SINGLE COPY THREE CENTS.

SUMMERS RULE EN

Judge Irving F. Baxter Agreed Upon . United States District Attorney.

THOMPSON BRINGS SENATORS TOGETHER Each of Them is Loath to Give Up His

PRESIDENT TALKS PLAINLY TO THEM

Favored Candidate.

Told to Agree on Someone or Congressmen Would Name Man.

Announcement is stude that Nomination Will lie Sent to Senate at

Once and the Long Fight is Over.

(From a Staff Correspondent.) WASHINGTON, March 31 -(Special Tele ram.)-Judge Irving F. Baxter's name will go to the senate tomorrow as the successor Williamson S. Summers, United States district attorney, and thereby hangs a tale, fogton from Nebraska he had hardly removed the travel stains from his person before he called upon President Roosevelt to ascertain upon what common ground he could proceed to bring Senators Dietrich and Millard together. The president frankly informed Mr. Thompson that he would not appoint either Lindsey or Gurley, the two most strongly endorsed candidates for the position, because of the antagonism of the senators to the men mentioned. Mr. Thompson, realizing that it was futile to continue the fight for either Lindsay or Gurley, on the part of the senators, after his talk with the president, assumed the role of mediator between Dietrich and Millard. He told them agreed upon, and bore down on the necessity of an agreement at once. The senators were loathe to yield, but gradually they

district court of Douglas county, as Sum-President Takes Hand.

saw the hopelessness of holding out and

late yesterday afternoon they agreed to

nd Irving F. Baxter, judge of the

This morning Senators Dietrich and sators could agree on a man for the place he would have to take the matter out of their hands and refer it to the res of the delegation. By this he meant that unless the senators would agree on some man other than these two he would ask Illinois Convict Goes to Prison the members of the Nebraska delegation outside of the senators to find someone. This was practically a reiteration of what told Representatives McCarthy and Kinkaid a few days ago, when the attorneyship matter came up casually in refer-

to other matters. As to Mr. Lindsay, the pres mated that he could not appoint him be cause of the stand taken by Mr. Millard, who fold him a few days ago that he would consider the appointment of Lindsay personal slap and that he would oppose confirmation on the floor of the senate Roosevelt went so far as to say that had a high regard for Mr. Lindsay confident if appointed he would make an efficient official, but owing to the mined opposition of Senator Millard could not do otherwise than insist upon quiescence in the appointment of other candidate, failing in which, he ild take it upon himself to end the

g-drawn-out contest. Thompson strongly urged the Im ediate appointment of someone, so that nmers might be relieved, but he made other recommodation. The president had previously declared

hat he would not reappoint Summers and ds candidacy was therefore not discussed. Objections had also been urged against Mr. Gurley, who has been urged by Millard, and he, too, was entirely eliminated from nator Dietrich declared emphatically

that he was still in favor of Lindsny's ap- sel, today filed in the court of chancery pointment. In view of the statement made by the president, however, he said he would Newark, who sued the corporation because have to acquiesce in the appointment of

Agree on Baxter. The president then mentioned Judge Bax ter, whose name had been brought to his ention as a possible compromise. Senator Dietrich in reply to a question by the president said he knew Baxter to be a capable attorney and that he had made a good record as a judge, having served with tisfaction for upward of ten years. Senafor Millard stated that Judge Baxter's appointment would be satisfactory to him The president then announced that he would at once make the nomination. Ho expressed a desire to have the matter settled immediately and that if the papers

suld not be prepared today they would Senator Dietrich regrets deeply that Mr. inday was not appointed, and his agreemt to the appointment of Judge Baxter came only after the statement of the presi dent that he would not appoint either Listing or Gurley. With this determina on the part of the president staring in the face Senator Dietrich rejuctantly ced to the compromise, recognizing that cas for the best interests of the party the matter should be settled, and at In this connection it may not ! of place to say that Senator Dietrich up out of a sick bed to attend the conence and returned to his bed after the

> ference, suffering from an attack of End of Fight Welcomed,

had at last gotten together on the States district attorneyship nomiand that the president will tomorrow ate Judge Irving F. Baxter of Omuha reyed to such members of the Necan delegation as were in the house at time by The Bee correspondent. Con terable satisfaction was expressed on one int and that was that an agreement had just been reached. Representatives Burett and Hinshaw had left the capitol for

he day when the news arrived. Representative Norris was seen and said at he was glad that the matter was setof know Judge Baxter but slightly," Mr. Norris, "but he is an able lawyer, as had experience on the beach and un will make an excellent district The appointment, however, will e a disappointment, I believe, to a maof the delegation. We wanted H. C. may to secure the place. Of course it appointment which lay entirely in ands of the senators and the members

(Continued on Fifth Page.)

OHIO TRUST COMPANY ASSIGNS

Junedian Trust Company Will Handle Affairs of Federal Concern of Cleveland.

EVELAND, March 3L-The Federal company today made an assignment e Guardian Trust company. The is stated to have been taken as we wilt of the disapeparance of a prominent official of the Federal Trust company. Reports are in circulation that shortage has been found in the funds o

While no statement has been filed as yet by the Federal company it is understood it will turn over about \$1,000,000 in deposits to the assignee.

Its total assets will be about \$2,000,000. The Federal Trust company has a capital stock of \$1,500,000. It has a surplus fund defendants. The decision holds that the SPEEDILY GET TOGETHER ON BAXTER of \$50,000 and about \$140,000 undivided profits. \$2,188,362 in loans and discounts, \$45,300 in costs of the action. This decision has the real estate loans, and owned \$720,000 in effect of removing the obstacles in the stocks, bonds and mortgages. Its last way of the transfer of the canal conces-\$1,593,328, but officials state the deposits were about \$1,000,000 at the close of busi- reviewing all the early circumstances of ness last night.

An agreement was practically reached between the directors of the Federal Trust | treaties, etc., particularly articles xx. xxi company and the Guardian Trust company and axil of the treaty of March 26, 1878, several days ago, providing for the merging whereby the company acquired its rights. of the two concerns. The disappearance of the official of the Federal company, however, precipitated matters and the direc-When Minister Thompson arrived in Wash- tors decided that an assignment would probably avoid a run on the bank and protect all interests.

TAMPERED JURY HEARS CASE

Mrs. Botkin Expresses Confidence in a Just Verdiet and the California Trial Continues.

BAN FRANCISCO, March 31.-There was another surprise in the Botkin murder trial today. Owing to the charges made yesterday of attempts to tamper with the jurors, it was understood that the first proceeding today would be the discharge that a compromise candidate must be of the jury. This, however, did not occur and the trial proceeded as usual. Attorney Knight stated to the court that,

contrary to the advice of her counsel, Mrs. Botkin insisted on the trial continuing. saying she was satisfied the jury would render a just verdict. On being asked by the judge if this was her decision, Mrs. Botkin said that It was.

Assistant Prosecuting Attorney Ferral called Judge Cook's attention to the state- though no formal notice of appeal was Miliard, accompanied by Hon. D. E. the circumstances, should the defendant be court that Colombia and Bonaparte Wyse, Thompson, met the president to actile the found guilty, he would be compelled to district attorneyship. At the outset of the grant a new trial. Judge Ferral said he conference the president declared that he did not want this assertion considered delay since today's decision is to be held found guilty, he would be compelled to (the original concessionaire) would appeal. could not appoint either Lindsay or Gur- binding. An order abrogating that portion to confirm the company's full right to ley. He also asserted that unless the two of yesterday's proceedings was made. The transfer to the United States. court then ordered that the jury be admitted and the trial was resumed.

LIKE A COUNCIL BLUFFS CASE Under Name of States. man.

ST. LOUIS, March 31.-Arrested on the Emperor of Austria Observes Ancient charge of having burglar's tools in his possession, Edward Alexander of Taylorville. Ill., concealed his own name an assumed the name of John C. Shumway, a member of the Illinois World's Fair commission, a former state senator and

leading citizen of Taylorville. In the criminal court here Alexander, under the name of "John C. Shumway." Alexander be sentenced under his right taken to the penitentiary.

WANTS LIGHT ON STEEL DEALS United States Corporation Objects to Application of Stockholder for

TRENTON, N. J., March 3L-The United States Steel corporation, through its coundemurrer to the bill of Alfred Stevens of of its passing of dividends on the common

Inspection of Books.

stock. Stevens in his bill claims that the corporation had made sufficient earnings and that it was compelled, under a state law and by its own bylaws, to pay the dividend. He asked among other things that

upon it. says that the bill of Stevens does a court or equity to any recovery from the spring. the defendant or to any relief against the matter complained of in such bill. It is asked that the demurrer be sustained and that Stevens be dismissed.

ARCHBISHOP FARLEY RETURNS Metropolitan of New York Brings Papal Message Regarding Cath-

NEW YORK, March St.-The Most Rev John M. Farley, archbishop of New York, arrived today on the steamship Princess trene from Naples, after a visit of several weeks in Rome.

olic University.

When the steamer reached quarantine th archbishop was met by a delegation of priests on the steamer Favorite, which he boarded. Archbishop Farley said that the pope's health was good and that he exressed his great love for the United States, He also said he had an important message Aret news that Senators Dietrich and from the pope concerning the Catholic university, which will be read Easter Sunday

ORDERED TO GIVE UP COMMAND

Major Carrington, in Charge of Phil-Ippine Scouts Will Report to Adjutant General.

SAN FRANCISCO, March E.-Major Carrington, in command of the Philippine leave for Europe next week Wall street scouts now at the Presidio, has been ordered to start at once for St. Louis ment that some sort of a satisfactory ar and turn over his command, afterward rangement has been reached between the reporting to the adjutant general.

Mail Bont Capstees. PIERRE, S. D. March 21.-(Special Telegram.)-The Fort Pierre mail boat capsized in midstream this afternoon, throwing the the stream. Several skiffs hurried to their

French Civil Tribunal Decides in Favor of Canal Company.

REMOVES LAST OBSTACLE FOR TRANSFER

Court Holds Republic is Not in Possession of Territory Traversed by Waterway and Has No Claim.

PARIS, March 31.-The first civil

case of the republic of Colombia against

the Panama Canal company in favor of the complaint of Colombia is not receivable According to its reports it had and condemns the plaintiffs to pay the statement showed individual deposits of sion of the company to the United States. The decision is a lengthy document, fully the concession and setting forth the various acts of the Colombian congress, the whereby the company acquired its rights.

These articles, the decision says, have the manifest purpose of assuring the full exercise of sovereignty over the canal. It results from what is established before this tribunal that Colombia is not in possession of the territory traversed by the canal. By coming before a French court in order to sustain its right over the canal, Colombia tacitiy admits its inability to control the canal itself. It therefore follows naturally that it has lost sovereignty over the territory traversed by the canal. It also appears that this sovereignty is maintained by the new Republic of Panama, which is in actual possession of the authority and power of administration and of police. Under such circumstances it only remains for the Panama company to accept the actual situation of authority and the facts relative to the territory embraced by the concession. Therefore, the action commenced by Colombia is not receivable.

ceivable. Claims Are Not Valid.

The decision concludes with the specific recital under the French code, that none of the claims set up by Colombia are valid, that its request to enjoin pending actions is not warranted, that its plea for costs against the company is not justified, and that the entire costs of the procedure are assessed against the plaintiff.

The court announced that the other cases relative to Colombia's right to hold 50,000 shares of stock will be heard April 13. Al-

The other suit relative to Colombia's right to hold shares, does not affect the United States. Therefore it is the view at the United States embassy and in other away the last obstacle in the way of the transfer of the canal to the United States.

FRANCIS JOSEPH WASHES FEET Ceremony of Maundy Thursday

at Vienna.

VIENNA, March 31.-Emperor Francis Joseph today observed the ancient cerehall was filled with distinguished person- the case before the higher court on appeal. was sentenced to serve two years in the ages, including members of the diplomatic penitentiary. The real Mr. Shumway be- corps, the cabinet ministers, military off- ALINOIS COURT MAKES ERROR gan to receive letters of condolence and clais and court functionaries. The emperor, sympathy and suggestions as to how to who was in excellent health, assisted by secure a pardon, and today he arrived eight archdukes, personally waited on the here and identified the prisoner as Alax, old men, placing before them food and ander, from Taylorville, and requested that drink, which, however, they did not consome then, the refreshments being imme full name. But the change was not made diately removed and later sent to their in the court records and Alexander, under homes. The ceremony concluded with the the name of "John C. Shumway," will be emperor hanging around the neck of each of the old men a slik purse containing the

traditional thirty pieces of silver. The United States was represented at the Storer, Captain F. W. Harris, the military attache; Secretary Hale and Mrs. Hale, Second Secretary Rives and Miss Diehl.

DANGER IN BALKANS HEADED OFF

dertake Territorial Occupation. themselves not to undertake territorial occupation.

The powers signatory to the treaty of Berlin have been notified of the Austrothe corporation be required to disclose its Italian agreement, which is considered as earnings so that the court might pass putting an effectual stop to the troubles in the Balkan states, and as eliminating the possibility of their being used as instrunot show such a case as entitled him in ments for aiding a Macedonian uprising in

MOVE TO PACIFY THE POWERS. Belgrade Retires Twelve Officers Who Figure in Regicide. BELGRADE, Servia, March 31 .- A royal

ecree issued today retires twelve of the army officers VIENNA, March 31 .- The royal decree is sued at Beigrade today, retiring twelve high army officers, is regarded here as a first step to the scheme for settling the uestion of the treatment of the assassins of King Alexander and Queen Draga, This scheme is intended to pacify those nowers which practically broke off diplo ides were retained in power.

Australian Wheat Crop. SYDNEY, N. S. W., March 3L-The work of harvesting this year's wheat crop is nearly completed, and the government ertimates place the yield at 11,000,000 bushels above the best previous record. Seventeen million bushels are now available for

MORGAN GOING TO EUROPE Believed Satisfactory Arrangement

Has Been Reached Regarding Northern Securities Assets.

NEW YORK, March 31-In view of the

fact that J. P. Morgan has arranged to

is inclined to expect an early announce-Union Pacific interests and the Hill-Morgan assets of the Northern Securities. Several men prominent in Northern Se

important,

COLOMBIA LOSES ITS SUIT IMPORTANT RULING ON WOOL NO ABATEMENT IN FLOODS

Importation of Carpet Stock May Be Greatly Affected by Appraiser's Action.

NEW YORK, March 31 .- A decision has een delivered by the board of United States general appraisers denying a protest rom a Boston importer and raising the mestion as to whether wool can be mixe! n grades so as to obtain a lower rate of duty. The board decided against the mix ture in the Boston case, which was brought an a test.

The shipment was made from equal quan titles of white and gray Iceland wool of the third class, valued respectively above tribunal of the Seine today decided the and below 12 cents per pound, which in the trade are customarily packed separately and bought and sold at different prices, and which, if separated, were respectively dutiable at the rate of 7 and 4 cents a pound. They were designedly pucked in me bale so as to reduce the average aggregate value below 12 cents a pound, and the rate of duty on all of 4 cents.

The appraisers held that such packing was such a change in condition for the purpose of evading the duty as to subject the entire contents of the bale to twice the futy to which it would be otherwise sub-

York that wools cannot be mixed when ph imported will have a bearing, wool merchants here say, on carpet wools.

Most of the mixed wools are in the carpet grade and the decision separating the white or higher-priced article from the cheaper grey, with which it had been mixed is expected to at once raise the market price of carpet stable. It is explained that the practice of mixing the wools for the purpose of lowering the aggregate value of importations has been practiced for many years.

BURTON'S CASE IS DELAYED Fallure to Complete Bill of Exceptions Defers Sentence by

Judge.

ST. LOUIS, March 31 .- The bill of excepions to be filed by the counsel for United States Senator James R. Burton of Kansas, who was last Monday convicted in the United States district court of having received compensation for using his influence before the Postoffice department in behalf of the Rialto Grain and Securities company of St. Louis, has not been completed. Until it is completed and submitted to the ment by the court yesterday that under given, it was stated at the close of the government for inspection and perusal sentence will not be passed upon Senator Bur-

> It is considered probable that the bill of exceptions will have been completed by tomorrow and immediately submitted nited States District Attorney Colonel D P. Dyer.

Colonel Dyer says to the Associated Press ton be at once sentenced and turned over of serious proportions. to the custody of the United States mar- At Moorehouse Little river, which ordimally filed with t' court."

Burton to waive his senatorial prerog- the greater part of the town and no be uses ative, which renders him immune from ar- have been washed away. mony of washing the feet of twelve old men rest during the session of congress, it was the Crystal hall of the Hofburg. The said that no time will be lost in taking

Bungles in Fixing Date for Hanging of Car Barn

Bandits.

CHICAGO, March 31.—Seemingly a bad Graham was drowned and his body was rebungle in the sentence of the car barn bandits, Marx, Niedermeier and Van Dine. condemned trio, a long legal battle seemed of stock will be large. eremony by Ambassador Storer and Mrs. perhaps in prospect. The Illinois statutes provide that the date set for hanging must Italy and Austria Pledged Not to Un- hanged, will be the twenty-seventh day after | tailties have been reported. sentence. The fact developed that attorneys ROME, March 31.-The governments of for the defense had been quietly waiting Italy and Austria have concluded a com- till Saturday next, when the present term plete agreement regarding affairs in the of the criminal court expires. Proceedings Balkans by which the status que in those were then to have been instituted to have states is assured, both powers pledging the sentence set aside and the three bandits released. The problem with which the state's attorney and his assistants wrestled today was how to correct the mistake, if at a cost of \$600,000 after many years' work. possible, and also find an effective way to

make the correction before Saturday. Hefore any action could be taken by the state's attorney application was made today for write of habcas corpus in behalf of the bandits. The writs were issued by Judge Chytraus and were made returnable Muniday.

ARREST SEVERAL FOR MURDER Philadelphia Thinks it Has Discov ered People Who Kill Women

and Babes, PHILADELPHIA, March 31 .- Four perons are in prison, three awaiting the ac tion of the grand fury and the fourth under ndictment on the charge of being acces

ry to the death of an infant, as a result Unknown Number Are Dead in Fueof Coroner Dugan's crusade against the matic relations with Servia when the regi- syndicate of malpractitioners which he says exists in this city. Mrs. Elizabeth Ashmead, also known as 'Dr. Gonde" and "Dr. Moran." is the principal in the case. The coroner declares that many young women and countless bables have come to their death through

the treatment received at Mrs. Ashmend's establishment. The woman, her son, Howhand Ashmead, Jr., and Dr. Matthew Mc Vickar, have been committed to prison dhout ball. "Dr." David A. Moster, whom the coroner styles the "king of malpractitioners," is under indictment and is said to have made a confereion revealing the names of others engaged in the same nefarious business.

JURY GRAND CENSURES Recommends Dismissal of Building

Inspector French, Who Supervised Darlington Structure.

NEW YORK, March 31 .- The grand jury interests regarding the distribution of the today made a presentment on the Darlington disaster, censuring the city building department for the methods employed in surities matters called at the office of J. permitting faulty construction of buildings P. Morgan & Co. today. Members of that and recommending the dismissal from the mail carriers and three passengers into firm and of the Union Pacific interests department of Inspector French, who have ago for \$25,000. John Thornberg rejoiced to said there was nothing new in the situa- supervision of the Darlington structure, al- such an extent that he broke his leg and assistance and all got out safely. All paper tion. The market fluctuations in the varimail was lost, but the letter pouch was our Northwestern merger stocks were unin the existing building laws.

Live Stock Quartered in Haymows and Crops Ruined-

WATERS EXPECTED TO BREAK RECORDS

Railroad Traffic at Standstill, Com munication by Wire Paralysed and Losses Are Hourly Piling Up.

INDIANAPOLIS, March 31.-Heavy rains have increased the flood danger in the southwestern part of Indiana. Vincennes, Mt. Carmel, New Harmony, Graysville Princeton, Evansville, Westport and all of Lawrence county, Illinois, are suffering from the high water. Westport has been completely abandoned.

Hundreds of refugees are living in school houses and barns. Live stock is quartered in hay lofts and ratiroad traffic is at a standstill. It is believed that Mary Fessler was drowned near Vincennes today. The Belgrade levee broke in another

place today. The great fill at Hazleton, which was constructed at a cost of \$100,000 BOSTON, March 31 .- The decision of the was swept away. The Walnash has risen United States customs appraisers at New Six inches today. All telegraph and tele e communication is paralyzed. At Mt. Carmel the Wabash has reached the highest stage gince 1875 and it is said that the water will pass the record mark tonight.

High Water at Vincennes. VINCENNES, Ind., March 31 .- The Beiade leves has broken and the Wabash is

rising an inch an hour. Water is standing

in the principal streets here. It has been raining hard all night and day in southern Indiana and a still higher stage of water is feared where the rivers had begun to fall This county and Lawence county, Illinois, are largely under water. This being Thursday before Easter, people are attending church in boats. In Lawrence county the water is in the second stories of barns and houses. Live stock dren are staying, while men come here for provisions. Water is over the tracks and landslides have stopped railroad traffic again. The Baltimore & Chio Southwestern tracks are in danger. The indianapolis & Vincennes railroad has not run a train for a week. It is reported that Mary Fesster, aged 18, was drowned at Pons Creek today while rescuing furniture from her flooded

MADISON, Ind., Merch 31.-Torrents of aln have fallen during the last twelve hours. Over an inch of water has fallen and it is still raining. The Ohio and smaller streams are again rising.

In Illinois and Missourt.

ST. LOUIS, March 3L-By the breaking of the Fountain creek levee near Merrimac, today: "I do not want to rush this matter. Monroe county, Ili., twenty miles south of I will carefully go through the bill of ex- St. Louis, 650 acres of land, 550 of which official quarters that today's decision clears | ceptions and it will probably take me until | were in wheat, are under water, and a loss Morday, for I understand the document emismated at \$12,000 has been suffered by to be very voluminous. I could go through the farmers. Special whits in southeast the formality of moving that Senator Eur- Missouri indicate that flood conditions are

> shal or placed under bond, but I don't want narily is a small stream, is now a raging to do that as I prefer to no the whole thing terrent and continuing to rise rapidly at once after the Hi of exceptions is ofre Many dwellings are standing in water and he occupants have been forced out. There In the light of the deposition of Senator is no current in the overflow that inumitates

At Gray's Ridge the overflow from Little river has caused all business to suspend I the innabitants are devoting their eforts to saving household effects and other

property. At Picdmont Black river is still rising and many additional persons have been forced to join those who yesterday were driven from their homes to higher ground. While attempting to ford the St. Francois river fourteen miles west of Piedmont Lucien

covered today. At Poplar Bluff the town is still flooded confronted the state's attorney's office to- and thousands of acres of rich grazing land day. Instead of speedy hanging for the are under water. It is estimated the loss Reports have been received from points

southwest of St. Louis indicating that the not be earlier than the tenth day of the streams of Oregon, Ozark and Howell counnext term of the state supreme court, nor ties are higher than for fifteen years and later than the twenty-fifth day after sen- that much property is destroyed. Near tence. April 22, the date on which, accord- West Plains a number 81 grist mills and ing to sentence, the bandits were to be saw mills have been washed away. No fa-Washes Out Big Fill.

EVANSVILLE, Ind., March 21 .- The Haute railroad was washed away today, closing traffic between Evansville and Vincennes. A hard rain has been falling for hours, rendering the general situation morserious. The Hazleton fill was constructed It was at this point ten years ago that during a similar flood an entire passenger train on the Evansville & Terre Haute railroad disappeared in a quicksand, which is at the bottom of the fill, and nothing out a piece of one coach was ever found. It was never known how many were killed, as none of the train crews or passengers were recovered.

Tongue River is High. ST. PAUL, Minn., March 21 .- A special from Miles City, Mont, to the Dispatch says that fully two-thirds of the readences and business portion of Miles City are submerged by the flood waters of Tongue

EXPLOSION KILLS MANY WOMEN

tory as Result of an Accident. are known to have been killed and five and Captain Bulkely Wells.

fatally injured by an explosion in the factory of the Dickson Squib company at Priceburg, near here, today. The identi- Judge Stevens recently released Moyer on Corea. fied dead are:

LIZZIE BRAY, Priceburg, BECKIE LEWIS, North Scranton LIZZIE MATTHEWS, Olyphant, GEORGE CALLAHAN, Priceburg TERESA CALLAHAN, Priceburg Twenty girls were employed in the factory. What caused the explosion is not

The squibs are used in coal mining. CAUSES HEIR'S DEATH After Breaking Wife's Will Husband Breaks Leg and Blood

Polsoning Sets In.

known, but it is said that one of the girls

threw a soulb into a stove and that the

force of the explosion was so great that

wrecked the building and set it on fire.

EAST ST. LOUIS. III., March St.-After off with \$50 and left \$50,000 to European clatives, and winning the suit two weeks I to relatives here and in Europa.

NEBRASKA WEATHER FORECAST RUSSIANS TO ATTACK

Fair Friday and Saturday; Warmer

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n.	m	. 43	7	14.	m.			4.8
m.		. 44	- 8	11.	m.			-48
			19	p.	m.			47

HEINZE PAYS CONTEMPT FINE ONE HAS MIKADO IN FIELD IN PERSON

Mine Superintendent Says Money is Held Pending Settle-

BUTTE, Ment., March 31 .- F. Augustus | TOGO TO TRY BOTTLING TRICK AGAIN Heinze, president of the Montana Ore Purchasing company; A. L. Frank, superintendent of the Johnstown, and J. H. Trerise, superintendent of the Rarus mines, paid their fines today for violating the order of the federal court enjoining Heinze and the Amalgamated interests from mining the Michael Davitt lode claim. After much discussion and a strong resistance on the part of the Montana Ore Purchasing company's attorneys, Judge Beatty in the federal court-today signed the order asked for by the attorneys of the Butte & Boston company, granting the last named company a perpetual lease of the workings of the Barus and Johnstown cisims,

"For seven years we have been trying to get an appeal from the decision of Judge Knowles, who enjoined us from working these ore bodies," said one of F. Augustus Heinze's superintendents today, in discussing the Heinze side of the decision in the Michael Davitt mine case, in which Mr. Heinze was fined \$20,000, "Of course we will comply with the order of the court, which merely requires a deposit, pending final

adjudications." The case was tried twice in the federa court. The first time, Judge Knowles In-structed the jury to decide against us. The jury was then locked up for thirty-five ond stories of barns and houses. Live stock jury was then locked up for thirty-five days, considered the judge's instructions third days further, and not deeping the school house twenty-seven women and chil-was then tried at Helena, lasting fifty days, was then tried at Heiena, lasting fifty days, and the jury brought in a unanimous verdict giving us the ore bodies.

Ten months later Judge Knowles reversed the verdict because he alleged that the jury hight have been influenced by certain articles appearing in the local papers against the Standard Oil company. Immediately we asked Judge Knowles either to vacate the order of injunction or to continue it. That was the only way to make the matter appealable to the circuit court.

Our counsel considered we were enjoined in a proceeding based upon an improper a proceeding based upon an improper application, and this is the point we wanted

bring before the appellate court, but as ug as Judge Knowles refused to make ny order of any kind there was nothing hich could be brought before the court which could be brought before the court of appeals.

Under the circumstances, there was nothing to do but to raise the point in this way. By making this move we believed we might get the courts to pass upon the point of law concerned. We have not done so, but we have won the right to appeal should we maintain that the injunction was impreperly issued.

Jury Brings in a Verdict that Scaled Letter is Not Part of Bennett Will.

ng that the sealed letter by which Philo S. Bennett expressed a wish that \$59,000 should be given to William Jennings Bryan and his family was not a part of the last jury today in the superior court in the trial of Mr. Bryan's appeal from the de-

cision of the probate court. The jury was directed by Judge Gager to bring in a verdict against Mr. Bryan. An appeal will be taken to the supreme

court. Judge Gager sald in part: The sealed letter has been offered as a part of the will of Mr. Bennett. Its ad-missibility is purely a question of taw for missibility is purely a question of taw for the court. The statutes as to the execu-tion of wills provides that no will or codict shall pass any state until it shall be writ-ten and subscribed by the testator and at tested by three witnesses

Continuing, Judge Gager said: But there are other grounds equally fatal to the claim of the appellant. The scaled letter is not described in the will with sufficient certainty. The language of the will is "for the purposes set forth is a scaled letter which will be found will this will." There is nothing whatever to identify it; no carrangle now if whatever to identify it; no carrangle now it will be set in the control of identify it; no earmarks upon it which will show that it was the letter that the testator had in mind when he put his na to that will.

ARE FOND OF BROILED DOG Hazleton fill on the Evansville & Terre Savages at World's Pair Will Get Supply of Favorite Dish from

Dog Pound,

the Igorrote and other savage tribes of the nese advance upon the Yalu, Philippine Islands at the World's fair demand that dogs shall be served them daily Chinese along the Shan Kai Kwan zuilas a portion of their bill of fare. Not since road the Bourse Gazette warns the powers they left Scattle, Washington, have they of the unreliability of Chinese neutrality, tasted roast or boiled dog, their favorite and says it believes they are making a food. Mr. Healy today applied to the city serious mistake, declaring that the celesauthorities to furnish him with canines itals are going to astonish the world when from the dog pound, and permission was the world least expects it. granted. The Igorrotes are head hunters at | The Gazette further declares it to be ern architecture.

HABEAS CORPUS FOR MOYER Judge Stevens Issues Writ Directed Against Militia Officers of Colorado.

GRAND JUNCTION, Colo., March 81. District Judge Stevens has issued a writ of habeas corpus for Charles H. Moyer, president of the Western Federation of Miners, who is being held prisoner by the encountered at Port Arthur was designed military at Telluride. The writ is directed to throw the Aussians off their guard, SCRANTON, Pa., March ZL-Six persons to Adjutant General Shermen M. Bell

The only reason given for the confine ment of Moyer is "military necessity, bond, but he was immediately rearrested by the militia.

INDICT POLICE OFFICERS Pederal Grand Jury at St. Louis Crit

Icises Governor Dockery and Alleged Political Machine.

called some time ago to investigate the alleged assaults perpetrated upon voters dur- the contents can be served hot without the ing the democratic primaries on Merch 12. made a report late today, returning in filled with water, and having a faine but dictments against seventeen policemen and tom, containing a carbide mixture which John Lavin, central committeeman from is forced into the water when it is desired the Twenty-eighth ward, charging them to do so and brings the contents of the with falling to quell the disturbance. The inner can to a boiling point. report also severely criticizes Governor Dockery for "allowing the St. Louis police contesting his wife's will, which cut him department to be used as a political ma-

buff by Neafle & Levy of Philadelphia, left it harbor today for its trial run over the Boone island course. The weather was a cloudy, with a brisk southerly wind.

Belief in St. Petersburg Keuropatkin Will Make His Fight in Corea.

MOVE TO LIAO YANG SO INTERPRETED

Many Rumors Are Floating Around in the Muscovite Capital.

Another Places Force of Enemy at Inkan at Hundred Thousand.

Large Number of Old Hulks Being Accumulated to Further Effort to Block Entrance to Port Arthur,

Copyright by New York Herald Co., 1904.) ST. PETERSBURG, March \$1 .- (New York Herald Cablegram-Special Telegram o The Rec.)-The prompt departure of General Kouropatkin for Liao Yang is interpreted here as confirming the opinion of those who believed that instead of waiting for the Japaneze to advance, as popularly imagined, he will at once proceed to tackie the enemy in Corea.

Today this town is full of reports. One is that the mikado is going to Seoul to head his staff. Another tells of the discovery of a plot to overthrow the Corean dynasty, while a third reports the arrival of 100,000 Japanese at Inkan.

Finally comes the almost unnecessary ssertion that Sweden has no aggressive intentions, its modest warlike demonstrution being merely what it deems necessary for the preservation of its rights of neutrality and not in any way meant as pin pricks for Russia.

The Port Arthur fleet is by no means bottled up, as is shown by its sinking a Japanese newspaper steamer at Tai Chin island, one of the Minotan group, well out from the coast, after which the ships put on full steam and returned to Port Artnur. China's attitude is still causing some anxiety in St. Petersburg, while Tokio has been celebrating the fiftieth auniversary of NSTRUCTED AGAINST BRYAN the visit of Commodore Perry, by which Japan's ports were opened to the world.

Togo to Try Again. NEW YORK, March 31-Tweety-eight old and useless steamers have been requisitioned, stripped of all machinery but that NEW HAVEN, Conn., March il .- A find-necessary to na Lation, and are beld in says a dispatch to the World from Na gasakt, by way of Shanghat. The Jana will of Mr. Bennett was returned by the blook Port Arthur channel and six vessels nese are determined, it would appear, to will be sent at a time to join, the fleet.

> MANY JAPANESE REPORTED KILLED Much Skirmishing Between Ping

Yang and Wi Ju. LONDON, April 1 .- The correspondent of the Daily Telegraph at Secul reports that there is continuous skirmishing between Ping Yang and Wi Ju as a but many Japanese have been killed. The correspondent adds that a Corean spy at Ping Yang has been shot by the Japanese.

BUSSIA MISTRUSTS THE CHINESE

Warns Government that the Celestials Cannot Be Trusted. ST. PETERSBURG, March 31 .- Fo. sinking Japanese merchantmen in Sargari straits at the opening of the war, \$75,000 has been distributed in prize money to the crews of the four cruisers of the stok squadron

The invalid Russ, the army crean, con-

that the Japanese are continuing their con-

udes from General Mishtenenso's reports

centration and gradually advancing on their way to Wiju, their advance guard being at Kah San and their outposts ten miles further north. The paper declines ST. LOUIS, March 31.-The members of to preciet the future phases of the Japa-In connection with the activity of the

nome and will not wear clothing of mod- the duty of the powers to take collective action to strengthen the pressure at Peking in order to compel the resparticipation of China in the war, and concludes: Russia cannot forever play the solltary watch dog of civinzation in the far east."

The Novoe Vremyn acvises the govern-

ment to protest against the violation of the Geneva convention in the Loisting of Red Cross flags to protect the Japanese troops in the fight at Chong Ju. The Russ thinks Marine Minister Yamamoto's speech Tuesday last before the apanese Parliament about the difficulties and believes the Japanese will do every-

reduced solely to a land campaign in Rostkovsky, rays that not a pound of most or bread is being sent to Manchuria, as the cattle and grain available there are

thing in their power to take Port Arthur,

because if they fall, the Sapanese will be

more than sufficient for the demand. Znormous herds and stores of four are being concentrated at Harbin. About 800,. ico boxes of tinned meats will be kept at Irkutsk for the outgoing troops and railroad men. All the tinned meats are being ST. LOUIS, March 21.-The grand jury put up in St. Petersburg and at Riga, according to a German process, by which use of fire, the tin being placed in another

> REBELS THREATEN TO SI STREET

Corenn Insurgents Make To ble in Planning Assault on Foreigners. NEW YORK, March 31-In connection with reports from Corea of trouble among the natives, a disputch to the World from Sepul, under date of March 24, forwarded