

CITY NEWS

WEATHER NOW AND THEN  
Minimum Temperature To-day 8  
Degrees Below; a Year  
Ago 25 Degrees.

Civil Service Indorsed—The insurance committee of the Commercial club, at its meeting this noon, approved the plan to put the city fire department on a civil service basis.

Dealers in Cedar—The seventh annual meeting of the Northwestern Cedarman's association will be held at the West hotel Jan. 12. The Northwestern Lumbermen's association will meet three days following.

Retail Druggists' Election—The following officers were elected yesterday afternoon at the Commercial club by the Minneapolis Retail Druggists' association: President, J. A. Kline; Secretary, E. B. Wilson; Treasurer, G. A. Rose.

For Grain Men Who Smoke—The smoking-room of the new Chamber of Commerce was thrown open this morning. The decorators have turned out a unique and artistic lounge. The design is in old German style and is a copy of a room in an old studio in Leipzig.

Will Meet in Congregational Church—The congregation of the First Methodist church, recently burned, will have a temporary home with the First Congregational church. Rev. William Love, the pastor, will preach Sunday afternoon at 3:30. Sunday school will be held at 2:30.

Hinges on Raising \$60,000—Negotiations, which have been under way for several months between the Lloyd Manufacturing company of this city and Massachusetts capitalists for removal to that state, are nearing a head. The citizens of North Brookfield, Mass., have five days in which to raise \$60,000 to secure the plant.

Moody is Re-Elected—Frank T. Moody was yesterday elected yesterday afternoon to the waterworks department, a position which he has held for nearly two decades. Dan C. Bowen, who had been spoken of as a rival candidate, was elected to the position of Alderman Schoonmaker. Merrill, Holmes, McLuskey and Clark, members of the committee, said that the list of employees in the waterworks department would be carefully considered before any changes are made.

Albert Morey Bound Over—Albert L. Morey, arrested yesterday on a charge of counterfeiting, although he had recently completed a term of three years at Stillwater for the same offense, was arraigned this afternoon before United States Commissioner Howard Abbott at the federal building. Morey waived examination and was held under bonds of \$2,500 to await the action of the federal grand jury which will meet in March.

Albert Kelsey Lectures To-night—The civic and esthetic interests of the city will be the theme of the lecture in the Teachers' club course to-night by Albert W. Kelsey of Philadelphia. Mr. Kelsey is an expert on city improvement and beautifying and a member of the advisory committee of the Architectural League of America, which is now planning extensive improvements, by means of expert opinions on their plans. Mr. Kelsey's lecture on "The City of the Future" will be fully illustrated. It will be given in the First Baptist church.

NUMBER 131

University Av.	Third Av. N.
9 residences	16 residences
10 Journals	13 Journals
1 E. Trib.	2 E. Tribs.
Second St. N. E.	Fourth Av. N.

NECROLOGICAL

SWAN J. WALTON—Funeral services for Swan J. Walton, formerly captain of the South Side police station, will be held to-morrow afternoon at 2:30 o'clock. A detachment of police under Captain George Sinclair of the South Side station will attend the funeral and escort the body to the cemetery. The funeral will be held at the residence of Mrs. Walton, 1234 Hennepin avenue. The pall-bearers will be Sergeant A. P. Johnson and Patrolmen Gust Forness, Thomas Knudson, August Wold, Andrew Nelson and Ole Hovelsrud.

MRS. DELIGHT STRAIT, aged 83 years, widow of Samuel B. Strait of Shakopee, Minn., and a former resident of Minneapolis, died Thursday of pneumonia at the home of her daughter, Mrs. H. M. French, Los Angeles, Cal. Funeral and interment at Los Angeles.

JOHN FISHER—Funeral will take place to-morrow at 9 a. m. from St. Albert church, Gaultier and Charles streets, St. Paul.

MISS OSWALD passed away this morning at 9:30, after a lingering illness of eight weeks.

ELISHA JONES—Funeral from residence, 1023 First avenue S., Saturday at 2 p. m.

ST. PAUL IS COLDER

Temperature There Was 12 Below While Minneapolis Was Four Degrees Warmer. The weather bureau should have predicted "colder" for to-day instead of "stationary temperature." At 7 a. m. the local temperature was 3 degrees below zero, or ten degrees colder than was recorded at 7 a. m. yesterday. A brisk breeze this morning elevated unkindly the Bostonese phenomena. At St. Paul the temperature was 12 degrees below. The minimum reported was 16 degrees below at Q'Appelle and Minnesota north of the Canadian boundary. Yet there had been a rapid rise of mercury in the British dominions further west. At Calgary the 7 a. m. temperature was 26 degrees above. Montana was also warmer, Helena reporting 38 degrees above. Kansas and Missouri are slowly thawing out to-day, but Florida and the Gulf states are stricken with a temperature below freezing. Relief from Calgary will not reach Minneapolis before to-morrow night. Continued cold, with fair weather, is predicted for this city to-night and to-morrow.

BROTHERHOOD MEN MAY COME

To Help Settle Trainmen's Wage Difficulties in St. Paul.

Chairman J. W. B. Johnson of the Northern Pacific committee said to-day of the demand of railroad trainmen for more pay, that the conference yesterday was valuable in that both sides secured necessary information, but that there was nothing conclusive to report. There was a possibility that the general officers of the brotherhood might come to St. Paul before going to Chicago, as has been expected at first. All committees were in action among themselves. No meetings with railroad officials will be held before Monday.

N. KING GIVES OVER

Judge Simpson Orders His Commitment and He Is Taken to Stillwater.

Fight for a New Trial Not Yet Abandoned—Supreme Court Syllabus.

Nathaniel W. King is now an inmate of the state penitentiary at Stillwater. Despite the objection of counsel, Judge Simpson could see no valid reason why King should not begin to serve out his sentence, and this morning ordered his commitment.

This afternoon the prisoner, in charge of Daniel Webster and Leah, left Minneapolis for Stillwater and to-night will be his first behind the bars of the big prison. The sentence, which is for three years, is the object of attack by the King forces and they are fighting to the last ditch. Attorney P. R. Hubachek this morning appeared before Judge Simpson and asked that the order denying a new trial be opened, that the judgment be set aside, and that the original motion for a new trial be heard.

Judge Simpson stated that he wished to grant the defendant any and every right to which he was entitled, and that he would gladly hear the application of the defendant's counsel, but that the same must be submitted in writing, the subject at least partially argued and authorities submitted. Mr. Hubachek agreed and the hearing will be given within the next few days.

At this juncture the defendant's attorney asked that his client be allowed to remain here pending the decision of the court upon the application. The court could not grant the request, as the defendant's view point and ordered the commitment.

The new trial is urged upon the affidavits of Prater, Harry A. Gage, John Hart and Thomas Murphy, all to the effect that the state's chief witness, "Billy" Edwards, did not tell the truth in regard to the King case and as the trial admitted as much. Besides the affidavits introduced this morning, Mr. Hubachek announced that he would probably introduce to what he termed as the "new trial" evidence which he had obtained from Edwards had told him, in regard to the case. These affidavits were not a part of the record in the trial and for this reason the supreme court refused to admit them in the consideration of the case.

King Was Calm

The defendant accepted the decision of the court that he must go at once to Stillwater with perfect calmness and after returning to his cell he remarked to a Journal reporter: "I haven't much to say. That has all been done long ago. I am an American citizen, or at least I have been and it is the law that I shall go, why that's enough. I am going to make the best of it and will not account myself a failure."

The morning was spent by the prisoner in receiving and bidding good-by to his family and friends. He could not avoid some show of emotion and several times he was obliged to wipe away the tears.

Supreme Court's Decision

The supreme court this morning handed down its opinion in the King case, signed by Justice Brown. It goes at length into the case, the review covering twenty-two folio pages. The defense is ruled against on every point. The trial court is criticized for the length to which it permitted the cross-examination of M. C. Cohen, who testified concerning the value of the diamond, and the opinion says that it seems somewhat difficult to understand why the court should have permitted the state's attorney to go into the character of the members of the family of this witness. However, the court does not see that anything to the prejudice of the defendant.

Use of Liquor by Jury

As to the alleged use of liquor by the jury, the court holds that this was not material in the absence of any evidence to show that members of the jury were incapacitated for proper consideration of the case.

Reviewing the evidence, the court holds that it was sufficient to sustain the verdict against the defendant. The opinion is signed by the principals, and accessory knowledge of the theft on the part of King. With regard to "Billy" Edwards' testimony, the court says: "Defendant contends, and not wholly without reason that the witness Edwards, upon whose testimony the case largely rests, was a convicted felon, was a liar, a perjurer and an unworthy of belief. It may be conceded, in accordance with defendant's contention, that Edwards was an old-time thief and confidence man; that he had been convicted of repeated crimes, particularly of gambling; and had been a lawless character for a number of years, but whether he was entitled to credit, whether his testimony was worthy of belief, was a question for the jury to determine. Witnesses were called to contradict him; and they testified that he attempted to sell the diamond to one Murphy. But whether he attempted to do so is not of serious importance, as the fact remains that he did not sell it to him. This witness was another all-around thief and ex-convict, and probably as reliable and as credible as the witness Edwards." The syllabus follows: First—An indictment charging the accused with being accessory to a felony after the fact is held to be valid, although the felony with the same degree of certainty as though the person who committed it were alone indicted. The indictment under which defendant was tried is held sufficiently definite and certain in this respect. Second—Defendant offered to show on the trial that a witness called by the state was a convicted felon, and that such evidence rendered the verdict against him invalid. The court holds that such evidence was not admissible, as the witness was not called to impeach the state's case, but to show that the witness was a liar and a perjurer. The evidence was excluded by the trial court, and the ruling is held not to be error. Third—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Fourth—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Fifth—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Sixth—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Seventh—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Eighth—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. Ninth—The evidence was not sufficient to show that the witness was a liar and a perjurer, and the verdict is held to be valid. 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