

### STOCK NOT BE DISTRIBUTED

#### Harriman Wins a Point Against President Hill.

### AN INJUNCTION GRANTED

#### ANOTHER STEP IN NORTHERN SECURITIES CASE.

NEW YORK, July 15.—At the office of the Northern Securities company today in this city, it was said that President Hill would not say anything on the subject until at least after he had read the judge's decision.

Representatives of J. P. Morgan & Co., and E. H. Harriman said they did not care to discuss the decision until their attorneys had read it in full. It was said at Mr. Morgan's office, however, that an appeal would be taken.

### INJUNCTION NECESSARY

Judge Bradford devotes most of his opinion to the discussion of a legal question as to whether or not an injunction should be granted. He takes the position that as long as there is any doubt in the case and no injury can come to the stockholders, the injunction would be granted. He says further that the failure to grant a preliminary injunction would permit the distribution of the stock in the Northern Securities company to which Harriman and Pierce claim title, and put the complainants in a position where they would be unable to secure relief to which they were entitled should the case be decided in their favor on final hearing.

### ENTITLED TO BENEFIT OF DOUBT.

The judge also said that a preliminary injunction should be granted where it was absolutely positive that the complainants could not win the case when it came to a final hearing. The complainants, he said, are entitled to the benefit of every reasonable doubt as to the disposition of the case when it should come up on final hearing. It is not always easy to anticipate a judicial decision, even when all the facts had been presented. In the present case, he stated, the judge was of the opinion that upon which it would be necessary for the presentation of more evidence than is now before the court.

### INJUNCTION NOT INJURIOUS.

Judge Bradford, in discussing the advisability of granting a preliminary injunction, said that such an injunction would not interfere with the operation of either railroad, nor would it be injurious to the public. He said it might be contended that the injunction would interfere with the distribution of dividends on the stock of the Northern Securities company, but that it was within the court's power to require bonds to protect any stockholders from any possible losses. Judge Bradford, however, in his opinion, does not provide for the form of a decree, and asks that a form be submitted to him.

### FOLLOWED PRECEDENT.

In granting a preliminary injunction the judge has followed the precedent of the policy that controlled Judge Kinrick when the latter granted an injunction restraining the Pennsylvania Railroad company from taking down the poles and wires of the Western Union Telegraph company when the company had been ordered to remove those poles and wires from the streets as public property. The point then, as now, was that unless a preliminary injunction had been granted, the relief sought could not be obtained. It is believed that the decision will be granted in favor of the complainant on the final hearing.

### QUESTION OF TITLE.

The litigation turned largely on the question as to the title to the Northern Pacific stock which E. H. Harriman and Winslow Stever put into the combination and which amounted to about \$75,000,000. The contention of the Northern Securities company was that the stock had become the absolute property of that company and that it was perfectly legal for the Northern Securities company to carry out the pro rata plan of distribution upon which the company had agreed. Harriman contended that by reason of the corporation being declared illegal by the United States supreme court, title had not been passed from Harriman and Stever and in consequence they were entitled to have returned to them the particular stock they had put into the combination, and which involved control of the Northern Pacific company.

### ALLEGED GRAFTERS HAVE BEEN RELEASED

St. Louis, July 15.—William H. Ellis, checker, and Charles Stiller, inspector, of the world's fair, were released from the world's fair today after having served about twenty-four hours in the hope of getting out of the fair grounds. It was reported that the two men had been arrested for alleged grafting.

### CHOLERA REPORT DENIED.

St. Petersburg, July 15.—A special dispatch to the Novos Vremya from Tabaria, Georgia, denies the existence of cholera there.

### PACKERS REPLY TO THE STRIKERS

#### Representatives of the Two Sides Did Not Meet.

### PRICE OF MEAT ADVANCING

#### EMPLOYERS TRYING TO USE NON-UNION HELP.

CHICAGO, July 15.—Negotiations for peace in the butchers' strike are at a standstill tonight and the strike will continue until one side or the other abates the demands made up to the present time.

Both sides are anxious for a peaceable settlement, but the stumbling block to a final adjustment is that neither side is prepared to allow the other to continue until their attorneys had read it in full. It was said at Mr. Morgan's office, however, that an appeal would be taken.

### READY TO ARBITRATE.

In their answer to Mr. Donnelly the packers declared themselves ready to arbitrate, but stipulated that the arbitration should include the entire scope of the strike and not be limited in any way. This communication of the packers was identical with the one sent yesterday by them to Mr. Donnelly, and to which his counter proposition of today was a reply.

With the reply of the packers was sent a note to Mr. Donnelly advising him that they would be ready for his desired another conference with them they would be pleased to meet him in another effort to reach a basis of agreement. No arrangements have as yet been made for the conference, but the reply of the unions to the latest note of the packers will be sent tomorrow morning, after which Mr. Donnelly will leave for St. Louis, where he will address a mass meeting of strikers Sunday afternoon.

### STRIKERS' LATEST PROPOSAL.

Mr. Donnelly's latest proposal to the packers follows:

All grievances to be submitted to arbitration; all strikers to be reinstated in a body, men employed by the packers since the strike may be retained if use can be found for them; the temporary wage scale to be that in effect previously to May 28. This means that unskilled labor is to be paid, pending the distribution of the stock, the strike cents, instead of 15 to 17 1/2 cents, the price paid since May 28.

Following is the reply of the packers to the proposal of Mr. Donnelly:

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### WORK CONTINUES.

The work in the packing plants in Chicago was continued today on a much larger scale than at any time since the strike began. Many new men have been employed and the packers declare that they are doing better than they expected they would be able to do at the time of the employees quit work.

With the increase in working forces the packing houses today were able to fill all orders for meat. The work is on a sufficiently heavy scale to warrant some buying at the yards in the morning. Workmen who have taken the places of the strikers are working hard while in the yards, and as long as they continue at work, the packers declare, a meat famine can be averted for many weeks.

Around the stock yards today the expressed opinion was that the strike would last another week. Commission men and feeders who are generally in touch with the situation, sent dispatches to shippers throughout the country advising them to hold their livestock until the end of the week, especially to refrain from sending the usual heavy shipments Monday morning.

### UNDER DIFFICULTIES.

Packing Houses at Kansas City Continue Business.

KANSAS CITY, July 15.—Five packing houses operated today. Schwarzhild & Scherger killing sheep for the first time since the strike began. A number of new men were still at work at each plant, but the rest of the men were on their usual quota.

The strike leaders say they are making good progress in the strike, and that they have persuaded nearly a hundred hired men Monday to join the union. They also say that they have secured some cooper and boxmakers, who struck on Wednesday and Thursday.

Representatives of Armour, Swift, Cudahy, Fox and Schwarzhild & Scherger, who are in the market today for stock, and quickly cleaned up the supply.

Retail dealers in the packing house district have announced the price of meat from one to two cents a pound, but there will be no change in the market until the shops and big dealers reiterate that they will make no further advance.

At the stock market the market closed today. Armour & Co. posted a notice to the effect that they would be on the market tomorrow for 4000 hogs.

### LITTLE KILLING DONE.

Omaha Packers Were Not in the Market Yesterday.

OMAHA, Neb., July 15.—Twenty-five cars of hogs and two cars of cattle were received at the stockyards today, most of which were sold to small independent buyers. The market was not in the market.

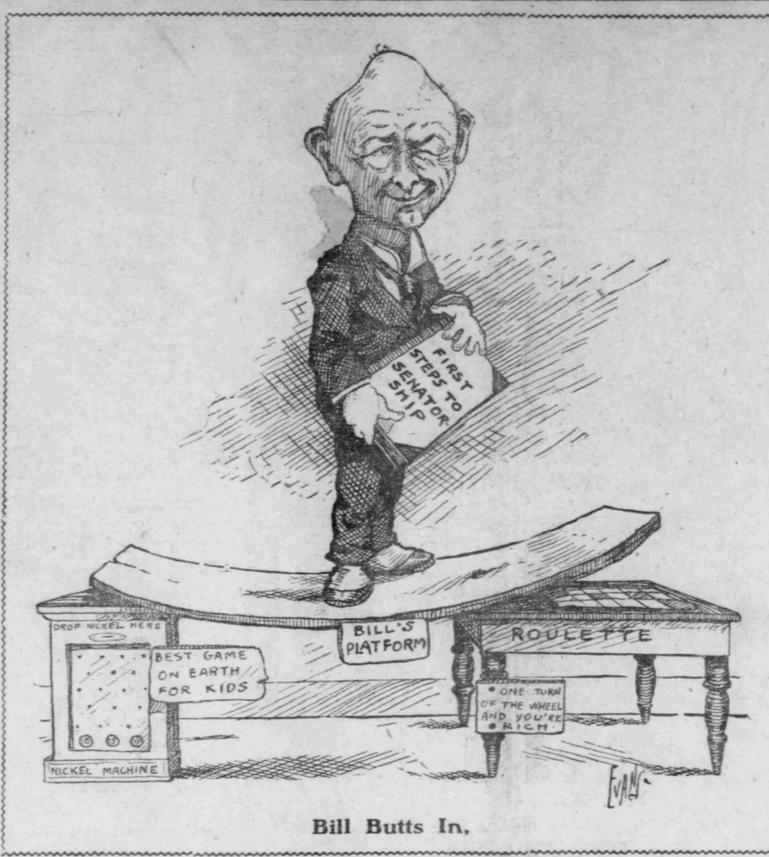
Little slaughtering was done at the South Omaha abattoirs today, and but few men were at work.

There was no disturbance in the packing house district. Employers are hiring such men as present themselves for work, but pickets are permitting very few non-union men to pass through their lines.

### BLACK HILLS AFFECTED.

Deadly S. D. July 15.—The Black Hills will be seriously affected by the packing case strike. Although the Black Hills is in the center of one of the largest cattle shipping districts, very little of the meat used comes from the range cattle. The packing companies are also located in Deadwood, from which point meat is distributed to all parts of the hill country.

A raise in price has occurred and the managers predict a still further advance.



### WILL MAKE VERY FEW SPEECHES

#### Ex-Senator Davis, of West Virginia, Goes to New York—Will Confer With Judge Parker and His Advisers.

ELKINS, W. Va., July 15.—Henry G. Davis expects to leave Elk in the private car Graceland tomorrow morning for New York City to join a conference of Democratic leaders. Mr. Davis does not expect to make any formal speeches during the campaign, except that he will follow the McKinley method. He has expressed his approval of the McKinley method. If he cannot avoid it, he will make a few speeches, but under no circumstances more than six. Charles M. Hendley of Washington, D. C., formerly secretary of the West Virginia Central railway and later a clerk in the White House, will assist Mr. Davis during the next three months and will conduct his campaign.

John T. McGraw of Grafton, W. Va., will be in charge of the campaign. It is said that Mr. McGraw, who is the West Virginia national Democratic leader, has the Democratic forces in this state well organized, and he is booked to succeed Scott in the senate in the event of the election of a Democratic legislature. Mr. McGraw and Mr. Davis have always been very close personally.

Senator Davis has accepted Judge Parker's invitation to visit him at Rosemont, said Secretary Robbins today, "but the date is uncertain, depending upon the length of the conference which begins in New York on Monday. Nothing more than this can be given out now."

### MANY OLD COMMISSIONS, FOUND AFTER HALF CENTURY, AWAIT CLAIMANTS

The military records of Utah prior to the establishment of the national guard in 1894 are being collected and filed in a modern cabinet system by Adjutant General Charles S. Burton, in which shape they will form part of the permanent records of the adjutant general's office. Among the papers of pioneer days were found a number of commissions of officers in the forces organized to fight the Indians against the army. As these belong to the officers for whom they were made, an effort is being made to locate those who are still alive or their immediate descendants in order that they may receive these interesting souvenirs of former service. The commissions for the following named still await claimants: Lieutenant Thomas Frazier, Lieutenant C. P. Pilsbry, Lieutenant J. Pilsbry, Captain Robert Kirshaw.

### STORY OF THE MURDER OF JOHN VAN GORDER TOLD IN COURT

Belmont, N. Y., July 15.—The whole story of the murder of John Van Gorder and his half-sister, Anna Farnham, at the Van Gorder homestead near Angelica, on the night of May 3, was told to the witness stand by Giuseppe Versace, one of the slayers. Versace made a desperate effort by putting the brunt of the crime on the other slayer, who was convicted yesterday, to secure a life sentence, but after fifteen minutes' deliberation the jury returned a verdict finding him guilty of murder in the first degree. Pasquale Olivita and Sebastiano Pizzatti, also indicted for the murder, were discharged.

Versace's story of the crime follows: "On the night of May 3, I was with John Van Gorder and his half-sister, Anna Farnham, at the Van Gorder homestead near Angelica, on the night of May 3, was told to the witness stand by Giuseppe Versace, one of the slayers. Versace made a desperate effort by putting the brunt of the crime on the other slayer, who was convicted yesterday, to secure a life sentence, but after fifteen minutes' deliberation the jury returned a verdict finding him guilty of murder in the first degree. Pasquale Olivita and Sebastiano Pizzatti, also indicted for the murder, were discharged.

### UNNATURAL MOTHER COMMITS SUICIDE

Everett, Wash., July 15.—News has been received here from Machias that Mrs. Jennie Holcomb committed suicide by shooting herself with a revolver. On her dress was pinned a note confessing her guilt of the murder of her child by means of poison. The child died July 11 and owing to the peculiar circumstances surrounding its death, the coroner's jury investigated with the result that suspicion attached to Mrs. Holcomb. Fearing arrest, she committed suicide. The father of the child is said to be in Spokane.

### CRAZED BY CARE

Buffalo Man Kills Wife, Daughter and Himself.

BUFFALO, N. Y., July 15.—Edgar T. Washburne of the firm of Heathfield & Washburne, shot and killed his wife and 15-year-old daughter today at their residence and then committed suicide. It is believed the deed was committed while Mr. Washburne was suffering from a temporary fit of insanity. He had written a letter to a relative recently, saying he was having trouble in business.

### FREIGHT SHEDS BURNED.

Duluth, July 15.—The big freight sheds of the Great Northern were burned this afternoon, causing a heavy loss, as yet undetermined. Several of the freight handlers were severely burned before they could escape. Three trugs lying at the docks caught fire. Two are a total loss and one badly damaged.

### RUSSIANS ON THE WATCH.

Island of Piram, Straits of Babel-Mandab, July 15.—The British steamer Dragon, at 4 o'clock, outward bound, signalled the Russian cruiser in the Red Sea. Two Russian submarines were observed, which passed her at midnight, and are believed to be Russian cruisers bound for Hindi, French Somaliland.

### LOSS PROBABLY EXAGGERATED

#### There Was Evidently a Battle at Port Arthur.

### JAPANESE GIVE NO DETAILS

#### RUSSIANS NOT IN A POSITION TO KNOW.

LONDON, July 16.—The correspondent of the Morning Post cabling under date of July 15, says: "A naval engagement took place at Port Arthur."

LONDON, July 16.—The Tokyo correspondent of the Times, in a dispatch filed at 9:45 p. m. July 15, says that the St. Petersburg story of a Japanese repulse with heavy casualties at Port Arthur, July 10, is wholly discredited. It is believed that the story originated in Shanghai.

### RUSSIANS NOT IN A POSITION TO KNOW.

PEKING, July 15.—(Nooon).—The report of the Japanese repulse at Port Arthur is not confirmed here. It is considered an official report that it is probably heavy fighting has occurred, but the immense loss of 28,000 men reported is exaggerated in all quarters as much as exaggerated.

LONDON, July 15.—A dispatch to the news agency from St. Petersburg says that the Russian government has received a report from Port Arthur confirming the report that the Japanese sustained considerable losses on July 11, the exact particulars of which have not yet been ascertained. According to the Russian official reports, the Russian losses were 28,000 men, and the Japanese lost 10,000 men.

### DEMOCRATIC LEADER'S FLUNGE IN THE HUDSON.

ESOPUS, N. Y., July 15.—The heaviest mail in the history of Rosemont came in for Judge Parker today, and an enormous number of letters went out.

Almost every state in the Union was represented in the mail. Judge Parker allows nothing unpertinent to interfere with his early morning swim, and bright and early he was in the Hudson. The early trip of the steamer Mary Powell sometimes brings word to the Rosemont wharf just as he is taking his swim, and the passengers try to see the candidate at his diving. It is an expert, but he always returns to the boat house until the steamer is gone.

Judge Parker was unusually early going in for his forenoon ride, going away before he had received his mail, but he had not seen Mr. Bryson's last statement relative to the Democratic platform, when he was asked about it as he was starting for his ride.

### LETTER FROM MILES.

Judge Parker received a letter today from General Nelson A. Miles. The entire letter is in general terms, and is as follows: "St. Louis, Mo., July 16.—Hon. Alton B. Parker, Esq., N. Y.—Dear Sir: I have been thinking of you very much of late, and I am glad to hear that you are so well. I am sure that your patriotic questions must be decided, it is fortunate that the Democratic party has been elected to the country, and I am sure that the president in whom that great circle of representative men have every confidence, and we have the best reasons for believing that the country will be confirmed by the intelligent patriotism of the people of the country."

### REDUCED ESTIMATE.

JAPANESE NOW SAID TO HAVE LOST 25,000 MEN.

TAIPEI, July 15.—Delayed in transmission, the latest reports regarding the attempted storming of Port Arthur on July 10 place the Japanese losses in killed or wounded at 25,000, and those of the Russians at 5,000. The Japanese retired and the Russians occupied the position.

The Japanese have now changed their frontal position to a big battle, and are expected at the eastern portion of the defenses owing to the Japanese turning movement.

A Japanese spy was captured today. He was dressed in the garb of a Chinese, and was remarkably cool and determined in demeanor. He said he was a Korean living in the Japanese colony for twelve years and loved that country. Thousands like him, he declared, were convinced that the Japanese eventually would be victorious, and he advised the Russian to sue for peace as soon as possible.

### FIGHTING IMMINENT.

JAPANESE ENTRENCHED SIX MILES SOUTH OF TA TCHU KIAO.

LIAO YANG, July 15.—Fighting is imminent at Ta Tchu Kiao and Hai Cheng. The Japanese are entrenched six miles south of Ta Tchu Kiao. Much skirmishing is taking place. The weather is favorable for the movement of troops. No rain has fallen for a week. The thermometer has registered as high as fifty degrees centigrade. It is rumored that a Japanese column has appeared on the Mukden road.

There are several Japanese wounded at Liao Yang. They are well treated and contented. Their sole anxiety is caused by the prospect of wintering at Moscow.

### AMERICANS WERE CALM.

ST. PETERSBURG, July 15.—(6:25 p. m.)—A correspondent of the St. Petersburg Gazette, in a cable letter, described the incidents at the battle of Vangango, says: "Lieutenant Volkoulin stood by two American attaches, Lieutenant Colonel Walter S. Church, U. S. A., and Captain William V. Judson, United States marine corps. He was greatly impressed by their soldierly bearing. They did not leave the field for a single minute, but stood calmly observing the battle raging around, and unconcernedly smoked cigars, although shells were bursting and bullets whizzing."

### HAND CAR RUN DOWN BY A FREIGHT TRAIN

EMPORIA, Kan., July 15.—A freight train ran down a handcar today on which four young persons were returning from the country. John Owens was killed and Arthur Denham and Pearl Miller were fatally injured. The freight train, after striking the handcar, passed on without stopping. The bodies of the three persons were not found until two hours later. Owens and Denham were roundhouse employees.

### FIRST PAYMENT DEPOSITED.

ST. LOUIS, July 15.—The first payment of \$500,000 on the government loan of \$1,000,000 to the Louisiana Purchase Exposition company was deposited in the sub-treasury at St. Louis today. The best answer to any talk that the exposition company would be deposited in the sub-treasury is the fact that the money is now in the sub-treasury.

(Special to The Herald.)  
Washington, July 15.—Myrtle W. Covey has been appointed postmaster at Lemhi agency, Idaho, succeeding Cornelia Yearlan.

### WENT OVER DAM.

PITTSBURGH, Kan., July 15.—Four persons all of this city, were drowned tonight in Spring river, and eighteen miles east of here. The bodies of the four were recovered. H. A. Stamm and wife, Miss Katie Stamm and Louise Myers, were the victims. They were on a boat which was near a mill dam, which upset the boat.

### DOOLEY AND THE "DIMMYCRATS."

The sage of Archey Road attended the big pow-wow of national sachems at St. Louis and is ready to give the public the benefit of his shrewd observations. Under the head of "The Dimmycrat Convention" he will take the readers of the Sunday Herald tomorrow into his confidence.

John Mitchell, the president of the United Mine Workers, will contribute the first of a series of articles. It is supposed to be "How the London Workingman Lives."

### GENERAL MILES WRITES LETTER

#### Greatest Living American Soldier Supports Parker.

### HEAVY MAIL AT ESOPUS

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### SALOONKEEPER SHOT AT OGDEN

#### Pat Smythe Dangerously Hurt by James Bottomer.

### LATTER ACTED DELIBERATELY

#### SAID HE HOPED SMYTHE WOULD DIE.

(Special to The Herald.)  
OGDEN, July 15.—Pat Smythe was shot and dangerously, if not fatally, wounded this afternoon at 3 o'clock by James Bottomer, who immediately gave himself up.

Bottomer told the officers and returned a little later to reporters that he fired the shot deliberately; that he was not sure he would not kill him, but he was sorry. There had been trouble between the two men since last March. Bottomer, who was employed as watchman at the Bear Hotel, said that the Ogdenville-Lucien cut-off, claims that he was cheated out of \$300—part of a sum which he had left there with Smythe at the latter's saloon for safe keeping. Smythe's friends deny this.

Smythe is proprietor of the Royal Exchange saloon, 27 1/2 Twenty-first street, and was behind his own counter when shot. The place was being fixed over and there were in the saloon at the time two carpenters, two paper hangers, two boys playing pool and two other young men, Charley Irwin and Jimmy Keenan. Keenan had his back to the front door, and was sitting at a table. Irwin was leaning over the bar drawing a glass of water and Smythe, according to his own account, was behind the bar and separated by a low partition. Irwin says he heard no conversation between the two men, but that he was startled from him by the swinging doors and the partition. He heard the shot and saw the smoke, but at first thought it was a firecracker. Smythe, however, staggered back behind the bar, holding his hand to his breast and saying, "Charlie, I'm shot." Irwin was shouting to the rear of the saloon when the man who had done the shooting pushed through the swinging doors, gun in hand, as though to shoot again.

Irwin shouted, "He's coming again, boys," and there was a general scattering of the crowd. Bottomer was not further to shoot, and Irwin helped Smythe out at the back door and into Giddings' hotel, where he was taken to the lawrence hotel and attended by Dr. Conroy.

The bullet had gone clean through the right side of his body, entering just below the right nipple, ranging downward and out at near the small of the back, striking a rib, passing through the lung, and exiting in the back, where it was buried in the tissue, burying itself in the first upward.

At the city jail when visited by reporters, Bottomer declined to talk. Later he said that he acted in self-defense. That he referred to their trouble of last March and insisted that he was not the man who shot Smythe was making a hostile pass toward him when he drew his gun and fired.

"I'm not trying to get out of it. I shot and I meant to kill. He ought to die, and I hope he will."

Bottomer is 37 years of age. He says he was for many years employed as teamster for the government, principally in Montana. He was with Custer's brigade at the battle of Big Horn, and was later with Custer at the latter was at Fort Yellowstone.

Trouble Over Time Checks.

After spending several hours in jail Bottomer talked more freely of the case. He said the first interview he had was in March, when James Bottomer came out of the jail with a discount charged by the bank on his check. His attorney's bill was \$20 more than that he was out \$100 and felt that a lot of it was represented by an unjust discount for several days. He said that Smythe readily gave up the checks, but simply insisted that this money be returned to him.

Ernest Magney was the first man to take him after the first interview. He said that in March, when James Bottomer came out of the jail with a discount charged by the bank on his check. His attorney's bill was \$20 more than that he was out \$100 and felt that a lot of it was represented by an unjust discount for several days. He said that Smythe readily gave up the checks, but simply insisted that this money be returned to him.

Magney kept him all the officers arrested for robbery at the county jail. He said that Bottomer had often told him that he was a good man, and he made that old matter right.

Dr. Conroy, who has examined Smythe, says he is in good condition and is expected to be discharged in a few days. At midnight he was resting well and in any event no serious developments are expected for several days.

Smythe has a family and is a brother of D. A. Smythe, proprietor of the European hotel.

### CASES NOLLED.

Miners Charged With Dynamiting All Released.

CENTRAL CITY, Colo., July 15.—District Attorney Thurman has nolleed the case against Ross Sanborn, Joseph Cabonetti and Frank Napolitano, charged with the dynamiting of the Sun and Moon transformer house and plant near Idaho Springs a year ago.

This action finally dismisses that incident, so far as the courts are concerned, the state having failed to secure conviction of any of the numerous members of the Idaho Springs miners' union charged with complicity in the crime.

### CATTLE "DETECTIVE" ACCUSED OF MURDER

Cheyenne, July 15.—Jim McClood, cattle detective, who is serving a four-year sentence in the Wyoming penitentiary for the murder of a man in the office, will be placed on trial at the end of his term for the murder of Ben Minnick at the town of Hartsville, in the county in 1902. McClood escaped from the prison at Leavenworth, Kan., in 1888, when serving a sentence for highway robbery.

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### DOOLEY AND THE "DIMMYCRATS."

The sage of Archey Road attended the big pow-wow of national sachems at St. Louis and is ready to give the public the benefit of his shrewd observations. Under the head of "The Dimmycrat Convention" he will take the readers of the Sunday Herald tomorrow into his confidence.

John Mitchell, the president of the United Mine Workers, will contribute the first of a series of articles. It is supposed to be "How the London Workingman Lives."

### WENT OVER DAM.

PITTSBURGH, Kan., July 15.—Four persons all of this city, were drowned tonight in Spring river, and eighteen miles east of here. The bodies of the four were recovered. H. A. Stamm and wife, Miss Katie Stamm and Louise Myers, were the victims. They were on a boat which was near a mill dam, which upset the boat.

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