

# A PROPER SNUB

### The Emperor of Japan Notifies the Cleveland Administration

## TO MIND ITS OWN BUSINESS

### And Not Meddle in the War, Even at the Request of Conquered China.

WASHINGTON, Nov. 21.—The state department has received a cable reply from Japan, through Minister Dunn at Tokio, to the United States suggestion of mediation. The Japanese legation at Washington has also received from the foreign office in Japan a cable stating a reply had been made and giving its terms. Both were received here Sunday afternoon. The fact that they had been sent first became known through a dispatch to the Associated Press from Tokio. This much having become known officials here made no further concealment of details of the reply. The cable to Secretary Gresham is accompanied by unusual dignity and formality in having the imperial sanction of his majesty the emperor of Japan. It is rarely the emperor speaks in diplomatic negotiations, so his action in this case is evidence of Japan's desire to express its approval of the course of the United States. The message is in two parts: First, giving imperial expression of good will and saying the success of the Japanese army has been such that China should approach Japan directly. The second part is more directly from Minister Dunn and expresses the view of the Japanese foreign office that China, having no minister at Tokio, should submit a direct proposition through Minister Dunn. Cables to Minister Karino are substantially the same as the foregoing.

### SUB Winning Victories.

WASHINGTON, Nov. 21.—The Japanese legation here has received the following cable: A portion of the army under Marshall Yamagata attacked Hsin Yen, where the enemy's force was reported to be 20,000 at 6 a. m., Nov. 18, and succeeded in taking the place by 9 a. m. The enemy fled northwest. Five cannons were captured.

### ONE MILLION.

The Steinway Trust Declared to Be Contrary to Law.

NEW YORK, Nov. 21.—Justice Ingraham, in the supreme court, has declared invalid the \$1,000,000 trust created by W. F. T. Steinway in his will for the benefit of his nephews and nieces. Mr. Steinway died in March, 1889. By his will he left most of his property to his executors in trust for his brothers and their children and the children of his sisters. He directed that 4,000 shares of the Steinway company be held by the executors as trustees until Jan. 1, 1904. After that date the beneficiaries or their heirs were to take absolutely. Henry W. T. Steinway brought suit to determine the validity of the trust. Justice Ingraham says that the trustees cannot dispose of the stock until 1904, and the will might as well, as far as the power of alienation goes, make the trust good until 2004. He holds that the tying up of the stock for twenty years from the time of making the will conflicts with the statute forbidding a trust from being tied up for more than two lives in being.

### SPARRING FOR TIME.

Russell Sage and George Gould Fail to Make Answer.

NEW YORK, Nov. 21.—Justice Truax, in the supreme court reserved decision yesterday on a motion of Col. E. C. James, representing Russell Sage and George J. Gould, and the executors of the will of Jay Gould, for an extension of time to answer in the suit brought against them by the Soldiers' Orphans' home of St. Louis to recover \$11,000,000. Col. James said he had only been brought into the suit a few days ago on his return from Labrador, and had not had time to examine the papers.

L. J. Morrison opposed the motion, and said that if the defendants were given twenty days more they would want twenty years before they got through, and then they would never file an answer.

### DECAYED TO HIS DEATH.

A West Virginia Physician Murdered, Presumably by Riotous Miners.

CHARLESTOWN, W. Va., Nov. 21.—Dr. A. C. Aultz of Montgomery, Fayette county, was called from his bed at 3 o'clock this morning to attend what was alleged to be an urgent case on the opposite side of Morris creek.

At 7 a. m. he had not returned and his family began a search for him. About 9 o'clock a man passing over Morris creek bridge saw his body lying on the jagged rocks on the bank of the stream fifty feet below.

Examination showed that there had been a desperate struggle on the bridge. The doctor's coat had been torn in several places and he had been struck with some blunt instrument. The fall upon the rocks had left hardly a whole bone in his body.

Persons living near the bridge heard

screams between 3 and 4 o'clock, but supposed they were from some drunken miners.

The theory is that members of the mob indicted for murder during the coal riots have put Dr. Aultz out of the way to keep him from testifying about dressing their wounds.

### COPPER MARKET.

Still Talk of Combination to Reduce the Production.

The New York Mining and Engineering Journal of last Saturday has the following to say of the copper market:

"The market has been very quiet and not much business has been doing. Consumers are evidently very anxious to buy at low figures, but find no encouragement on the part of holders. There are still a great many rumors to the effect that negotiations are being carried on to restrict production between the principal producers, but no definite news can be obtained, and if negotiations are pending they are conducted in the strictest secrecy. The event of the week was a sale of about 6,000 tons of Boston and Montana matte, containing very little silver, which material was put in store here during the year 1888 for account of the French syndicate, and it has always been understood that there was some litigation about this lot. The selling price is 8s. 3d., c. i. f. Liverpool, and considering that the cost price was at least 15s., and that there was about six years' interest, rent, fire insurance, etc., to be added, one can easily calculate that hardly anything will be left when the returns are made. Consumption of copper here is said to be rather satisfactory. The exports for this month are likely to be heavy, as the above 6,000 tons of matte representing more than 3,000 tons of fine copper, will, we understand, be shipped promptly. For lake copper we have still to quote 9 1/2 c., but at this price the principal companies are not in the market. Electrolytic copper is worth 9 1/2 c., and casting copper 9-9 1/2 c."

"Lewis & Son's Liverpool monthly report of November 1st says: Shipments from the United States to Europe for the past month show a considerable falling off, being about 4,800 tons, against an average of 6,900 tons for the previous three months, and against 11,473 tons for October last year. Rumors have been rife with regard to a satisfactory conclusion of the negotiations to limit production, but in the absence from New York of the representatives of the company most largely interested, no definite settlement has yet been made. If the larger producers would agree not to increase their output it would appear that this would be all that is required to insure stability to the market. The returns made by American producers give a production for the past twelve months of about 142,000 tons, against 130,700 tons for the previous twelve months, while the export has been about 81,000 tons, against 70,700 tons, leaving 61,000 and 60,000 tons respectively for home consumption. As, owing to the currency crisis and tariff agitation, consumption in the United States the past years has been much interfered with, an increase on these figures may reasonably be anticipated in the future, reducing the quantity available for export."

### NAPOLEON REPLIC.

A Lock of Hair Brings \$50 at an Auction Sale.

NEW YORK, Nov. 21.—The sale of rare objects of the Napoleonic period and relics said to have belonged to that conqueror, has been concluded at the Fifth avenue auction rooms. A piece of tapestry from the emperor's bedroom at St. Helena brought \$97.50. A good sized lock of his hair went for \$50. The ribbon of the Legion of Honor, epaulet straps and plastron worn by him, with an autograph letter of Evrard, the emperor's valet, giving testimony as to the authenticity of the relics, sold for \$245. A large Sevres vase, with two portraits of Napoleon and Josephine (signed by Maglin), brought the same amount. The highest price paid was \$570 for a pair of bronze candelabra.

### POLICE COURT NOTES.

Two Suspicious Vagrants Who Tried to Sell a Watch.

Two men, named John Mitchell and James Wilson, were before Judge Hawkins Monday on a charge of vagrancy. They were arrested while trying to dispose of a watch which the police had every reason to believe was stolen, from the fact that their story of purchasing it was found to be entirely false, but as the marshal could get no evidence as to whom it belonged, he preferred the charge of vagrancy and the court imposed a fine of \$25 and costs on each of the men, giving them two hours to escape serving it out by leaving town.

John Fisher, an old prospector, who was let off light by the court on a charge of drunkenness a few days ago, was up again on the same old charge, and this time the court gave him three days on the chain gang.

Alex Berquist gave himself up as a vag, because he had no place to sleep and no money to get anything to eat and the court dismissed the case against him and told him to try and hustle a job for himself.

James Scott, who had been warned to leave town and neglected the advice, was given six days on the chain gang.

### The Reason Why.

CHICAGO, Nov. 21.—The body of G. M. Lindsey, a salesman for Hyman Berg & Co., jewellers, was found in the lake south of Chicago this morning. He left home yesterday. He is said to be \$30,000 short.

### Illinois Farmers.

MOUNT VERNON, Ill., Nov. 21.—The Horticultural society of Southern Illinois holds its 21st annual meeting in the court house here, commencing today and continuing three days.

## THE NEW ELECTRIC CITY CLUB

It Is Practically a Reorganization of the Old Rainbow Club—List of Members.

Description of the New Club Rooms—They Will Be Open on Dec. 1.

When the hard times came along and banks were closing their doors and men who had been in the habit of spending money liberally began to cut down every unnecessary expense, the old Rainbow club, which had once been a very prosperous institution, entered on rocky times and was finally obliged, like some more important concerns, to close its doors, much to the regret of many of the citizens. However, since prosperity has once more visited the city a number of gentlemen determined to again have a first-class club house. The result of several consultations and meetings among those interested was that a new club, to be known as the Electric City club, was organized and articles of incorporation have been signed and duly filed with the county clerk. The membership of the Electric City club is largely composed of the old members of the Rainbow club, and the following are its officers:

President—F P Atkinson.  
Vice President—H P Brown.  
Secretary and treasurer—F F Shur.  
Trustees—Paris Gibson, H P Brown, W S Frary, F P Atkinson, L G Phelps, F F Shur, J H McKnight, E G Macley and A M Scott.  
Steward—Ed Sims.  
The following will constitute the initial membership of the new club:

### CITY MEMBERS.

- W D Dickerson, A E Dickerman,
- O F Wackworth, Jr, W H Golethorpe,
- T E Collins, P Kelly,
- A G Ladd, B D Townsend,
- J F McClellan, Frank Coombs,
- E G Hansen, G H Goodrich,
- RS Ford, Frank Klepetko,
- A F Longway, B Lapeyre,
- John A Sweet, W T Piggot,
- Robt Blankenbaker, J H Fairfield,
- Wm Roberts, H P Brown,
- C N Dickenson, Thos E Brady,
- J F Adams, W J Kennedy,
- B B Kelly, F P Atkinson,
- W F Cockrill, W M Abrecht,
- W F Wren, S E Atkinson,
- L G Phelps, Wm Silverman,
- Joseph Silverman, E G Macley,
- J H McKnight, Gowen Ferguson,
- Ira Myers, Harry B Hill,
- Jere B Leslie, W S Frary,
- Paris Gibson, A M Scott,
- W E Chamberlin, A W Kingsbury,
- H F Collett, F F Shur,
- Frank M Smith, James O'Grady,
- Gold T Curtis, R P R Gordon,
- E W King, Matt Dunn,
- L R Fortune, John J Case,
- D W Bateman.

### OUT OF TOWN MEMBERS.

- Dudley DuBose, Fort Benton.
- John Fleming, Chicago.
- J. E. Bower, Stanford.
- George L. Tracy, Helena.
- P. B. Buchanan, Willow Creek.
- Charles D. Elliott, Willow Creek.
- J. F. Woimesary, Helena.
- S. N. Dickey, Belt.
- John Lepley, Fort Benton.
- John D. Waite, Utica.

The club have secured rooms over the Cascade bank and for the last few weeks the workmen have been busy getting them ready for the occupancy of the club, which hopes to be able to open up their new quarters by the first of the month with a banquet. A TRIBUNE reporter was shown through the club rooms yesterday by Suprenant & Desilets, the contractors, who have had charge of the decoration of the interior. They have made a very handsome job of it and the club will have most convenient and elegant quarters. The parlor occupies the Central avenue frontage and is separated from the bar room by a partition of polished oak and stained glass, with ornamental panels and devices in wood representing electric rays. The room is frescoed in blue and gold, also in a design representing the electric flash. The bar room is frescoed in terra cotta and gold, with rococo ornamentation. On the north of the bar room is a large billiard room, also finished in terra cotta and gold, with ray ornamentation. The windows in this room look out on the alley. The card room opens out of the billiard room and also receives its light from the rear windows. It is frescoed in buff, with gold ornamentation. The reading room occupies the west side of the building and contains an alcove for the secretary's desk. A lavatory is connected with it, and also a small room or closet for holding files of magazines and papers. It is one of the prettiest rooms in the whole suit, being delicately frescoed in pearl with gold and silver ornamentation. Messrs. Suprenant & Desilets are certainly entitled to much credit for the choice and beautiful manner in which they have decorated the club house quarters. It is not the intention of the club to do any cooking, but lunches can be ordered at neighboring restaurants and brought to the club house if desired. Altogether the Electric City club promises to "fill a long-felt want" and furnish a cozy and comfortable place for the business men to meet, and also a place to entertain strangers who visit the city. A glance at the list of membership is sufficient to convince anyone that it starts out on a solid business basis and is likely to have a long and prosperous course before it.

### THE BOND DECISION.

Full Text of the Decision of the Supreme Court on the School Bonds.

The following is the full text of the supreme court decision as far as it relates to the ground on which the school bonds were declared invalid:

Under the statute quoted in the statement above (section 1,950, as amended), a majority of the school trustees must first decide to submit the question named in the statute to the electors and the electors must then vote upon the proposition submitted. That which the trustees may decide to submit to the

electors and upon which the electors shall vote is plainly stated in the statute. It is whether authority shall be given the trustees to issue coupon bonds in a certain amount (within the limit defined by the statute) and bearing a certain rate of interest, (within the limit fixed by the statute) and payable and redeemable at certain times, and for certain purposes. So it seems that in an election upon this question of issuing bonds of a school district, the matter submitted to the electors contains several propositions, as follows: First, the amount of bonds; second, the rate of interest which they shall bear; third, the time when payable; fourth, the time when redeemable, and fifth, the purpose for which the money is to be used. Consulting the notice published by the school trustees, set forth in the statement above, we find that they submitted to the electors only two of the above propositions, namely: The first and fifth, that is, the amount of the bonds and the purpose of the use of the money. They wholly omitted to submit the second, third and fourth propositions, namely: the rate of interest of the bonds, the time when payable and the time when redeemable. Were these propositions so omitted material, or were they simply formalities? The question now arises, before the bonds are delivered to any purchaser and no question of innocent purchaser is involved. (15 Am. and Eng. Ency. Law, p. 1272, cases cited in note 4.) We are of opinion that the trustees did not submit to the electors questions which the law required to be submitted, and that those questions so omitted should, on consideration of an application to enjoin the issuance of the bonds, be considered vital and material, and not simply needless formalities.

An election for the issuance of school bonds is a special election, held pursuant to notice. The electors have no notice by any general law as they have of a general election. The notice of election was therefore indispensable. (Mechanics' Public Officers, Sections 172-176; Cooley on Taxation, Chapter XI.) But the alleged notice in the matter before us did not notify. The electors should have been permitted to decide what rate of interest they were willing that the district should pay. This item was important and the statute considered it so. Whether the district should pay one rate of interest or another was a question whether the district should or should not pay out a certain sum of money as interest. The difference between one rate of interest and another is a sum of money to be paid, just as much as is the face of the bond itself. And the statute provides that the electors shall decide upon the payment of this amount, just as positively as that they shall decide upon the amount of the principal sum that they shall borrow.

The time and payment of redemption is also a matter of importance to the electors. It is of interest to the borrower (and the electors are in fact the borrowers) to decide whether he wishes to make a short loan or a long loan, and whether he shall have the privilege to redeem in a short time, or whether he must allow the principal to stand and he be compelled to go on and pay interest after a date when he thinks that he can lift from himself the burden of his debt.

These three important matters the electors never had an opportunity to vote upon. No one ever passed upon these questions except the trustees when they came to prepare their bonds. We have no doubt that this was for the electors to determine, and not the trustees.

As above noticed, this question arises under proceedings to enjoin the issuance and delivery of the bonds, and is not between any innocent purchasers of the bonds and the school district.

It is therefore ordered that the judgment be reversed and the case be remanded to the district court, with directions to overrule the demurrer and to proceed thereafter in accordance with the views expressed in this opinion.

(Signed) WILLIAM H. DE WITT, Associate Justice.

### Naval Promotions.

WASHINGTON, Nov. 21.—Rear Admiral J. G. Walker has been ordered to take charge as president of the naval examining board today; also Commander W. H. Brownson to take charge as commandant of cadets at the naval academy.

### The Cotton Crop.

CHICAGO, Nov. 21.—Two steamers carrying 14,000 bales of cotton, the first of the season, entered the Manchester ship canal this morning.

The board of trade met yesterday afternoon at their rooms, President Webster being in the chair. A fair attendance of business men were present and a number of letters relating to the establishment of new industries were read and arrangements made to bring certain gentlemen here who desire to look over the city with a view to locating such industries here.

Dupuy did not get many votes in the recent county seat contest because her people believed that the election this year was not a legal one, and they wanted Chateau to hold the county seat two years longer, when she could then get together and knock her out of it. They figured that Bynum would give her a harder fight for it than Chateau could. Time will show that they were right.—Dupuy Acantha.

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MOST PERFECT MADE.  
A pure Grape Cream of Tartar Powder, Free from Ammonia, Alum or any other adulterant.  
40 YEARS THE STANDARD.

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Now, in order to induce you to give our shirts and gloves a trial, we will this week give you a pair of these celebrated kid gloves for nothing with every purchase of half a dozen White Laundered Shirts. This is no fake. The gloves sell all over America for \$1.50. The shirts are lower in price than any house in Great Falls will sell you. We sell you a pure linen front, good cotton shirt well made for 75c. A better for 85c.; better still for \$1 and \$1.25, and the finest, best fitting shirt in America for \$1.50.

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