

Last Edition.
FIFTY-THIRD YEAR.
**Coal Conspirators
To Be Indicted**

Special Grand Jury in Chicago Will Almost Surely Bring In True Bills Against Those Who Have Manipulated The Fuel Famine for Their Own Profit—Criminal Prosecutions Are a Certainty.

Chicago, Jan. 14.—Conspiracy indictments against members of at least five hard and soft coal combinations operating in Illinois and Indiana are expected as the result of the fuel famine inquiry. It is considered possible that these indictments will include persons who have appeared before the investigating body. This, it is asserted, can and probably will be done through corroborative evidence secured by the grand jury by the testimony of its own witnesses. The jurymen are advised today that the evidence is deemed sufficient to convict, and true bills may be found late today or tomorrow. The grand jury is expected to return indictments against the men against whom sufficient evidence has been secured, and criminal prosecutions are a certainty.

RELIEF FROM CANADA.
St. Paul, Jan. 14.—President James J. Hill, of the Great Northern Railway company, when asked for an opinion as to the prospect of relief from the fuel famine by the importation of Canadian coal, if the proposed bill passes Congress, said:

"With duties on Canadian coal abolished, a large amount of Nova Scotia and Cape Breton coal will reach New England and will relieve the pressure on Pennsylvania and West Virginia. There is no Canadian coal nearer St. Paul and Minneapolis than 1,100 or 1,200 miles, which is quite as far as the West Virginia."

AFTER DETROIT COAL EXCHANGE.
Detroit, Jan. 14.—After much investigation for days, the Detroit Coal Exchange, Hunt today filed an information against the Detroit Coal exchange, an organization of 30 local coal dealers, charging violation of the state anti-trust law of 1899 and asking for an injunction. In the information of the exchange which declares that members shall not sell coal under the minimum price fixed by the exchange and not violate a fine for violations of this section by members. Prosecutor Hunt declared that this is in violation of the anti-trust law of 1899, and asks for an injunction to restrain the exchange from maintaining the exchange or any other combination. Judge Hosmer will hear arguments on the injunction Jan. 25.

INTEREST IN HOUSE PROCEEDINGS

Washington, Jan. 14.—The attendance at the house galleries today was an evidence of the general interest in the proceedings which were to take place upon the bill providing for the rebate of the duties on foreign coal for a period of one year. An unusually large number of members were on the floor and the galleries on both sides were in their places. After the transaction of some ordinary business Mr. Grosvenor of Ohio from the committee on rules, presented a resolution supplemental to that adopted yesterday directing the committee on merchant marine and fisheries to investigate the coal situation. The resolution authorized subcommittees of the committee to take testimony. It was adopted.

Mr. Dabell of Pennsylvania, from the committee on rules, presented the special rule for the consideration of the coal rebate bill. It provides for the immediate consideration of the bill with the exception of one provision of the bill, and of which time the previous question should be considered as ordered without intervening motion. Twenty minutes of a side were allowed upon the bill. Mr. Dabell, after reviewing the history of the present duty on coal, said the pending bill needed no defense. It was designed to relieve the existing distress. Nevertheless, he said, he did not believe it would be successful. He did not believe it would increase the importation of a single pound of coal.

"I don't believe," he said, "that any one can stop the great and general advance of the coal famine, but that any one can stop the advance of the coal famine."

Mr. Williams, of Mississippi, who followed Mr. Dabell, said that the bill would not be successful. He said that the bill would not be successful. He said that the bill would not be successful.

In concluding the debate upon the rule, Mr. Dabell declared that the hypothesis of the other side was a mere fiction. He said that the bill would not be successful. He said that the bill would not be successful.

Mr. Dabell, after reviewing the history of the present duty on coal, said the pending bill needed no defense. It was designed to relieve the existing distress. Nevertheless, he said, he did not believe it would be successful. He did not believe it would increase the importation of a single pound of coal.

"I don't believe," he said, "that any one can stop the great and general advance of the coal famine, but that any one can stop the advance of the coal famine."

Mr. Williams, of Mississippi, who followed Mr. Dabell, said that the bill would not be successful. He said that the bill would not be successful. He said that the bill would not be successful.

In concluding the debate upon the rule, Mr. Dabell declared that the hypothesis of the other side was a mere fiction. He said that the bill would not be successful. He said that the bill would not be successful.

Mr. Dabell, after reviewing the history of the present duty on coal, said the pending bill needed no defense. It was designed to relieve the existing distress. Nevertheless, he said, he did not believe it would be successful. He did not believe it would increase the importation of a single pound of coal.

"I don't believe," he said, "that any one can stop the great and general advance of the coal famine, but that any one can stop the advance of the coal famine."

Mr. Williams, of Mississippi, who followed Mr. Dabell, said that the bill would not be successful. He said that the bill would not be successful. He said that the bill would not be successful.

In concluding the debate upon the rule, Mr. Dabell declared that the hypothesis of the other side was a mere fiction. He said that the bill would not be successful. He said that the bill would not be successful.

Mr. Dabell, after reviewing the history of the present duty on coal, said the pending bill needed no defense. It was designed to relieve the existing distress. Nevertheless, he said, he did not believe it would be successful. He did not believe it would increase the importation of a single pound of coal.

MR. CLEVELAND DID NOT INTERFERE.

Washington, D. C., Jan. 14.—In response to inquiries telegraphed by Senator Dubois as to the accuracy of the statement inspired at the White House that President Cleveland had, during his term, interfered to prevent the election of Apostle Moses Thatcher to the senate, as President Roosevelt has interfered to bring about the defeat of Reed Smoot, the following dispatches have been received:

"Princeton, N. J., Jan. 12, 1903, To the Hon. Fred T. Dubois, U. S. Senate, Washington, D. C.—As I have not the slightest recollection of the incident, the statement you refer to must be entirely incorrect—Grover Cleveland, 440 p. m. Logan, Utah, Jan. 13. To Hon. Fred Dubois, Washington, D. C.—President Cleveland made no request that I should not be a candidate for the senate, because I was an Apostle of the church. He did not, to my knowledge, interfere in any manner whatever, Moses Thatcher, 7:40 p. m."

CONVENTION OF RETAIL GROCERS.

Kansas City, Jan. 14.—The time of the second day's session of the annual convention of the National Association of Retail Grocers and General Merchants was taken up in the discussion of papers and in listening to the reports of the committee on credit ratings system and the executive committee. There is a lively contest on over the election of president and secretary for the ensuing year. President J. C. Williams of South Bend, Ind., is a candidate for re-election, and the other candidates for that office are C. R. Lott of Chicago and John A. Green of Cleveland. Green is making considerable showing, and Lott has a goodly number of delegates promised to him, but Williams' friends consider him in the lead. For secretary, Charles F. Pfeiffer of St. Louis is being opposed by Fred Mason of St. Paul, and William Gray of Brooklyn, Gray, it is said, will withdraw in favor of Mason. San Francisco and Niagara Falls are the leaders in the fight for the 1904 convention.

Prussian Budget Deficit.

Berlin, Jan. 14.—The Prussian budget estimated for 1903 shows a deficit of \$15,175,000, which will be covered by a new loan. The revenue is estimated at \$56,551,482, the ordinary expenditures at \$69,092,408, and the extraordinary expenditure at \$39,624,974.

RECIPROCITY WITH CUBA.

Washington, Jan. 14.—The senate committee on foreign relations today agreed to recommend the adoption of an amendment to the Cuban reciprocity treaty providing that the reduction of 20 per cent in the tariff on Cuban sugar shall not be further reduced by any preferential rate given to any other country by the United States.

This action was taken at the instance of the sugar men. Today's meeting also served to develop objections to other features of the treaty. This feature was not mentioned by the committee before the committee. The amendment to the treaty relating to tobacco and cattle, and Senators Bacon and Bailey, both of whom are members of the committee, indicated opposition to the treaty on other grounds. Senator Bacon offered an amendment applying the Cuban treaty on the same basis as other reciprocity treaties with reference to the house of representatives, but the amendment was not acted upon. Senator Bailey took positive ground against the policy of securing reciprocal relations with other countries by means of treaties, saying such a course was unconstitutional in that it is an interference with the authority vested in the house of representatives to originate all tariff legislation.

The amendment agreed upon is in the shape of a provision attached to the eighth article of the treaty and is as follows:

"Provided, that while this convention is in force, no sugar being the product of the soil of the republic of Cuba shall be exported from said republic to the United States at a greater reduction of duty than 20 per cent below the rates prescribed by the act of July 24, 1897, and provided further, that while this convention is in force no sugar shall be imported into the United States from any foreign country at a lower rate of duty than that imposed by the act of July 24, 1897."

A decision was today received at the land office, in which the secretary of the interior reverses the decision of the register and receiver and the commissioner of the general land office in the case of Grace Spencer Laker.

The facts in this case are: On March 6, 1897, Grace Spencer, who was then and ever since has been a teacher in the public schools of this county, made homestead entry on 160 acres of land. The school at which Miss Spencer was engaged in teaching, being about 15 miles from the homestead, it was not convenient for her to be upon the land, except at intervals of perhaps one day in each month. During the season that the schools are closed, Miss Spencer was away on a vacation, as is the custom of teachers generally. This condition of affairs existed until September, 1899, when Miss Spencer married Mr. Lashbrook Laker, and immediately thereafter she went to her husband's home, from which she did not return until June 1900, a period of eight months, her husband remaining in Chicago in order to complete his education at a medical college. She was absent from the homestead up to the time Mrs. Laker offered her first proof. Mrs. Laker, on her return, again took up her profession as school teacher. On March 10, 1897, five years and four days from the time of making her homestead entry, she attempted to make her final homestead proof, a necessary requisite to patent.

In the meantime Special Agent Sawyer had his attention called to the facts in the case, and instituted an investigation, after which he earnestly opposed Mrs. Laker's application. The register and receiver denied Mrs. Laker's right to make final proof or to obtain patent on the ground that "the testimony of the claimant herself shows that she has not complied with the law as to continuous residence upon the land."

E. W. Senior, Mrs. Laker's attorney, carried the case on appeal to the commissioner, who sustained the decision of the register and receiver, holding that "it appears from all the testimony in the case, on the part of the plaintiff, and upon her own showing, that her residence has not been continuous, but that she seeks, or has sought, by mere temporary visits, to establish her claim to residence within the legal meaning of the term."

Her attorney then carried the case on appeal to the secretary of the interior, who now reverses the decision of the local office and the commissioner and holds that "while it is true that actual presence on the land is not essential in the first instance, in order to acquire residence, it is equally true that thereafter uninterrupted presence on the land is essential to the continuance of such residence, and that after residence has been once established subsequent absence for a lawful purpose and indicating no intention to abandon the claim is excusable and does not break the continuity of the residence."

To prevent depletion of the West Virginia gas fields, the governor recommends that a high license tax be put on every pump used to pump natural gas out of the state.

EXPLOSION AT HIGHLAND BOY.

John Dusich, a Machine Man, is Struck Full in the Face and Receives Injuries Which May Deprive Him of His Right Eye.

[Special to the "News."] Bingham, Jan. 14.—John Dusich, a machine man employed at the Highland Boy mine, was badly injured this morning by an explosion which occurred while he was engaged in his daily work. Whether the explosion was the result of a missed hole or loose powder that had been carelessly scattered about, is not known, but it was of sufficient force as to prove disastrous to its victim. The charge struck him in the face, bruising him badly about the head and injuring the right eye so that it is a question if the sight will be permanently destroyed. Mr. Dusich is a married man about 27 years of age, and has been working at the Highland Boy about a year. After the explosion he was taken to the board of hospital where a physician attended to his injuries.

COAL COMMISSION GETS DOWN TO WORK.

Philadelphia, Jan. 14.—There was no time lost by the coal strike commission today in getting down to work. When the session opened counsel for the Erie company, which operates the collection of the Hilsdale Coal and Iron company, and the Pennsylvania Coal company, continued the presentation of its case. Capt. W. A. May, general superintendent of the coal department of the company, who was on the witness stand yesterday, continued his story of the conditions in and about the company's collieries. Mr. May said he was always willing to meet grievance committees of his own men or any one man and there there was a real grievance it was always adjusted.

Bishop Spaulding asked the witness if the men do not feel dissatisfied making complaints, and the witness replied that the men may possibly have been timid. The instructions to the houses, he said, were that foremen must listen to the men and that complaints will not count against the men.

The superintendent said the company has no black list and he never heard of any being in existence in the coal region of Pennsylvania. He said that the men in its employ organizing for the purpose of making complaints, but the company did object to the union as now organized because it was an average of one person for every 100 men, whose relations should be cordial, persons who were not interested in the company and only indirectly with the men.

The entrance of the union into the mines, he said, had the effect of making the workmen less efficient, caused a lack of discipline, interfered with authority, caused tyranny to prevail against the other workers and limited the earning capacity of the employees.

Capt. May produced a notice issued by the union miners which stated that any man placing more than 12 loads of coal in a day would be fined \$5 by the union for the first offense and \$10 for the second offense. Between the strike of 1900 and the late strike there was an average of one person for every 100 men at the company's collieries.

Reverting to the discipline of the men the witness said a miner refused to obey the orders of a foreman and that the latter did not dismiss him because he was afraid the union would tie up the colliery by striking for the reinstatement of the man.

The witness said that he wanted to know if the action of the foreman in not dismissing the offender did not affect the discipline of the men and the witness said it undoubtedly did.

Defense in the Payne Case.

Doctor is Placed on the Stand and Testifies to Circumstances Leading Up to Miss Hill's Death—Gets Excited and Declares Dr. Mayo Has It In For Him—Describes Miss Hill's Convulsions.

The proceedings in Judge Diehl's court today in the case of the state vs. Dr. E. S. Payne, charged with the murder of Miss Anna D. Hill, were of a highly dramatic character and were particularly so when the defendant attempted on cross-examination to explain away statements he is alleged to have made shortly after his arrest concerning the condition of Miss Hill when she entered his office.

From the course pursued by Mr. Wanless for the defense, it is evident that he will make a strong effort to prove that the operation performed by Miss Hill was done by herself, and that her condition, so far as the alleged convulsions were concerned, was caused by her use of pennyroyal. It was brought out this morning in the testimony of Prof. G. N. McKay that Miss Hill had a box of pills in her room and that they were supposed to be pennyroyal.

A great surprise was created when Dr. Payne was placed upon the stand. He described the dead woman's condition when she entered his office and swore that he had never seen her before. But on cross-examination he was put through a most rigorous test of his knowledge of medicine and it was anything but favorable to the defense. At times he became very angry and excited and practically refused to answer questions asked by Mr. Westervelt until ordered to do so by the court.

While trying to explain the cause and manner of the convulsions he became hopelessly tangled. While on the stand he denounced ex-County Attorney Christensen and Dr. Mayo. He said that the latter had "had it in for him" for a long time and was seeking to make trouble for him. Dr. Mayo had a seat next to the prosecuting attorney and frequently prompted him during the examination. Dr. Odel was also present and was asked to cross-examine Dr. Payne. Dr. Mayo was seated in the courtroom, and at the conclusion of this morning's session, she darted angry glances at Dr. Mayo and said she had better hurry and get home and go to college and learn a little about medicine. The doctor, however, paid no attention either to Mrs. Payne or her remarks.

That the latter had "had it in for him" was very trying to him. He was nervous, haggard, very pale and his eyes were bloodshot. At times he could hardly speak loud enough to be heard. Finally he was ordered to answer more questions than said he would have to leave the courtroom. His attorney fought hard to save him from the ordeal, but failed. At one point he refused to answer a question, and the court, however, ruled against him, saying that a defendant had testified as to the cause of Miss Hill's death and the prosecution had a right to cross-examine him upon his knowledge of medicine.

It is quite likely that the case will occupy all of today and probably be continued until tomorrow, as it is understood that the defense will put on some expert witnesses.

The defense in the E. S. Payne murder case had an inning in Judge Diehl's court this morning. As soon as the proceedings were opened, Mr. Wanless for defense arose and asked the court to compel the state to elect which allegation in the complaint was the cause of Miss Anna D. Hill's death.

County Attorney Westervelt vigorously objected and in support of his remarks cited the Carrington case and the ruling of the court.

"But, did the attorney for the defense ask the state to elect what caused death?" asked Mr. Wanless.

"I think," replied Mr. Westervelt, "that the attorney for the defense knew the law and that he was asking the court to elect what caused death."

Judge Diehl held that the complaint did not allege that any one particular act caused death, and the motion of Mr. Wanless was denied.

FOUND A BOX OF PILLS.

Prof. G. N. McKay was then placed on the stand and asked if he found a box of pills among Miss Hill's effects. He replied that he did and turned the box over to the police. The box was produced and placed in evidence.

DR. PAYNE'S TESTIMONY.

The defendant, Dr. E. S. Payne, was then placed on the stand. Answering Mr. Wanless, the accused gave the following testimony:

"On the morning of Dec. 26 I came down to my office about 10 minutes after 10. Miss Hill came into my office at about a quarter to 12 and asked if I was the doctor. I motioned her to take a seat. She passed by the chair and threw herself on the sofa. She sighed and seemed weary and soon began vomiting. I got an ash pan for her to vomit in. She continued to vomit and to lounge so that until she lost her power of speech. I took off her hat and she attempted to remove her rubbers but I removed them for her. I held her back. Then I removed her coat and set her hand satchel over by the table. I got her a glass of water. Then I heard a knock at the door. It was a lady patient but I told her I was busy. When I returned to Miss Hill she was lying on the lounge and I saw she was in convulsions."

"What did you do then?" "I mixed up some granules and gave it to her. I gave her some every few minutes but she did not take all of it."

"Did you use chloroform?" "No."

"Did you use any anesthetic?" "No."

"How was she suffering from?" "My opinion is she had taken something which brought on convulsions and caused death. Not knowing who she was, I ran over here, as they would get to call in the police."

"Had you ever seen her before?" "I never had."

"Did you know of Miss Hill's condition?" "I did not."

"Did you ask her?" "I did not."

"Did you know an instrument had been used?" "I did not."

"Did not know her name?" "Do you know yet who she is?" "No I do not."

"Do you know of anything which would cause those convulsions when a patient is in the condition of Miss Hill?" "Yes, an amphetamine-pennyroyal would cause it."

DEFENDANT CROSS-EXAMINED.

The defendant was then subjected to a most severe and rigid cross-examination by Mr. Westervelt.

"What did you give the granules for?" "To stimulate the heart action."

The defendant said he had practiced medicine for 30 years. At the age of 12 he graduated from the Royal College of Physicians in England. He went to the East Indies as assistant surgeon in the British army. Later he went to the West Indies. He has been in Salt Lake since 1890.

"Is your practice general or as a specialist?" "General, but I did make a specialty of women and children."

Dr. Payne was then examined at great length on convulsions and their causes, and was asked to describe Miss Hill's convulsions. He said:

"Her eyes were rolling. Her breathing was very irregular. Her face was cyanotic. There was a weak action of the heart. She tried to rise up two or three times."

"Did you not say to the county attorney, in the presence of Dr. Mayo and Chief Paul, that Miss Hill several times rolled on the floor?" "Positively I did not. I said she put her hands on the floor. I said lots of things then I would not say now."

"I've no doubt of that," replied the county attorney, scornfully. "Were any inducements held out to you to make such a statement?" "No, but the county attorney exercised a domineering and autocratic manner over me and I answered him in glittering generalities because I saw what his game was."

"Is that all?" "That is all."

MAYO WAS DETERMINED.

"I saw that Dr. Mayo was bound to have me convicted on the use of chloroform."

"Because he asked me if I used chloroform?" "Then Payne became angry and excitedly said:

"He has had it in for me because patients told me he was bound to catch me sooner or later."

"Catch you at what? What were you afraid of?" "I don't know."

"What did you make up your mind to do?" "Why, not to answer as on my oath."

"You did not intend to tell the truth?" "I did not. I am telling the truth now."

"But you didn't then?" "No."

WANLESS OBJECTS.

At this point Mr. Wanless objected to the line of cross-examination, but the court ruled that Payne's statements were voluntarily made and the objection was overruled.

Mr. Westervelt then went back to the subject of convulsions. He asked the prisoner if he could describe the pathological conditions of convulsions. Dr. Payne was unable to answer only in a general and limited way.

"All cases are not alike," is all he would say.

PAYNE EXCITED.

Dr. Payne was then examined at great length upon the nervous system and the action of the heart. During the withering cross-fire of Mr. Westervelt Dr. Payne became excited and looked as though he would faint. Finally he succumbed and had to leave the courtroom. Court then adjourned until this afternoon.

of cities that desire to entertain the delegates next year. The largest effort to secure the next convention is being made by the Portland (Ore.) delegation, which apparently is in the lead for the honor.

The program today included the following papers: "Goat Industry in the United States," by Dr. W. C. Bailey, California; "Changes in Our Financial System Which Would Benefit Stockmen," by S. E. Flynn, Illinois; and "Our New Markets for Live Stock," by Hon. George S. Thompson, Washington, D. C.

United States Senator William A. Hoar of Kansas took Mr. Francis' place in the program. He told of the possibilities of the live stock exhibit at the exposition and urged the stockmen to use their influence toward making it one of the greatest of its kind ever displayed.

W. I. Foster of Shreveport, La., spoke of the live stock possibilities of the south.

NATIONAL LIVESTOCK CONVENTION.

Kansas City, Jan. 14.—But one session of the annual convention of the National Live Stock convention was held today. After considering resolutions presented yesterday and listening to several speeches on various topics, the delegates spent the afternoon inspecting the stockyards and visiting the packing houses. Tonight a grand ball and reception will be given at Convention hall, for which elaborate preparations have been made.

Ex-Gov. David R. Francis, president of the Louisiana Purchase exposition, who was to have read an address before the convention today, notified President Springer that he would be unable to be present because of pressing duties in connection with the fair. Denver was added today to the list