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MINNESOTA HISTORICAL SOCIETY

THE PEN MIGHTIER THAN THE SWORD.

FIGHT FROM THE START

Merger Battle Before U. S. Supreme Court.

SECURITIES CO. LOADED

Ready to Oppose Attorney General's Action for Temporary Injunction

WITH RES ADJUDICATA PLEA

Should Minn.'s Petition Be Entertained Evidence May Be Taken Before a Commission.

When Attorney General Douglas faces the grave and reverend justices of the United States supreme court to-morrow, he will find an opponent of his petition right at his elbow.

The promoters of the Northern Securities company are not asleep, and their star play in the case of Peter Power showed plainly the shrewdness of their attorneys. The Great Northern legal department has ordered a complete transcript of the evidence in the Power case, and evidently intends to use it. It is believed that Francis Lynde Stetson of New York, or W. P. Clough, general counsel for the Northern Securities company, will be in court to-morrow to argue against the court's taking jurisdiction. Counsel will allege, among other things, that the issue General Douglas presents to the court has already been determined in the federal court by Judge Lochren, who found the facts not sufficient to justify a claim of consolidation.

Douglas Has Heavy Shot.

The showing of the facts made before Judge Lochren was very meager, and Minnesota's legal champion has plenty of heavy shot left, but they will not be fired to-morrow. The petition will only make general charges, and ask for an injunction to restrain the Northern Securities company from voting the stock or exercising management over railroad properties. Mr. Hill's attorneys are evidently banking on the Power case, hoping that the supreme court will refuse the Douglas petition on the ground that it is a "res adjudicata," or a case already decided.

Should the supreme court entertain the petition, it will be a victory for the state. A date will then be set for the hearing, and officers of the Northern Securities company will be summoned to show cause why a perpetual injunction should not be issued.

Commission May Take Evidence.

This hearing may be before a commission appointed to take testimony, such as the commission now taking evidence in the Chicago drainage canal case. This commission would take evidence in New York and New Jersey as to stock transactions, and then report the facts to the court, and on these argument of the case would be based.

Mr. Douglas left for Washington Saturday evening, and arrived there to-day.

APPLICATION TO-MORROW

Program of Minnesota's Counsel—Months of Delay.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, Jan. 6.—The first thing after the supreme court meets at noon to-morrow, Messrs. Douglas, Munn and Wilson, representing the state of Minnesota in the merger cases, will file an application for permission to present a bill of complaint against the Northern Securities company or against the Northern Pacific and Great Northern Railway companies for alleged violation of the laws of Minnesota forbidding consolidation of lines in competing railroad.

The court will take this application under advisement and will probably be several weeks reaching a decision. It was two weeks in deciding whether to permit the state to bring suit against the secretary of the interior in the school land case. The school land case was simple and easily disposed of. The present case is technical and involved and may call for more time than two weeks.

After filing the application to-morrow the counsel will have nothing further to do for the present. The court's decision will determine whether the case can proceed along the lines already laid out. An adverse decision would mean that some new program must be adopted, perhaps the instituting of a suit in the federal courts of Minnesota. This would mean a long delay, for the case, if brought in tais way, would probably be several years in being decided. Should the supreme court, as the state's counsel expect, decided to permit a bill of complaint to be filed, a decision will be reached quickly. The court wil appoint a commission to take testimony or counsel will arrange for the filing of a stipulation of facts, to be followed by arguments and then final decision. The whole matter would take only a few months.

M. D. Munn of the state's counsel has been in New York and New Jersey a week or ten days looking up the eastern end of the merger. Attorney General Douglas has been in Montana with Governor Van Sant. It had been planned that bo th of them, with General George P. Wilson, should meet in Washington to-day to compare notes and make such corrections in the complaint as Mr. Munn's investigations seemed to suggest. This plan failed because the Baltimore & Ohio train on which Douglas and Wilson were traveling was late in reaching Washington. The supreme court meets at noon each day and the first half hour or hour of each session is devoted to motions and similar matters. Douglas and Wilson got here too late to confer with Munn and afterwards to reach the court in time to file their application, especially since it was brought out at the conference that several changes in that document were necessary. It was therefore decided to let the c ase go over until to-morrow. The application will be filed as soon as the court convenes.

—W. W. Jermane.

KENTUCKY LAW

Power of the State Commission to Fix Rates in Dispute.

Washington, Jan. 6.—The United States supreme court to-day, in an opinion by Chief Justice Fuller, reversed the findings of the court below in the various railroad cases growing out of the Kentucky statutes empowering the railroad commisison of that state to fix rates. The suits were in the nature of an injunction and were instituted by the railroads of the state to prohibit the commission from proceeding under the law. The supreme court in its opinion to-day did not go into the merits of the law, but simply reversed the previous decision on the ground that the injunction proceedings were premature. The cases were all sent back to the lower court to be dismissed in accordance with this decision.

A MENOMINEE DEATH.

Special to The Journal.

Menominee, Mich., Jan. 6.—Mrs. Mary A. Few, aged 72, is dead. She leaves a son, F. J. Few of Menominee, and a daughtor, Mrs. Wm. A. Breeze, of Richmond Center, Wis. She had lived here many years.

PUNISHMENT OF NOYES

Judge Morrow Imposes a Fine of One Thousand Dollars.

Meanwhile the Judge Lies Critically Ill—He Rallied To-day.

Special to The Journal.

San Francisco, Cal., Jan. 6.—Judge Noyes is guilty. The circuit court of appeals rendered its decision in the famous Nome contempt proceedings this morning. Judge Noyes, Frost and Woods are all declared guilty of contempt of court. Judge Noyes is fined $1,000; Frost is given one year's imprisonment, and Woods four months. Thomas Geary, another of those charged with contempt, was dismissed. He is from California.

The courtroom was about half filled, most of those present being directly interested in the case. Judge Noyes was not present, owing to his severe illness.

At 11 Judges Morrow, of circuit court, and DeHaven of district court, took their seats. Judge Morrow read the decision. It was written by Judge Gilbert and is in most scathing terms. Gilbert declared that a conspiracy existed between McKenzie and Noyes, one of the worst that had ever been known and, because of Noyes' position, one of the most flagrant crimes on record. The decision was much like the one in McKenzie's case.

Judge Morrow coincided with Gilbert, Ross dissenting. Young Frost apparently did not look for such a heavy sentence. He sat dazed and turned deathly pale. Woods was not present. Those who have been hostile to Judge Noyes were openly rejoicing after the decision. They apparently could hardly restrain their joy. Out in the hall they laughed, shouted, shook hands and slapped one another on the back. As one said: "We have done Noyes up at last."

In the meantime Judge Noyes lies at the Hotel St. Nicholas almost at death's door. He was suddenly taken with a severe hemorrhage last Monday and his condition, while not at first serious, grew worse Saturday night and Sunday his life was despaired of. He rallied this morning, talked of the coming decision and seemed very hopeful. The adverse decision, however, may cause a relapse and his friends here are prepared for the worst.

EDDY ABUSED

Letter Writers Score Him for Alleged Utterances on Congressmen's Pay.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, Jan. 6.—Representative Eddy has rturned from Minnesota to find an even bushel of letters from all parts of the United States written by people who do not agree with his published interview that members of congress do not earn $5,000 a year.

"What do the letters say?" I asked Eddy.

"Everything that is mean," he replied. "One letter is from Massachusetts and says that while it may be true that congressmen from Minnesota, myself included, do not earn $5,000 a year, the Massachusetts members each earn that much and more. I wouldn't care so much about the letters if I had ever said that of which I have been accused. I have been in congress too long not to know that $5,000 is too little for the member who tries to do his duty."

Brought Forth by Hansbrough.

Two important bills were introduced by Senator Hansbrough to-day. One provides for the ratification of the agreement with the Devils Lake Indians for the cession of their unalloted lands, comprising something more than 100,000 acres. The bill applies the free homestead clause of existing law, so that settlers upon land who desire to fulfill the requirements of the homestead law may do so without cost except the regular and office fes. Those who commute will be required to pay about $2.50 per acre. The senator hopes to get a favorable report out of the committee on Indian affairs on the bill and to put it on the senate calendar, so that it will be in order to go in the Indian appropriation bill when that measure comes over from the house, if the house fails to insert a provision ratifying the agreement.

The other bill introduced by the senator provides for exchange of lands. It is in the interests of stock growers of the west, who, having purchased the alternate sections of railroad lands, are very anxious to exchange one-half of their holdings with the privilege of relocating a like amount of land elsewhere so as to bring their holdings together in a solid block.

More Money for Meeker Dam.

Secretary Root to-day transmitted to the house a letter from chief of engineers calling attention to the fact that as now estimated from detailed surveys recently completed, it will cost $1,466,000 instead of the original estimate, $1,166,457, to complete the revised project for two locks and dams in the Mississippi river between Minneapolis and St. Paul. It is accompanied by the detailed report of Major Hoxie, containing revised estimates, which is approved by Colonel Ernest, division engineer.

—W. W. Jermane.

Washington Small Talk.

In a few days a party of well-known North Dakotans will start from Washinxton for a trip through Florida and possibly Cuba. Jud La Moure, as advance guard of the party, is already here. He will be joined in a few days by Secretary of State Porter, former State Senators Noble and Hanna and Editor M. H. Jewell of Bismarck. They will be gone until about March 1.

There is no prospect of a fight between Representatives Eddy and Morris over the latter's Indian timber bill. Eddy does not fully indorse that feature of the bill placing discretionary power in the secretary of the interior, but will not make a fight against the bill on that account.

Thomas Vatnasdal was to-day appointed postmaster at Duxby, Roseau county, Minn.

SUGAR FIGURES UP IN MILLIONS

The Factory at St. Louis Park Turned Out 6,000,000 Pounds This Season—Longest Run Yet.

Some 30,000 Tons of Beets Were Used for Which Farmers Were Paid $175,000.

Big figures appear all through the summary of the season's run at the Minnesota Sugar company's plant.

The factory at St. Louis Park has just closed down after the longest and most productive run in its history. Under favorable conditions the plant will run full five months, or 150 days, next season. This season it ran 120 days.

The total output of sugar this season is 6,000,000 pounds, or 3,000 tons, which was turned out at the rate of 25 tons a day. The output last season was 4,000,000 pounds. A good market has already been found for the factory's entire product in the twin cities and their jobbing territory.

To make this vast quantity of sweetness some 30,000 tons of beets were required this season. They came chiefly from points along the Minneapolis & St. Louis, the Chicago, Milwaukee & St. Paul and the Great Northern lines, within a radius of sixty miles from the factory. No large new beet districts were opened up, but beet culture has paid the farmers already interested so well that nearly all enlarged their acreage. The beet raisers have come to understand the methods of culture necessary to produce the highest percentage of saccharine, and careful farmers have had no difficulty in attaining success. Beet culture has reached a stage where the sugar company can relax some of its missionary work for the good profits in the beet are now thoroughly appreciated and farmers are figuring in the sugar beet as a strong factor in their crop plans.

The value of the beet sugar industry to the farmers alone will be understood when it is known that the raw material for this season's run at St. Louis Park cost close to $175,000. This means that the farmers alone were paid that amount; the cost to the company was somewhat higher, as the company pays the freight and stands the shrinkage which inevitably occurs when the beets are washed at the factory.

While the factory's output all found ready sale, the profits from the business were seriously impaired by the cutthroat methods attempted by the sugar trust. No difference in price has been accorded the consumer, but the jobber and retailer has been encouraged to push the cane product to the exclusion of beet sugar by the prospect of a fancy profit. Naturally the beet sugar manufacturers met this competition, and, according to one of the officers of the Minnesota Sugar company, the result has been that the St. Louis Park factory has just about paid running expenses. Next season it is hoped that the tariff agitation will be ended and that the trust will have ceased from troubling.

HOW IT WENT DOWN

Bark That Sank the Walla Walla Reaches 'Frisco.

TOWED TO PORT BADLY DISABLED

Her Captain Describes the Collision and Tells Why He Could Give No Assistance.

San Francisco, Jan. 6.—The French bark Max, Captain Benoist, which was in collision with and sank the steamer Walla Walla, causing the loss of about forty lives, and which was towed to this port last night, was badly damaged in the accident. Her jib boom, made of hollow steel, was broken and twisted and the tip of it trailed in the water on the port side of the vessel and at about a right angle with the line of the hull. Her stem was twisted, and great gaping holes had been torn in her bow. There was one almost at the water line and another a few feet above. Only her water-tight compartments kept her from sinking. The French vessel left Glasgow 120 days ago bound for this port. She was in ballast and consigned to Frederick Henry. Her captain had little to say regarding the disaster except that his vessel was closely following the rules of the road when the steamer came under the bows of his bark. He declared that the lights of the Max were properly burning and displayed and that the men of his crew saw the steamer for a long time before the collision. He said:

We could think of no reason why the men on the steamer did not see us, and as the vessels approached, we became anxious. Then it was too late. The steamer had tried to cross our bows, but had failed. Just before the crash came the steamer swung slightly to port, as though an effort was being made to pass to our stern; but the change in her course had been made too late. The bark struck the steamer almost amidships on the port side. For a moment they hung together and then drifted apart. Our vessel was so badly damaged we thought she would sink, and, under the circumstances, we had all we could do to take care of ourselves. By daylight we had beaten well out toward the sea and were safe from the breakers; but our vessel was to a great measure unmanageable. Saturday morning we accepted a tow from the steam schooner Acme, which later was aided by the cutter McCulloch.

The captain added that he thought the lookout on the Walla Walla was intoxicated, but this charge is emphatically denied by Captain Hall of that vessel, who says there were three men on watch at the time.

Nineteen Men Drowned.

Lisbon, Jan. 6.—The British steamer Alfonso, from Newport, Dec. 15, for Gibraltar, and the Spanish steamer Vilelva, both loaded with coal, collided during the night of Jan. 4 off Aviero, Portugal. Both vessels sank. Eighteen men of the Alfonso and one man belonging to the Vilelva were drowned.

A MISTAKE.

Brooklyn Eagle.

Mr. Greyhound (at the dog show)—Heavens, how bow-legged those bullterrier puppies are.

Mrs. Greyhound (sympathetically)—Yes, poor things! Their mother shouldn't let them walk so soon!

TRAGEDY IN IOWA HOTEL

Neff of West Union Kills Miss Falb and Himself.

He Was Insanely Jealous and Attempted the Life of the Girl's Lover.

Special to The Journal.

West Union, Iowa, Jan. 6.—One of the most appalling tragedies that has ever occurred in West Union occurred last evening shortly after 8 o'clock, when H. M. Neff shot and wounded Emmet Sullivan, shot Rose Falb so that she died a few hours later, and then killed himself.

For some years Mr. Neff and Miss Falb have been keeping company and have been engaged. The wedding day had been set several times, but for some reason the marriage was regularly put off by Mr. Neff. Finally the girl tired of this, and several weeks ago she told him that it was all up between them. In the meantime, she had been receiving attention from Mr. Sullivan.

A few moments after 8 o'clock Mr. Neff came from his rooms in the Stam block, greeted Night Watch Colburn and walked directly north to the hotel. He entered the east door and went up the back stairs to Miss Falb's room. Here he found Mr. Sullivan and Miss Falb. Sullivan attempted to keep the door closed, but Neff forced it open, grabbed Sullivan by the collar, pushed his revolver into his face and fired. The ball entered one of his nostrils and ranged along the cheek bone. He is not dangerously hurt. Mr. Sullivan broke away from him and ran down stairs, the blood gushing from his wound in streams. The hotel people and others heard the first shot and started up stairs, meeting Mr. Sulivan coming down. Before they could reach Miss Falb's room several more shots were heard and when Clerk Otley entered her room she was found stretched on the floor covered with blood.

Mr. Neff was seen on his way to the back stairs as Otley turned at the head of the office stairs to go to Miss Falb's room. He went directly to his rooms, took off his overcoat and hat, threw the five empty shells from his gun, reloaded the weapon, placed it against his temple, pulled the trigger and dropped dead.

Several young men were in the Windsor club adjoining, and heard the shot. They went to his door and rapped several times, getting no response. After repeated efforts Lock Burnham and Ed Thomas broke in the door and Mr. Neff's body was found partly on the bed and partly on the floor.

Miss Falb had one bullet almost in the center of her forehead, another in or behind the ear and the third in her right breast. She never regained consciousness, dying at 12:30 this morning.

No cause is assigned for the dreadful deed except insane jealousy. Mr. Neff was ex-clerk of courts of Fayette county and one of the owners of the electric light plant.

Flirting Forbidden by Law

Albany, N. Y., Jan. 6.—A bill was introduced in the legislature to-day by Assemblyman William S. Bennett, of New York, making it a misdemeanor to flirt on a public thoroughfare.

YOUNG DEMS. AMBITIOUS

Policy in the Senate Is Agreed Upon.

'PINO INDEPENDENCE

Young Democrats Restive Under the Older Heads.

DISCONTENT IS BEARING FRUIT

Definite Policy Wanted to Bring Them Into Open Fighting With the Republicans.

Special to The Journal.

Chicago, Jan. 6.—A special to the Record-Herald from Washington says: To give the Filipinos their independence is to be the democratic policy in the senate. To-day the republicans of the Philippine committee will meet to consider the new bill providing a tariff on goods coming from and going into the Philippines, which has been under discussion for a week with Secretary Root. The democratic members of the committee will also meet and formulate a policy. They intend to declare in favor of a resolution similar to the Teller resolution on Cuba, which was adopted just before the war with Spain, declaring it to be the purpose of the United States not to exercise any permanent control over the Philippines, but to leave the government of the islands to the inhabitants thereof.

This attempt to have some sort of a democratic policy is the outcome of a great deal of discontent which exists among some of the younger democratic members of the senate. Young men like Bailey and Culberson of Texas and Dubois of Idaho complain that the older democrats, under the leadership of Jones of Arkansas, never had a policy concerning the Philippines, but have played second fiddle to the republicans. These younger men want a definite policy and one that will bring them into open fighting with the republicans. Of course they don't expect to secure any results, but they want something to talk about.

In the house the efforts of the democrats to adopt a policy appear to have come to naught. At the caucus held in December it was agreed to have another meeting Jan. 10. It is now admitted this caucus will produce no results. The resolutions which were offered last month will be withdrawn and the minority party in the house will drift along without a policy.

ALASKAN TITLE

Mining Case Settled by the Federal Supreme Court.

Washington, Jan. 6.—The United States supreme court to-day rendered an opinion in the case of the McKinley Creek Mining company, vs. the Alaskan Mining company, involving title to certain mining claims in Alaska. The contention was made that the Alaska company held no right to protection under the mining laws of the United States, not being a citizen of the United States. The court did not sustain this contention and affirmed the verdict of the district court of Alaska.

HEPBURN UNMOVED

Thinks His Nicaragua Canal Bill Will Win Out.

Washington, Jan. 6.—Representative Hepburn, chairman of the interstate and foreign commerce committee, says th enotification concerning the willingness of the Panama Canal company to sell its properties to the United States for $40,000,000, will in no way affect the progress of the pending bill, which he claims will pass by an overwhelming majority. He will try to get a vote on the bill Wednesday.

Ocean Vessels.

New York—Arrived: Minneapolis, from London.

London—Arrived: Minnesota, from Philadelphia.

MERGER WINS

Injunction in the Case of the Sleeping Car Companies Denied.

Chicago, Jan. 6.—Judge Tuley in the circuit court to-day declined to issue an injunction against the Pullman Palace Car company asked for by Truman A. Taylor, who sought to have that company restrained from purchasing the stock of the Wagner Sleeping Car company.

Mr. Taylor's attempt to defeat the merger took the form of a petition seeking to enjoin the Pullman Palace Car company from giving to stockholders of the Wagner company 200,000 shares in the consolidated concern, these being valued at $20,000,000. His action was taken following the meeting of Dec. 5, 1899, when the Pullman company agreed to purchase the Wagner company's entire equipment and business, to change the name of the expanded corporation to the Pullman company and to increase the stock from $54,000,000 to $74,000,000.

So many arguments were advanced by the petitioner that Judge Tuley felt the need of much time to properly consider the matter, and has devoted all possible attention to it during the past two years. His decision in almost every point is against Mr. Taylor. Mr. Taylor alleged that the Pullman people had no right under the laws of the nation and the state to buy the Wagner company. He said the company was endeavoring to create a trust and monopoly in the sleeping parlor car business of the country and preparing to limit and reduce the operation and number of cars and regular prices. He alleged that the Wagner company had not the right to dispose of its property under the laws of New York, as it would thus disable itself from performing the duties for which it was organized. In regard to the "anti-trust" arguments made in the petition, Judge Tuley held that the transaction by which the two companies became one was practically analagous to the ordinary business transaction of one may buying out the business of another.

JUDGE EJECTED

Sensational Sequel of the Magisterial Muddle in Brooklyn.

New York, Jan. 6.—The contest over the possession of the police courts of Brooklyn was continued to-day. The old magistrates who were appointed during the term of Mayor Van Wyck, maintained possession of two of the courts under a truce whereby the newly elected magistrates were to await further legal decision as to the constitutionality of the law under which they were elected.

In the Adams street court, however, a scene was created by an order from Walter L. Durack, an elected magistrate, to the police to remove Edward J. Dooley, a Van Wyck appointee, from the court-room. The police, acting under an opinion of Corporation Counsel Rives, recognized Durack as the legally elected magistrate and forcibly ejected Dooley. A policeman advanced to the bench and apologized to Dooley for disturbing him, declaring that he was only obeying orders.

"Well," replied Dooley, "you must take the consequences."

Two policemen then ascended to the bench and each seizing Dooley by an arm, lifted him bodily from his chair. As soon as the chair was empty Durack sprang into it and declared the court adjourned. Dooley, after his forcible removal, went to the office of his attorney.

Justice Marean in the supreme court issued an order Saturday directing the sheriff of Kings county to recognize the appointed magistrate on the ground that the law under which the contesting magistrates were elected were unconstitutional.

About the same time Corporation Counsel Rives gave an opinion in the police department holding it to be their duty to recognize the holding magistrates as legally elected.

LONG WRITES TO NELSON

Answer to Criticism as to Santiago Prize Money.

KNUTE WOULD KNOW

Denial That Navy Department Discriminated Against Schley

UNDER CLAIMS COURT DECREE

Declaration That Inequalities of Law Have Been Removed Through the Department.

Washington, Jan. 6.—Secretary Long has addressed to Senator Knute Nelson of Minnesota a long letter defending the navy department against what is declared to be the unfriendly criticism in connection with the distribution of prize money and bounty. The letter was called forth by one from the senator asking for information on this point for the use of a western newspaper. The secretary declares the criticism that the department has discriminated in favor of Admiral Sampson and against Admiral Schley in the distribution of prize money and bounty is unjust, because the department has no control over this matter; the money being distributed from the treasury and all questions of law and fact relative to prize and bounty having been determined by the courts.

The secretary calls attention to the laws touching prize and bounty as they existed at the beginning of the Spanish war, and says that though advised by the attorney general that it might make a distribution, the navy department preferred to place the matter in the court of claims, and so far from displaying favoritism adopted the most effective means in its power to secure a just determination by the courts of law of the rights of all concerned.

Touching the claim of Admiral Sampson for bounty at Santiago, the secretary says that the distribution was made under a decree of the court of claims, which he cites and from which no appeal was taken.

He further points out that, under the prize laws the commander-in-chief of the fleet is entitled to his "one-twentieth" of the bounty by virtue of his position as commander-in-chief, whether he is personally present during the engagement or not. Says the secretary:

As commander-in-chief Admiral Sampson would, therefore, under the law, have been entitled to his share of the bounty for the destruction of the Spanish ships at Santiago if he had been on the north shore of Cuba at the time. This was the law, for which the navy department is no wise responsible.

On this point the secretary says the department itself was the first to realize the inequalities of this law and to make the recommendation which led to its repeal, so that "a rather amusing feature of the attacks made upon the navy department," as the secretary puts it, is that the administration is blamed more than two years after it had cured the evil. The secretary concludes with an extract from the report of the auditor of the treasury for the navy department showing the status of the prize money and bounty cases yet unsettled, owing to delays in the courts, and predicting a settlement within the year.

Schley Sees the President.

Washington, Jan. 6.—Admiral Schley was with President Roosevelt about three-quarters of an hour to-day. The president sent for the admiral to come to the White House. At the conclusion of the conference Admiral Schley refused to discuss the object of his visit.

OFF FOR VENEZUELA

Warships Going to Protect American Interests.

Special to The Journal.

Norfolk, Va., Jan. 6.—Despite Pacific assurances from Washington regarding the situation in Venezuela, preparations for war are being steadily made. Colliers in Hampton roads are loading with arms and ammunition for the North Atlantic squadron and warships are still proceeding southward. A detachment of marines will soon leave here for Venezuela to protect American interests