef on every bill of fare in town. The old prices are shown in the above list, and it will be observed that there has been a marked advance. It will be noticed that some of the prices have doubled, as, for instance, the small steak that formerly sold for 30 cents is now up to 60 cents, and the horrifying statement is made that it's going higher. All restaurants in the city have ad-

vanced the prices of meats, or will within the week. Some of the owners have not yet made up their minds as to what the new prices will be, and are waiting for some of the others to move. The move made today will probably be the key to open the new list. "I believe that really were being made by this government in allowing the shipment of mules and horses to South Africa for use by the British against the Boer republic."

Keerl Pleads Not Guilty. (Special to Inter Mountain.) Helena, April 28.—J. S. Keerl, charged with murder in the first degree for the killing of Thomas Crystal, pleaded not guilty when arraigned in the district court this morning. His trial was then set for June 30.

Submarine Boat Trial Trip. (By Associated Press.) New York, April 28.—The submarine torpedo boat Fulton passed Sandy Hook at 7:20 a. m. on an ocean trial trip bound for Washington, D. C. The Fulton was in tow of the Storm King. At 1:50 p. m. she was submerged off Long Branch. It is expected that the Fulton will reach Washington about Saturday.