

FIFTY-SECOND YEAR

FIGHTING OVER
U. S. MARSHALSHIP

Glen Miller is Backed by National Commit-
teeman Salisbury, While Senator Kearns
Is Behind Ben Heywood.

(Special to the "News.")

HON. REED SMOOT ARRIVES.

Washington, D. C., Dec. 13.—The fight over the United States marshalship for Utah is likely to be very lively. Glen Miller, the present marshal, is a candidate, and Ben Heywood is another. Heywood has been endorsed by Senator Kearns and Miller by National Committeeman Salisbury. If the President follows the precedent set by the late President McKinley, Miller will be reappointed, but if not, Kearns' man will be named. There are several candidates, but names cannot be had at present.

Mr. Reed Smoot of Provo arrived here last night from New York. Mr. Smoot is here on business connected with the beet sugar industry. He had a conference with Senator Kearns this morning and the latter assured him he would do everything in his power to protect the interests of Utah. This is constructed to mean that Senator Kearns will oppose taking the tariff on sugar off.

Mrs. Ida B. Mansell has been appointed postmaster at Lower Boise, Canyon county, Idaho, vice William Matthews resigned.

VENEZUELAN SITUATION CRITICAL.

Willemstad, Island of Curacao, Dec. 13 (via Haytian cable).—There has been a halt in the exchange of communications between Germany and Venezuela, owing to the publication in the newspapers of Caracas of cable dispatches from the United States setting forth that the government at Washington will not oppose any steps which Germany may take to enforce her rights in Venezuela, with the exception of preventing the annexation of Venezuelan territory. As a result the newspaper attacks on Germany have ceased, but the semi-official papers are now attacking the United States, saying that Washington is authorizing Germany to take action in her dispute with Venezuela looks upon the latter coun-

try as being part of the territory of the United States. It is believed here that Germany, at the end of the present month, will take steps to obtain a due acknowledgment of her claims for \$2,000,000 arising from losses sustained by German citizens during the last revolution here and disallowed by Venezuela, who answered last year that Germany should present her claims before the special Venezuela courts appointed to pass upon such matters. But Germany, the United States, Great Britain and France refused to appeal to these courts. Italy alone, being bound by a former treaty, was obliged to present her claims to the Venezuela courts. The claim of the discount bank of Berlin will probably be included in the claims presented by Germany.

The situation in Venezuela is critical and fears are expressed of a general uprising here in January.

PHILIPPINE
TARIFF POLICY.

Is to Set Up Status Quo Ante Di-
amond Rings Case Decision.

BILL FAVORABLY REPORTED

Impetuous to Raise Revenue Which
Should Be Both Ample and
Certain.

Washington, Dec. 13.—Chairman Payne, of the committee on ways and means, today presented the majority report on the Philippine tariff bill. It says:

"This bill is designed to raise revenue for the government and for the benefit of the Philippine archipelago. It is intended to restore the status which existed prior to the late decision of the Supreme Court in 'the diamond rings case.' Prior to that decision the government had been collecting duties on goods coming into the United States from the Philippine archipelago at the same rates as those provided in our tariff laws for like articles imported from foreign countries. The court holds that the Philippine archipelago is not a foreign country, and therefore, the general tariff law does not apply. This bill extends the rate now existing upon imports from foreign countries to articles brought in from the Philippine islands.

In the Philippine archipelago the United States Philippine commission prepared a tariff act after much care and study. Their object has been and is to raise sufficient revenue to support a government in the Philippines, to provide amply for the education of the people, to open up the highways of commerce, both foreign and domestic and to provide ample police force for the preservation of order. These different forms of tariff in force there have produced a surplus of revenue after paying the expenses of the government. This bill proposes in the first section to make this Philippine tariff a part of the statutes of the United States.

The necessity for a continuance of revenue which shall be both ample and certain, is imperative. If we continue the police and constabulary system which has been inaugurated, and which is doing so much to restore and conserve order in the islands, it will call for a large increase in appropriations. We have enrolled 150,000 school children in the public schools. Of this number more than one half are without any school house accommodations. It is necessary that we build suitable houses at once. Ten thousand adults were at last accounts enrolled for night schools, and we are told that this number has since increased probably to at least 25,000. These people, anxious to learn our language and better their condition, must be amply provided for. Four thousand teachers have been employed, nearly all of them recently, and their salaries must be paid. This work of education must not be crippled even for a short time for lack of funds.

Our government has gone to work systematically through the commission for the improvement of the harbor at Manila. They have let the contract, after a public advertisement and competitive bids to the lowest bidder. This contract calls for the expenditure of three millions of dollars in the near future. Roads are being constructed and the building of roads in this tropical country is expensive. These are but a few of the many items of expenditures which are imperative. All these expenditures are preparing the way for a reduction of the army and in the end will prove of direct benefit to the taxpayers of the United States.

The bill also provides for the collec-

tion of tonnage taxes on vessels plying between the ports of the United States and the Philippine archipelago. It further provides that 'vessels not of the United States may ply between these ports, notwithstanding our coastwise navigation laws, until the first day of January, 1903, when it is believed these islands may safely come under the operation of our present statutes and vessels only of the United States be employed in our commerce with these islands.'

At present our own people who ship goods to these islands are handicapped by the internal revenue tax and duties paid upon foreign goods imported here.

The fourth section provides that all the duties and taxes collected under the act shall not be covered into the general fund of the treasury of the United States, but paid into the treasury of the Philippine islands to be used and expended for the use and benefit of these islands.

The object of the bill is to meet a pressing emergency, practically and efficiently. We present the tariff act to the commission, as the bill that can be devised in the limited time left for us to act.

High School of Commerce Started.

New York, Dec. 13.—From the chamber of commerce J. Edward Simmons, Cornelius C. Cuyler, Francis A. Apple, James H. Hyde and Samuel P. Avery have been appointed to act with the committee from board of education of which John G. O'Keefe is chairman, to take charge of the corporation of the new high school of commerce building, this city, Saturday afternoon.

Andrew Carnegie has accepted an invitation to speak, and Abram Hewitt will speak if he is able to leave his home, to which he is now confined by rheumatism. The idea of the high school of commerce was to fit boys for graduation and give them practical information in regard to commercial affairs. The study of modern languages, Spanish especially, will have an important place in the curriculum.

Secy. Hay's Daughter to Marry.

Washington, Dec. 13.—The marriage of Miss Helen Hay, daughter of the secretary of state and Mr. Payne Whitney, of New York, is to occur Thursday, December 14, at the Church of the Covenant in this city. Rev. Julius S. Hamlin, the pastor of the church, will officiate, assisted by two visiting clergymen. About 600 invitations will be issued.

Heavy Fogs in the East.

New York, Dec. 13.—A heavy fog that descended on the city in the early morning caused a delay of traffic all over the city. Ferries, elevated roads and street cars were impeded and even the day work on its effects were even more serious. The entire ferry system of both rivers was upset. The ferry boat Mauch Chunk, coming from Connecticut with a large crowd of passengers, stumbled on a tow of brick scows and had her steering gear disarranged. She was adrift for twenty-five minutes until her rudder was put in shape. In some instances boats were an hour in making the passage that usually requires eight or ten minutes. A number of vessels which arrived last night remained at quarantine as it was impossible to make the passage up the harbor in safety.

Philadelphia, Pa., Dec. 13.—The Plant steamship line Hudson from Savannah to Philadelphia with passengers and freight went aground late last night in the Delaware bay near Fort Delaware during a heavy fog. The weather is so thick that tugs cannot go to assistance of the stranded ship but it is hoped that she will be pulled off as soon as the fog lifts.

Hepburn Canal Bill.

Washington, Dec. 13.—The House committee on interstate and foreign commerce at its first meeting today voted to favorably report the Hepburn bill providing for the construction of the Nicaragua canal. Representative Fletcher, of Minnesota, was the only member voting against reporting the bill. Before the vote was taken several amendments were proposed. One, by Mr. Adamson, of Georgia, was agreed to, providing that the expendi-

ture of \$10,000,000 as provided by the bill, shall be made on warrants signed by the President of the United States. Other amendments, fixing a minimum and maximum depth for the canal were voted down, the desire being to retain the original form of the Hepburn bill as near as possible. Chairman Hepburn was directed to urge the measure to consideration and a vote in the House at the earliest practicable time.

TO EXTRADITE EX-GOV. TAYLOR
Rep. Robinson of Indiana Introduces
Two Measures for That Purpose.

Washington, Dec. 13.—Representative Robinson, of Indiana, today introduced two measures designed to secure the extradition of ex-Gov. Taylor, of Kentucky, from Indiana, where he is said to be sojourning, to Kentucky from Indiana, where he is wanted in connection with the Goebel tragedy. One of the measures is an investigation whether the governor of any state is justified in refusing to recognize extradition papers from the governor of another state. The other measure provides that in case a governor refuses to recognize extradition papers they may be executed by a United States marshal.

Lasker-Janowski Chess Game.

Manchester, Dec. 13.—The second and final game in the chess match between Lasker and Janowski, the first of which was played Wednesday, was not concluded at the first sitting. The opening was a bishop's gambit. Lasker had all the best of the early moves but Janowski by fine play recovered the lost ground and at the close of the play held the advantage. The game will be finished tonight.

Boston Brokers Assign.

Boston, Dec. 13.—The assignment of W. W. Wright & Co., brokers, was announced on the floor of the stock exchange just before noon today. The firm includes W. P. and J. H. Wainwright.

Laura Bullion Gets Five Years.

St. Louis, Dec. 13.—Laura Bullion, the female companion of Ben Kilpatrick, the Montana train robber suspect, who was yesterday convicted of having in his possession forged national bank notes was today sentenced by United States District Judge Adams to five years' imprisonment in the federal prison at Leavenworth, Kansas. Kilpatrick yesterday received a sentence of fifteen years' imprisonment at Jefferson City.

F. D. Elliott, representing the Great Northern railroad, called at the Four Courts and announced that one-third of the \$3,000 offered by his company would be awarded the six detectives who arrested Kilpatrick, one of the alleged Great Northern train robbers. Twenty per cent of this will go to the police force associated with the bank robbery. The reward of \$222 each for Detectives A. L. Guist, John McGrath, James Burke, George Williams, W. P. Brady and John Shevlin.

House Adjourns Till Tuesday.

Washington, Dec. 13.—After an adjournment for three days the House met today at noon. Mr. Cannon asked unanimous consent for the consideration of the bill to continue the industrial commission until February 15, 1902.

After some discussion by Messrs. Cannon, Livingston and Maddox the bill was passed.

The speaker announced the appointment of the following regents of the Smithsonian institute: Messrs. Hitt, Illinois; Adams, Pennsylvania; and Dinwiddie, Arkansas.

Mr. Payne, New York, chairman of the ways and means committee, reported back a substitute for his bill to temporarily provide revenues for the Philippines.

Mr. Richardson offered the minority report and both reports were ordered printed.

Mr. Payne announced that he would call up the bill for consideration next Tuesday. He asked that the bill be considered Tuesday and Wednesday next until four o'clock on the latter day, when the previous question be considered as ordered.

The House agreed to the special order for considering the Philippine tariff bill and adjourned until Tuesday.

Federation of Labor Convention.

Scranton, Pa., Dec. 13.—Contrary to expectations the special committee having charge of the question of autonomy did not make its report at the opening of the morning session. The committee on law presented a large number of resolutions.

A resolution to increase the vice presidents from six to eight, the two additional members to sit in executive council with the other vice presidents, provoked a warm debate. C. O. Sherman of Chicago, started the discussion by attacking the executive council, saying that the council was a regular Tammany and that the attempt to increase the membership was done for the purpose of further intruding itself. Charles Dold also of Chicago, said it was common sense to have the control of the council was absolutely in control of the federation. He thought the council membership should be decreased. John P. Reese, of Iowa, replied that the council was a stry by saying that the executive council was made up of men of brains who could lead the common herd of delegates on the floor.

J. H. Bowman, who represents 150,000 members of the Chicago Federation of Labor, vigorously protested against Reese's remarks as did several other delegates. Speeches were made by a dozen delegates for and against the increase and the proposition was defeated.

These resolutions were adopted: Instructing the executive council to induce the Dutchers' union in Kansas City, to join the Central Labor body, and increasing the per capita tax of the National and International unions from one-third to one-half cent per member per month to take effect next February.

The proposition to increase the salary of the president and secretary was defeated.

The resolution increasing the per capita tax of the federation and local trades unions from 5 to 10 cents per member per month was under consideration when a recess was taken.

Jack O'Brien Gets the Money.

Liverpool, Dec. 13.—Jack O'Brien, the Philadelphia pugilist, was awarded the purse of £450 in a fight with 'Yank' Kenney of Iowa, here last night. O'Brien had all the best of the fighting, although much the smaller and lighter man, and in the second and third rounds he hit Kenney as he liked. The latter frequently clinched and refused to break away from that official, who awarded the fight to the Philadelphia pugilist.

May Place Russian Loan in America.

London, Dec. 13.—A special correspondent in Berlin says he hears that owing to objection being made to France's furnishing the whole of the projected Russian loan of £10,000,000, financiers in the United States are shortly to be asked as to the possibility of placing £20,000,000 of the loan in that country.

FIFTH DAY OF THE
BICYCLE RACES

Babcock and Turville Up in the
Front Rank.

SWEDES ARE TAIL-ENDERS.

Samuelson and King Put Up a Lap
And Are But One Behind—Must
Take Drugs.

New York, Dec. 13.—The fifth day of the six day bicycle race opened with the American teams fighting for first place. They were judged and stiff, however, and apparently lacked advantage over their foreign rivals. The latter held on with grim determination and hour after hour the lire race in the leading division went peddling around the great ring closely bunched. Every man in the race was in bad shape physically, and it was admitted that it would be necessary to administer drugs to many of them to carry them through to the end of the race. Fully 3,000 persons remained in Madison Square Garden all night.

At 4 o'clock, after riding for 160 hours, the men were 7 1/2 miles behind the record. Two hours later this was increased to 32 miles and nine laps.

The score at noon was:
McEachern and Walhous, Butler and McLeod, Newkirk and Munro, MacLean and Wilson, Babcock and Turville, 1,592 miles 6 laps; King and Samuelson, 1,592 miles 6 laps; Hall and McLaren, 1,592 miles 6 laps; Fredericks and Jack, 1,591 miles 6 laps; Lawson and Julius, 1,591 miles 6 laps.

Price of Copper Reduced.

New York, Dec. 13.—The U. S. Metal Selling company, which disposes of the product of the copper mines controlled by the Amalgamated Copper company, announced today a reduction of 3/4c. in the price of copper.

PITCHED ON HIS HEAD.

Frank Foy Receives Painful Injuries
On Second Stair.

Frank Foy, a peddler who has been imbibing a little too freely of late, met with a painful accident in front of the Grand Theater this afternoon. He was driving eastward in a wagon when the horse suddenly made a jump and Foy was thrown heavily to the ground. The back of his head struck a rock, inflicting an ugly gash, from which the blood flowed in great quantity. He was taken to the police station by Officer Puster and Dr. M. Benedict was summoned. He found it necessary to shave a portion of the injured man's cranium and take a few stitches in his scalp to close up the wound.

He was operated upon in the officer's quarters and the place looked like a slaughter house on a small scale until cleaned up by the trusty Foy was taken to his home and at last accounts was resting easily.

BUSY DAY FOR
SUPREME COURT

The supreme court handed down four opinions today, two affirmations and two reversals. Perhaps the most important of these is the Wilson vs Cunningham case, which involves 51,000 shares of Bullion-Beck and 50,000 shares of Indian Creek Mining stock. This case, which is entitled E. W. Wilson, trustee in bankruptcy of the estate of John Beck, a bankrupt vs J. A. Cunningham, was tried before Judge Hiles, who found all the equities in favor of the defendants, and decreed a dismissal of the complaint. Wilson appealed, but the appeals court finds no reversible error in the record. The opinion is written by Chief Justice Miner.

Wilson, as trustee brought this action to obtain a decree declaring that the transfer of 51,000 shares of the stock of the Bullion-Beck and Champion Mining company and 50,000 shares of the capital stock of the Indian Creek Gold Mining and Milling company to Cunningham was fraudulent and void as to Beck's creditors, and for an accounting as to the amount due upon the alleged pledge of the stock to Josiah Barnett, as trustee for certain of the defendants. It is alleged that all of the stock was deposited with Barnett, as trustee, to secure certain claims according to a contract executed by Beck and these creditors; that thereafter the equity of John Beck was levied on by the special lien upon two judgments in favor of Sarah Everard, and advertised for sale on May 11, 1899. Wilson Beck agreed with Cunningham that the latter should advance the money to pay the judgment and execution and protect the equity of Beck, who was to repay the amount advanced together with a \$15,000 bonus. When this should be paid the stock was to belong to Beck, subject to the trustee's lien, but for the purpose of keeping it beyond the reach of certain of Beck's creditors, a bill of sale, absolute in form, was made, and the stock was delivered to Cunningham with Beck's right to redeem.

The defendants contended that the bill of sale was not absolute in form, but was intended by the parties to carry in consideration of the stock advanced by Cunningham to pay off the attachment liens in favor of Mrs. Everard. They denied that the stock was to be held for Beck's benefit, or that Beck reserved any right or benefit therein.

The issue at the trial was as to the absolute nature of the bill of sale, or whether there was a secret agreement by which Beck reserved an interest in the stock. The evidence showed that the bill of sale was paid. Josiah Barnett held the 51,000 shares of Bullion-Beck in security for claims amounting to \$23,000. The bill of sale was offered in evidence at the trial, and showed an absolute sale of stock. Mr. Cunningham, Judge Howat, Judge Hall and Mr. Bradley testified that Cunningham refused to advance the money on any other consideration than that Beck should make an absolute bill of sale of all his equity in the stock, without any right of redemption or any understanding of secret agreement to reserve the right to redeem. Mr. C. anon, Mr. Smith, Mr. Clawson and Mr. McCormick testified that Beck stated at a directors' meeting that at

the time of his resignation from the presidency of the company, the sale of his stock was absolute. The Supreme court finds no evidence of fraud or of a secret trust as charged.

REVERSAL IN LILLY-RALPH CASE

In an opinion written by Chief Justice Miner a rehearing is ordered in the case of the Lilly Mining company vs M. Kellogg, appellant. This case was tried in the fourth district court before Judge McCarthy, who found the issues for the Lilly company and Kellogg appellant.

On May 1, 1890 the Lilly company, claiming to be the owner of the Lilly of the West lode mining claim, with which the boundary line of the Ralph claim conflicted, brought suit against the M. Kellogg. The trial court gave the Lilly a portion of the land claimed by the Ralph, which was not claimed by the Lilly company in its complaint. The appellate court holds that this was a reversible error. The mistake, says the court, was not so much in the direction of the easterly line of the Lilly as in taking for the initial point of the line not the corner conceded by the parties to the suit to be the northeast corner, but another point which neither party claimed to be the corner, and this mistake can be easily corrected on a rehearing of the case, to which end the lower court's decision is set aside and the case remanded.

BABCOCKS MAY KEEP HOME.

The decision of Judge Hart of the First district court is affirmed in an opinion written by Justice Baruch in Talbot vs Ranch company vs William Babcock, intervenor, case.

At the trial the judge decided the case in favor of the defendants and plaintiffs jointly appealed. The case was formerly a plural wife of Chester Loveland, who came into possession of the sixty-four acres of land in dispute in 1876 or '78 and afterwards gave it to her, when she died, leaving the land for the benefit of herself and her children for more than twenty-five years. In 1889 she married Babcock, and he went to live with his wife on the farm. From 1889 to 1895 the land was in controversy was embraced within the grant of Congress to the Central Pacific Railroad company; that on September 5, 1895, the railroad company received a patent to the land, and on May 1, 1896, it was conveyed to the plaintiff. The intervenor in her cross-complaint claimed that the land in controversy was excepted from the grant to the Central Pacific Railroad company and that the title to the land was in her. The plaintiff claimed that she is entitled by adverse possession to hold the farm and the crops raised thereon against the plaintiff, and that she has absolute title to it.

IN FAVOR OF BREWING CO.
Judge Baruch writes an opinion reversing the trial court in the case of Salt Lake City Brewing company vs Andrew and William Hawke and William Andrews, co-partners under the firm name of Hawke & Andrews, which was tried before Judge Marioneaux.

The action was brought to recover \$500, which was borrowed by Hawke from the brewing company on August 13, 1890. Hawke and Andrews went into the saloon business at Frisco on June 13, 1890. The lower court held that the entire ground, bar of the other members of the court, for they manifest an anxiety to uncover all the facts. The defendant's counsel felt that nothing has been brought against their client yet that the best of army post physicians could avoid because the soldier always thinks he is abused and if he is sick, then he is abused. The judge advocates has one more witness to examine, Major Mosley, of department headquarters at Denver, then his case will rest. The defense will then introduce about a dozen witnesses.

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COLD SNAP.
Mercury This Morning Read Eleven
Degrees Above Zero.

The storm continues today with a steady though light fall of snow. The mercury early this morning went down to 11 above zero, and the highest during the previous twenty-four hours was only 26 degrees. The storm is extending all over the Rocky Mountain region and in the Snake River valley. The low temperature reported at 20 below zero at Miles City, 32 below at Winnipeg, and a generally low ranging thermometer throughout the north and northwest. Even at Phoenix the mercury ranged down to 28, and at Yuma it was 31. The precipitation was the heaviest at Kansas City.

FIRE NEAR BRIGHAM CITY.

Local insurance offices learned this morning of the destruction by fire of a farm house several miles out of Brigham City, with a loss of \$750. But the name of the owner of the property was not known. The house was insured in the Hartford Fire.

MINER'S LIFE
WAS CRUSHED OUT

(Special to the "News.")
Eureka, Dec. 13.—Chas. Curtis, a miner employed at the Godiva mine, was found dead on the 200 foot level this morning. When the body was discovered it was wedged between a car full of ore and the side of the drift, and it is supposed that accidentally he must have kicked the block holding the car back, thus permitting it to run loose and cause his death by catching him between the drift and the car of ore.

Curtis was 32 years of age and leaves a wife and five children to mourn his loss. At a late hour this afternoon an inquest was still in session.

IN A DYING CONDITION.

This afternoon, Joe Arthur, a well known character about town, was found in a saloon on Commercial and First South street in an almost dying condition. He did not seem to know what ailed him, but several men in the saloon said he had been in a protracted spree for some time and that was probably the cause of his illness. Late this afternoon some of his friends took him to a physician and an effort will be made to send him to a hospital.

GEO. WHIPPY, STAND UP.

George F. Whippy, who was last heard of in this state is in luck, according to a communication received by the "News" this morning from M. L. Puffer, of 125 Duane street, San Francisco. Mr. Puffer states that if Mr. Whippy or his relatives will communicate with him they will hear of something which will materially benefit them financially.

SOLDIERS HOLDING
BACK EVIDENCE.

In Egan Court Martial at Fort Douglas
Only Damaging Testimony is Furnished
By Commissioned Officer.

The court-martial of Major Egan that is in progress at Fort Douglas brought out evidence today of a rather sensational nature. While there was nothing added that bore down on the accused man particularly hard, there was sufficient to indicate that there is much that is being held back. The witness whose evidence is most apt to impair the reputation of Major Egan is that of Lieut. Charles Abel, a dashing young officer who has a marked soldierly bearing. Another thing that the trial has revealed is that the physical condition of the soldiers at the post is appalling, and while on the street the boys talk hotly of grievances, supposed or otherwise, when summoned before the military court they have not one word to say derogatory to the accused. The reason for this is no doubt understood by those who have a knowledge of a private soldier's position in the army. It is a significant fact that the only disparaging testimony this morning came from the lips of an officer.

Major Young does not go near the courtroom and seems to be taking but little interest in the case. It is rumored at the post that he preferred the charges against Major Egan against his own will, and because he was a number of company commanders who are said to be entertaining personal feelings against the post physician. Whatever the motive may have been it is certain that the testimony that is being elicited at the trial against the accused is mild and meager compared to the ugly words that are heard on the streets.

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