

JUDICIAL DECISIONS



The fact that a mortgage is given to secure payment of an entire sum which is payable in installments is held, in *George vs. Butler* (Wash.), 57 L. R. A. 196, not to prevent the running of the statute of limitations against each installment as it becomes due.

The death of a servant, caused by criminal violence of a mob of strikers, is held, in *Foreman vs. Taylor Coal Company* (Ky.), L. R. A. 447, to impose no liability on the master, under a statute making him liable for death resulting from injuries inflicted by his negligence or wrongful act.

The carrying of deadly weapons being an offense fully provided for and punished by State law, it is held, in *Judy vs. Lashley* (W. Va.), 57 L. R. A. 413, to be beyond the power of a municipal corporation to make it an offense punishable under a city ordinance, unless such power is expressly conveyed by the municipal charter.

The loss to be made good under a policy of fire insurance is held, in *Penn. Co. vs. Philadelphia Contributionship* (Pa.), 57 L. R. A. 510, not to be limited to the cost of replacing the structure described in the survey, if, when the fire occurs, the statutes require, as a condition of rebuilding, more substantial and expensive structural work.

A sum exacted by the holder of a mortgage from one who purchased the mortgaged premises without assuming the mortgage, in addition to legal interest, for extending the time of payment beyond maturity, is held, in *Ganz vs. Lancaster* (N. Y.), 58 L. R. A. 151, to be usurious, where, by the same arrangement, the purchaser is required to assume personal liability for payment of the mortgage.

An ordinance imposing a license tax on a business, which has no elements of regulation and which shows on its face that the sole purpose of the city authorities in adopting it was to raise revenue, is held, in *State ex. Rel. Auburn School District vs. Boyd* (Neb.), 58 L. R. A. 108, to be a tax ordinance, even though the right to engage in the business or calling taxed is made to depend upon paying the tax and obtaining a license.

Contributory negligence of one injured by collision with a street car when attempting to drive across the tracks is held, in *Keeman vs. Union Traction Company* (Pa.), 58 L. R. A. 217, to prevent recovery where, at a distance of thirty-five feet from the track, he looks along the track 313 feet, and, seeing no car coming, walks his horse across the track without again looking for a car, his duty being to continue to look until the track is reached.

An injunction to prevent the construction of a street railway under an invalid ordinance is held, in *General Electric R. Co. vs. Chicago, I. & L. R. Co.* (C. C. App. 7th Cir.), 58 L. R. A. 231, to be properly granted in favor of a railroad company where the operation of the street railway will interfere with access to the railroad freight house and track yard, thereby causing special injury for which the railroad company has no adequate remedy at law.

Beauty's Reward.
In the cast of a new play about to be produced is a young actor who is extremely good looking, but who is so well aware of that fact himself as to often appear obnoxiously conceited to some of the members of the company, and especially so to the stage manager who has no great admiration for many beauty.

A few days ago, when the latter was giving final directions concerning the costumes of the players, the handsome actor stepped up to him and, with a self-approving smile, pointing to his own face, said:

"And what shall I do with this?"

"Change it," was the short reply of the manager.—*New York Clipper.*

And Marriage Doesn't Pay.
A man, while suffering from influenza in South London, was surprised by the sudden appearance in his room of his wife, who, twenty years ago, eloped to California. Falling on her knees she implored his forgiveness, the man with whom she took flight, after making a fortune, having recently died. The husband forgave her. She nursed him so well that he recovered, but she caught the influenza herself and died, leaving him \$300,000.—*Toronto Mail and Empire.*

A Premium on Married Men.
The management of a Virginia railway has issued a notice that in future no unmarried men will be employed on the lines and that all men seeking employment must be married and at least 30 years of age.

Underground Traffic in Berlin.
In Berlin the project is being considered of a seven-mile underground electric road, which will cost \$14,000,000 to build, and four years will be required to build it.

TEN DOLLARS FOR A SLAVE.

Owner Was Glad to Take the Money Eventually.

They had been speaking of the far back days, the days when the men of the old regime used to put negroes upon the block and sell them, the mellow antebellum days before the proclamation had been issued giving the negro his freedom.

"That reminds me of one of the most interesting slave sales I ever made," said an old auctioneer, who lives down in the old quarter, according to the *New Orleans Times-Democrat*, "and it may be interesting to state right here that the sale was made just before the war between the States. I was conducting an auction business in the neighborhood of the old Cabildo.

"One day a friend of mine who was a very large slave owner came to me and said he had an old negro woman that he wanted to get rid of. He said she was not worth much, and he was willing to take almost anything for her. 'She is too old to work,' said the owner, 'but she makes about 50 cents every day by picking up coffee on the river front, which means \$15 a month. But just give her away if you want to,' he said, as he left me, and as a matter of course I thought he meant what he said.

"A few days later I put the old woman up and sold her under the hammer, and she brought the sum of \$10. The owner came around. 'Well, I guess you sold the old woman for a song,' he said, as he brushed into the office; 'a couple of hundred was all she was worth.' I began to feel heavy in the throat, for I knew he would have a fit when I told him I had been able to get only \$10 for her. But I had to tell him, just the same, and he did have a fit. He refused to take the money, and told me rather curtly I could keep it. I did keep it.

"More than six years rolled around before I saw my friend again. In the meantime the war broke on the country and the South wakened from the bloody orgy poor in purse and broken in spirit. One day a worn and haggard man walked into my office. I scarcely knew him even after he had reached out to offer me his hand. But in a few moments I recognized him, and he began to tell me about the hardships of the war. He was penniless, and did not hesitate to say so. 'By the way, old man, I owe you \$10,' I said to him in a friendly way, 'and I'll pay it now if you don't mind.' 'He took the \$10 and was apparently glad to get it. All of which goes to show that you can't always tell just how the dice will roll out of the box.'



The eel has two separate hearts. One beats sixty, the other 100 times a minute.

A large number of swans from Russia and North Germany wintered on the Swiss lakes.

The boa and python have the largest number of ribs of any animals, the number being 320 pairs.

Near Tiverton, Devonshire, there is to be seen a blackbird with a white head and a speckled back.

A curious butterfly exists in India. The male has the left wing yellow and the right one red; the female has these colors reversed.

The house fly is very rapid in flight, its wings making 800 beats a second, in which time it goes twenty-five feet. When alarmed the rate is increased to that of fifty feet a second.

It has often been stated that sixty miles an hour was the utmost rate at which a swallow could fly. Recent experiments upon Compelgne and Antwerp proved that a swallow in a hurry can cover 128 1/2 miles in an hour.

When feeding, the stride of an ostrich is from twenty to twenty-two inches; when walking, but not feeding, twenty-six inches, and when terrified eleven and a half to fourteen feet, or at the rate of about twenty-five miles an hour.

Originally the common or domestic goat was a native of the highlands of Asia. Naturalists generally regard it as having descended from an animal found in the Caucasus Mountains and the hill country of Persia, called in the Persian language the pesang.

New kinds of living butterflies can be produced from existing forms by greatly increasing or decreasing the temperature of the place where the butterflies are kept. A difference in coloring and even in form has thus been obtained by Prof. Fischer in recent experiments.

On the Way Home.
A wind is a wind, from whatever quarter it may blow. So thought the hotel-keeper in the Scottish Highlands, of whom a tourist asked:

"Is this a good place, do you think, for a person with weak lungs?"

"Name better, sir, name better," was the encouraging reply.

"I have been advised to settle in a place where there is a south wind. Does it blow much here?"

"Oh, aye," was the answer. "It's aye the south wind that blows here."

"But it's blowing from the north now!"

"Oh, aye, sir, it's a' one. It's the south wind a' the same, sir, on its road back again."

If you like any one, his mistakes are almost as easy to excuse as your own.

DEAD LIE IN HEAPS

BRITISH DEFEAT TRIBESMEN IN STUBBORN BATTLE

PROPERTY IS CROWNED

DECISIVE VICTORY MEANS CHANGE OF POSSESSION

THOUSANDS ARE KILLED

Invading Force Outnumbered by the Natives, Who Fight With Fanatical Fury But Badly Repulsed

London, May 13.—Colonial Secretary Chamberlain announced in the house of commons today that as a result of the British military operations in the Sokoto and Kano districts, ending with the capture of the emir of Kano, 100,000 square miles of territory had been added to northern Nigeria, and would be administered by the government of that territory.

Interesting details have been received here of the capture of Sokoto March 14 by the British commanded by Colonel Morland. The engagement lasted two and a half hours. The British numbered about 500 men, with four quick-firing guns and four Maxim's. The enemy's horse and foot was estimated to number 6,000 men, their riders being armed with modern rifles and using smokeless powder. The British camped during the night of March 13 one and one-half miles from Sokoto, after a hard march of 100 miles from Kaura, with but little water and having passed through a difficult country. At daybreak March 14 the British moved out in square formation towards the valley in which Sokoto lies. Immediately after the British appeared over a ridge the Fulanis charged with fanatical bravery, undeterred by a withering Maxim and rifle fire. They had no proper leadership, but the isolated bands continued to advance over heaps of dead and dying, often only individuals reaching within a yard of the square, where, refusing quarter, they were shot down while shouting "allah" with their last breath. The main body of the natives were finally routed, leaving only a remnant of about thirty chiefs around the emir's white flag. These chiefs were defiant to the last, and their corpses were found bedging the standard when the British entered the city, which consisted mostly of thatched houses. Its semi-ruined walls extended seven miles around the place and were pierced by eight gates.

A few days later the populace returned and the Fulanis tendered their submission to Commissioner Lugard, who arrived March 19 and installed a new emir. The British then retired towards the coast leaving a garrison of two companies of infantry.

Panama Canal Company Not Worrying.
Washington, May 13.—William Nelson Cromwell, general counsel of the new Panama Canal company, made public a statement regarding current reports affecting the company, including that emanating from Panama that the company had offered the Colombian government \$12,000,000 of the \$40,000,000 the company is to receive from the United States. The statement is as follows:

"The new Panama Canal company has not made a proposal to pay \$12,000,000 nor any sum whatever to the Colombian government nor to any parties whatsoever for or in connection with the ratification of the pending treaty. Statements to the contrary are absolutely without the slightest foundation.

"Up to this hour I have no confirmation of the report that President Marroquin has resigned, but if it were true the obligations of Colombia to the United States under the pending treaty negotiations would not be affected."

San Domingo News Not Satisfactory.
Washington, May 13.—Orders were issued today for the Nashville to proceed south to relieve the Atlanta, which for some time has been watching American interests in San Domingo. The Olympic already has started to relieve the San Francisco in Cuban waters. The latter vessel will make a tour of inspection through the West Indies before starting for the European station.

Strike Begins in Denver.
Denver, Col., May 13.—Efforts to avert the threatened general strike of different trades have been fruitless, and it is expected that strikes will begin that will involve 15,000 men.

At midnight the joint executive committee of organized labor rejected the proposition of the citizens' alliance, for a permanent board of arbitration, declaring their belief that it was not made in good faith but was simply to gain time.

Remains Brought Back.
Wahoo, Neb., May 11.—(Special.)—The remains of Alfred T. Davis, who died last September while serving as a soldier in the Philippine Islands, arrived today for burial. Deceased enlisted from this county two years ago and was the son of James N. Davis. The funeral will be held from the Methodist Episcopal church in Weston, Wednesday, at 2 o'clock p. m. Chaplain Malley is expected to be present and preach the funeral sermon.

SWEPT BY FIRE

Ottawa Has Reputation of Calamity of 1900 Burns Over Same District

Ottawa, Ont., May 12.—A fire suspected of being of incendiary origin, Sunday afternoon and evening destroyed hundreds of houses and millions of feet of lumber in this city. John White, who has just been released from the penitentiary after serving a term of imprisonment for arson, was caught near where the fire was first discovered. He was taken to the police station and will be charged with starting the conflagration.

The fire originated within a stone's throw of where the great Hull fire of April 26, 1900, was checked.

Two hours before the principal fire started two smaller blazes were discovered and quickly extinguished in the lumber yards near the Canadian Pacific railway. It was 3:30 when the third was discovered. When the brigade arrived at the scene it was found that the water main had been damaged and no water could be obtained.

When the brigade did get water the fire was utterly beyond control. It swept along over the same ground that the former fire had gone, the only difference being that it was going in the opposite direction. There is a large cliff which extends from the Ottawa river into the corner of Margaret and Preston streets. The fire area was on the flats below the cliff. At two or three points it came very near getting over the cliff, and had it done so nothing would have saved the city. At 9:30 last night the fire was under control and was confined to the following area:

The Ottawa and Parry sound railway on the south; Division street on the east; First avenue on the west and the Richmond road on the north. From the Parry Sound road to the Richmond road is about one mile and from First avenue to Division street is about one-quarter of a mile.

While the fire was burning fiercely among the lumber piles the whole brigade of the city which had been summoned were forced to remain idle. For an hour not a drop of water was thrown into the flames.

After leaving the lumber piles the flames swept over Pine street, which runs east and west, down Willow, Poplar, Anderson, Eckles, Somerset, Spruce, Elm, Maple, Albert and on to the Richmond road or properly speaking, Wellington street, where it was stopped, a short distance from the Canadian Pacific railway depot.

At 9 p. m. it was feared that the fire would get over the cliff, on the top of which is St. Jeanne Baptist church. The firemen, however, succeeded in keeping back the flames.

Fifteen million feet of lumber were destroyed. The loss on the lumber will be about \$300,000. The buildings burned were principally dwelling houses and stores. They were all built since the last great fire and were either solid brick or brick veneered as the city does not permit of any other kind being erected. The loss on the buildings was estimated at various figures at night. Mayor Cook said that there were from five hundred to six hundred families homeless or about 2,000 individuals. All the parties are supposed to be well insured.

The mayor said the city would oppose any aid being asked from outside Canada and personally he thought that the city should grapple with the situation without any appeal for outside help.

Mayor Cook estimated the loss on the buildings at \$300,000, making a total loss of \$600,000.

Mrs. Lillie Granted Stay.
Columbus, Neb., May 12.—Judge Sullivan signed an order this afternoon suspending the sentence of Mrs. Lena Lillie until her case can be reviewed by the supreme court which will probably be in September. In the meantime she will be confined in the Butler county jail.

Injuries Prove Fatal.
Nebraska City, Neb., May 12.—Herbert Meyer, a 7-year-old son of Henry Meyer, tried to cross the track of the Missouri Pacific ahead of the passenger train from Omaha at noon and was caught on the pilot of the engine and thrown some distance. His body was so badly bruised that he died three hours afterwards. He and a companion were coming home from school, and while they could see the train coming they thought to cross ahead of it. The other boy escaped unharmed.

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A new and revised edition of Stephen Paget's "Experiments on Animals," with an introduction by Lord Lister, is published by the Messrs. Putnam.

J. A. Hammerton, of London, is about to publish a volume of Stevensoniana, to consist of extracts from magazines and other periodicals relating to Stevenson.

It has become known that Andrew C. Wheeler (Nym Crinkler), who recently died on his farm in Rockland County, was the "J. P. M." whose striking essays and books have had a large popularity in these later years.

Ralph Fletcher Seymour is the publisher of "Ceres and Persephone," a child play by Miss Maud Menefee. The Demeter myth is retold for children in simple lyrical dialogue and Mr. Lang's translation of the "Hymn to Demeter" is appended.

Of middle height, white-haired and ruddy-faced, Jules Verne looks like a sea captain who is spending the autumn of a well-filled life on shore. Although 74 years old, suffering from catarrh and lame in one leg, the old gentleman is hearty of manner and brightly interested in all the world's doings.

Prof. John Ward Stimson's long expected work on art and the philosophy of beauty, "The Gate Beautiful," is at last announced for early publication by Albert Brandt, of Trenton, N. J. It will be a quarto of 420 pages and is to contain several thousand illustrations and two color charts, one being printed in twenty-four colors.

Paul Laurence Dunbar, author of "Lyrics of Lowly Life," "Poems of Cabin and Field," etc., has just read the proofs of a new volume of poems which will be a companion to his "Lyrics of Lowly Life" and "Lyrics of the Heartside." For the most part it is made up of dialect pieces and will bear the title "Lyrics of Love and Laughter."

It is said that the novel by John D. Barry entitled "A Daughter of Thespis," which L. C. Page & Co. have in press, is one of the few accurate stories of American stage conditions that has ever been written. Mr. Barry's stories of theatrical life have already been highly praised by the reviewers, among others by William Archer, the leading dramatic critic of England.

Miss Mary Johnston's new romantic love story, "Sir Mortimer," will follow Mrs. Humphry Ward's "Lady Rose's Daughter" in Harper's Magazine. The scenes of the story are laid in England at the court of Queen Elizabeth and on the sea. The heroine is a celebrated beauty who is lady-in-waiting to Queen Elizabeth, while the hero is a gallant officer in her Majesty's miniature navy.

"David Harum" has passed into its one hundred and first edition, which Messrs. D. Appleton & Co. issued immediately after the holidays. In the matter of popularity expressed in numbers it now takes first rank in American fiction, "Ben-Hur" and "Uncle Tom's Cabin" being its only rivals. The book's first century of editions was celebrated in October last with an issue of 10,000 copies, printed on a special paper in a special binding. It was entirely disposed of by Dec. 1, completing a total sale of 600,000 copies. The new edition will appear in the family yellow cover, with full-page illustrations by Clivehurst.

He Needed Clothes.
A Western Senator brought to the Capitol a good story about Minister Bowen, which the minister himself recently told at a dinner.

"I was asked some days after I arrived here in Washington," said Mr. Bowen, "why I had stuck so closely to my rooms at the hotel and not showed myself around town.

"The only reply was a rather painful one, but nevertheless, fully truthful. It was because I hadn't the clothes." Thereupon Mr. Bowen told how he had been commissioned to hasten North suddenly and without opportunity to provide himself with the heavier wearing apparel necessary for residence in a cold climate. As soon as he reached town he put a local tailor to work upon an outfit.

The hardship of the situation was that Mr. Bowen had ordered some raiment from London, and this was coming across the Atlantic in a British bottom, which was one of the very first ships to be held up by the blockading fleet of the allies. There was no help for it, and Mr. Bowen's London clothes, such as are necessary for proper appearance in polite society, are still somewhere in South America. He had reason, therefore, for being personally grateful when the blockade was raised and his clothes had an opportunity to go forward to Caracas.—*Washington Post.*

London Sunday Newspapers.
They have started a Sunday newspaper in London. It is of the strictly religious order, however, and it offers a bottle of water from the River Jordan to every person who subscribes for six copies. The water is guaranteed genuine, having been dipped out and bottled under the direct supervision of the leading citizens of Jericho and Bethlehem.

The people do not give any man the right to buy a second horse if he has one who are still walking.

EVOLVED A DRAWING ROOM.

Cousin-in-Law Makes Some Changes in the Apartments of Her Relative.

My cousin-in-law, Clara, has done much for us in the short time she has been with us. For one thing, she has given us a drawing-room. This is the apartment which was formerly the parlor. The furnishings of this room are not costly. To be vulgarly confidential, a reference to the reminders sent out by the installment firm of Avenue A—whose cleverly worded announcements you may have noticed in the elevated cars—shows that it was a \$27.50 parlor.

Now, however, it is a drawing-room—which is a source of much gentle joy to all of us. Clara said "drawing-room" the very first day she came to us. When one of the family spoke of going into the "parlor" Clara regarded that one with an air of well-bred reproach that was more effective than argument. And so, one by one, we all fell into the use of the smarter term.

I do not think the maid approved of this revision of title. By the way, we had been calling our serving woman "the girl," but Clara's advent changed all that, and she is now known, and properly known, as "the maid." As I said, I do not think she looked kindly upon the change in designation. In fact, I am sure she did not. She made believe to misunderstand and peered ostentatiously around the room for easels and palettes and mahstick, and when questioned said she was looking for "them drawing things" Miss Clara said was in there.

The maid listened politely when Clara suggested the use of "drawing-room" as a term, vice "parlor," retired. She seemed to understand perfectly, but she never applied her understanding, taking an obviously keen though repressed delight in speaking of the "parlor."

Of course this could not go on. The upshot of it was that one afternoon when all the rest of the family were enjoying the matinee, Clara stayed home, she and the maid being the only occupants of the apartment.

We shall never know just what happened that afternoon, but when we came home the maid said "drawing-room" six times in five minutes. Clara made a well-bred effort to conceal her triumph.

I could not understand the capitulation until next day I met the maid on the stairs—it being her afternoon out—gorgeously head-dressed in one of Clara's most fetching hats. It was a very costly hat, as I happen to know, but Clara doubtless felt that the price she paid was none too high.

Gets Car Seats for Many Women.

He was a little old man with a "left over from last year" appearance, but when the crowd of shoppers entered the Sixth avenue elevated at Twenty-third street the female contingent of strap-hangers found they had an energetic friend. He wore an old silk hat and a bright pink rose fastened in the buttonhole of his shiny frock coat. There was a look of amiability in his gray eyes which did not find its inspiration solely with an evident acquaintance with the flowing bow.

A row of men characteristically oblivious to the line of feminine marionettes dangling back and forth in front of them occupied the seats. The defender of the fair sex promptly arose and with a courtly bow offered his seat to an elderly woman, who, lurching madly back and forth, was vainly endeavoring to keep possession of a number of bundles she carried. Then the entertainment began.

"Sure, and it's a pleasure, ma'am," the little man replied to the woman's thanks.

"It's no more than any gentleman would do."

He eyed the apparently unconscious row of men before him with an expression that raised a laugh in his corner of the car, and by good-natured geying he made them, one at a time, give up his seat to a woman. One man held out a long time, but finally relinquished his seat.

"Good boy, good boy," cried the little man joyously. "Now, we're all right I've gone clear past my station, but I was bound to see you give up that seat. When a man smiles, though, I know he's got a soul. Good-by to ye all. I can always get along with the ladies, but once in a while I have trouble with a man. You see, I'm married and I have been well trained. I'm glad you're so comfortable. Now, don't worry. I won't get off till the train stops."

The little, old man, with his good-natured smile, his pink rose, and silk hat passed out into the darkness.—*Chicago Tribune.*

A Mere Myth.
"Welcome," cried a voice, as Charon's boat grounded on the trans-stygian beach.

"Who are you?" inquired the newly arrived shade. "I can't see you at all."

"No wonder," replied the voice. "I never had even a ghost of a chance to exist. I'm the man under the bed that the old maids are still looking for."—*Philadelphia Press.*

Large Cork Pine.
A cork pine tree measuring seven feet in diameter was recently felled in Turner, Mich. Seven 16-foot logs were cut below the first limb, the last being 27 inches in diameter. Two Indian tomahawks were found buried in the second log from the bottom.

When a woman is tough, she can make a man ashamed of himself.