

DEEP SILENCE AS OF THE GRAVE

Governor Toole Keeps the State Waiting for His Decision.

RECEIVES PETITIONS

Listens to Delegations, But Remains Himself in Attitude of Sphinx.

SPECIAL TO THE INTER MOUNTAIN. Helena, Nov. 7.—Still a silence, deep and profound, hangs over the state house as to the petitions for an extra session of the legislature.

Governor Toole has taken no action. He continues to receive delegations courteously, to listen to their appeals for the extra session, to have his private secretary file with all due care the petitions to the same effect, but as to action—there is nothing doing.

It is reported that to some of the petitioners yesterday the governor indicated that he would not reach action for a few days.

News came from Missoula today that a delegation of citizens of that place left there yesterday for Helena to present to the governor a remonstrance against a special session. The remonstrants, however, did not advertise their purpose extensively. Today a remonstrance, said to be signed by Missoula people, and of a character indicated in the Missoula dispatch, was presented to the governor by M. M. Joyce, a young attorney in that city who possesses political ambitions.

It is reported here that Mr. Joyce is very close to the Heinze political machine and has the confidence of the Heinze managers in Missoula county.

RIFT IN WAR CLOUD ENVELOPING THE FAR EAST

Russia and Japan Approach Settlement—Trouble May be Avoided.

BY ASSOCIATED PRESS. Berlin, Nov. 7.—The negotiations between Russia and Japan have so far advanced that the Associated Press is officially informed that the announcement of a settlement may be expected soon.

DENNIS HOLLAND LAID TO REST IN BUTTE GROUND

The funeral of Dennis Holland, who was fatally stabbed by Dominick Rolando near the old Lexington mill at Centerville Wednesday night, was held this afternoon from the family residence, 117 East Center street, Centerville. Services were conducted at St. Lawrence church at 2:30 o'clock. Interment was made at the Catholic cemetery.

Holland was 22 years of age and unmarried. He is survived by a father and mother, who live at Lake Linden, Mich., three brothers and four sisters. The brothers are Jeremiah, John and Michael Holland, and the sisters are Mary and Johanna Holland, Mrs. James P. McCarthy and Mrs. Kate Bolangi.

The funeral cortege was a long one, and many beautiful flowers were sent by the friends of the unfortunate young man.

FARRIS JURY IS DISCHARGED

Missourians Unable to Agree on a Verdict in Bribery Case.

BY ASSOCIATED PRESS. Jefferson City, Mo., Nov. 7.—The jury before which State Senator Frank H. Farris was tried on a charge of bribery in connection with alum legislation came into court at 10 o'clock and reported that it had failed to agree on a verdict. The judge thereupon discharged the jury from further service. The foreman reported that the jury stood eight for conviction and four for acquittal. This necessitates a new trial.

40,000 MEN ARE AFFECTED

Strike of Bridge and Structural Ironworkers Ordered.

BY ASSOCIATED PRESS. New York, Nov. 7.—President Buchanan of the Bridge and Structural Iron Workers of America has ordered a strike the country over on all contracts held by the Iron League of New York. Forty thousand men in the building trades and 250 buildings being constructed are affected in New York. Only a few buildings in Philadelphia, Pittsburg and St. Louis would be affected.

DULL IS TO SERVE 20 YEARS

Topoka, Kan., Nov. 7.—George W. Dull, who was sentenced to the pen for 20 years for the murder of Dr. Rowland at Herndon, Rawlins county, April 18, 1902, will have to serve his sentence. The supreme court today affirmed the decision of the lower court. No motive was assigned for the deed, and Dull was convicted on purely circumstantial evidence. This was one of the most mysterious murders ever committed in Kansas.

COLORADO SOLDIERS ARE TO TAKE THE FIELD MONDAY

ADJUTANT GENERAL BELL ORDERED TO HOLD HIS ENTIRE FORCE UNDER ARMS TO MOVE.

WILL RECRUIT CONTINGENT UP TO 3,000 MEN

View of General Strike of Miners, to be Inaugurated Monday, Authorities Think It Best to Put the Troops Into the Field Early.

BY ASSOCIATED PRESS. Denver, Nov. 7.—Orders have been issued by Adjutant General Bell to every organization of the Colorado national guard now in Cripple Creek to be in readiness to take the field. It had been planned to reopen the mines at Telluride next Monday under military protection, but in view of the impending strike of coal miners the Telluride mine managers decided to defer action.

It is presumed the troops are to be held in readiness to proceed to coal camps where miners will go on strike next Monday under orders from the national executive officers of the United Mine Workers of America.

Adjutant General Bell has announced his intention of recruiting the national guard up to 3,000 men. News from Trinidad is to the effect that the exodus of miners to other coal fields has set in. A number have purchased tickets to points in Texas, Indian territory, Missouri and Illinois. Many Italians and Austrians are arranging to leave for Europe.

The operators have issued instructions to their miners to bring their tools out of workings at quitting time tonight. Those who do not go back to work Monday will be treated as strikers. The strike will be on, to all intents and purposes, at sundown tonight.

It is stated on authority that the Mine Workers' association has large sums of money deposited in the banks here for strike purposes, and that the amount is being increased daily.

All unions in the northern fields will hold meetings and by referendum vote adopt or reject the schedule submitted by the operators at the conference just closed. The schedule is a concession on the part of the operators and equivalent to a raise of from 1 to 10 per cent over the present scale.

The eight-hour question was well threshed over in the conference, the operators insisting that they cannot grant eight hours until such time as the remainder of Colorado is on an eight-hour basis.

BALTIMORE ON WAY

CRUISER HURRIES TO SAN DOMINGO TO PROTECT THE LIVES AND PROPERTY OF AMERICANS.

BY ASSOCIATED PRESS. Cape Haytien, Nov. 7.—The United States cruiser Baltimore has arrived at Puerto Plata, on the north coast of the republic of Santo Domingo. Italian and German warships are expected at San Domingo, the capital. The situation in Santo Domingo is unchanged.

Clyde Steamer Stopped.

San Domingo, Nov. 7.—A Dominican warship stopped the Clyde line steamer Cherokee as the latter was nearing Puerto Plata and informed the captain that he could not enter that port. The Cherokee then proceeded for Samana, and was also prevented from entering the port, the minister of war ordering the captain of the Cherokee to proceed direct to the capital.

On the arrival of the vessel here the government demanded that the cargo intended for Puerto Plata and Samana be landed at this port. The agent of the company and the captain of the Cherokee refused to comply with this demand.

When the Cherokee was ready to leave for Azua, clearance papers were refused and it was again demanded that she land her cargo at this port. Minister Powell wrote a sharp note to the government, demanding a permit for the Cherokee to depart.

The government refused to allow a pilot to board the vessel, and Minister Powell then instructed Captain Archibald to take his ship out and proceed for Azua, keeping his cargo aboard and landing it at the ports of destination.

The Cherokee left the harbor without a pilot.

CHINESE MURDERED

BY ASSOCIATED PRESS. Vancouver, B. C., Nov. 7.—Stevenson, a suburb of Vancouver, was the scene of a revolting murder during last night. Charles Sing, a Chinese, was found dead in a gambling house which he conducted jointly with three Japanese parties, his throat cut from ear to ear and his body otherwise horribly mutilated.

The police believe that Sing was the victim of highlanders, but a rumor is in circulation to the effect that Japanese murdered him. A large sum of money was stolen from the gambling rooms. No arrests have been made as yet.

EPIDEMIC OF SCARLET FEVER AT HECLA CAMP

SPECIAL TO THE INTER MOUNTAIN. Dillon, Nov. 7.—There have been four fatal cases out of eight of scarlet fever at Hecla, the mining camp near here, and the people are becoming alarmed. The four deaths at Hecla were the child of John Flater, two children of a man by the name of Bezek and the child of a man by the name of Hector.

FORCED TO KNEEL UNDER THE WHIP

HEINZE IS MAKING HIS MEN SIGN PETITION URGING LEGISLATURE NOT TO MEET.

THREE REASONS ADVANCED

Preposterous Grounds Given by M. O. P. People—Men Sign Rather Than Lose Their Positions.

In a desperate effort to offset the demand of practically the whole state for an extra session of the legislature to enact a law to relieve the abnormal and disgraceful condition of the judiciary, F. Aug. Heinze today is enticing his employees into signing a so-called remonstrance, directed to the governor, against the extra session.

Copies of the remonstrance are being circulated among the Heinze properties, both mines and smelters, and in the other industries and businesses which Heinze controls.

As might be expected, the documents are receiving many signatures. The men, whatever their individual opinions, think it best to sign the remonstrance and hold their jobs than to refuse and join the great body of unemployed.

Three Grounds.

The remonstrances, all of which are practically the same in text, urge no extra session on three grounds: First, that it would be a heavy expense on the taxpayers; second, that it would not relieve the situation; and third, that it would so inculcate the statute books that it would require further legislation and thereby harass succeeding legislatures.

As every intelligent man knows, these are all futile arguments. The total expense of a session lasting six days—which is an ample allowance—would not be more than one-third one day's payroll in Butte when the Amalgamated properties are open.

That a special session would relieve the situation is well known. Mr. Scallion's promise to open up the Amalgamated properties as soon as legislative action is secured makes that absolute.

Simply False.

The third argument is simply a malicious falsehood. What the state needs is a law which will insure fair and unprejudiced trials. One act of the legislature is enough for that.

No more were needed in the majority of the states of the union where such a law prevails; no more will be needed in Montana.

IT ENDS IN MURDER

BAD BLOOD BETWEEN UTAH MEN LEADS TO STABBING OF COFFIN BY CHRIS PETERSON.

BY ASSOCIATED PRESS. Ogden Utah, Nov. 7.—John Coffin, aged 26, was stabbed and instantly killed last night at Huntsville, 15 miles east of this city, by Chris Peterson, a young man of the same age.

Two weeks ago Coffin was arrested on a charge of embezzlement by Sylvester Crow, father-in-law of Peterson. At the trial Coffin was discharged as the accusation was found to be baseless.

There has been ill feeling since ending in a quarrel and fight last night, during which Peterson seized a knife and stabbed Coffin. Peterson was arrested and brought to the county jail at Ogden this morning.

DEMIMIES IN CAUCUS

DECIDE ON JOHN S. WILLIAMS OF MISSISSIPPI AS CANDIDATE FOR SPEAKERSHIP OF HOUSE.

BY ASSOCIATED PRESS. Washington, D. C., Nov. 7.—At the caucus of the democratic members of the house today, John S. Williams of Mississippi was unanimously chosen as the candidate for speaker of the house. George B. McClellan, recently elected mayor of New York, received an ovation from his democratic colleagues as he entered the caucus.

DRAGGED TO DEATH

SPECIAL TO THE INTER MOUNTAIN. Great Falls, Nov. 7.—The 8-year-old son of W. G. Davis, living near Sweet Grass, on the international boundary, was dragged to death by a horse according to a dispatch received here. The boy was leading the animal with a rope, when the horse ran away and the rope, catching around the boy's arm, dragged him to his death.

MACHINISTS HAVE WON POINT WITH RAILWAY

Missoula, Nov. 7.—George McKenzie of Livingston and J. A. Taylor of Missoula, president and vice president respectively, of the lodge of machinists, have returned to St. Paul where they laid before the master mechanic and other officials of the Northern Pacific the grievances of the six machinists who were laid off here last October.

They secured the reinstatement of the men and the company agreed to pay them for the time they were laid off. Under the agreement between the company and its machinists here it was provided that before laying off men on account of slack work the company would reduce the hours of labor.

In discharging the six men instead of reducing the time as had been done at Butte, Spokane and other shops, it was contended the company had violated its agreement. The officers of the lodge made such a strong case that the company conceded the point and there is general rejoicing among the machinists.

Beautiful in Michigan.

Detroit, Mich., Nov. 7.—This city experienced the first snow storm of the season yesterday. At Port Huron and other towns a foot of snow fell during the day.

VICTIMS' REMAINS BROUGHT TO BUTTE

BODIES OF FOUR MINERS KILLED IN THE KEARSARGE HAVE ARRIVED IN THIS CITY.

FRIENDS GATHER AT DEPOSIT

Later Reports Give Total List of Dead as Eight—No Cause for the Fire Has Been Given to Public.

With streaming eyes and grief-stricken faces, the friends and relatives of the ill-fated men who were killed in the Kearsarge mine yesterday at Virginia City gathered at the Northern Pacific depot this afternoon to meet the bodies.

Four caskets, containing the bodies of R. B. Turner, William Fleming, John Tobin and James Powers, were on the train which came from Logan to Butte.

The train which is due to arrive in Butte at 11:30 did not get here until 12:50. A great crowd gathered at the depot and waited patiently. The unfortunate men were well known in Butte and hundreds of friends assembled with the relatives to pay a mute respect to the dead.

Mrs. Turner's Grief.

Mrs. Turner and her 11-year-old son accompanied the body of the late husband and father. Mrs. Turner was almost prostrated with grief. She was met at the depot by several friends with carriages with whom she will stay for the next few days.

The body of Mr. Turner was taken to Richards' undertaking establishment, where it will be embalmed and sent to Denver for burial.

Tom Flynn and Andy Curry came with the body of John Tobin. Flynn was at the mine when the fire started. He did not go into the tunnel, but helped take the bodies out afterward.

He Fought for His Life.

He stated that Tobin made a desperate fight for his life and had received a point (Continued on Page Five.)

CHASE WHITEWASHED

GOVERNOR OF COLORADO HAS SET ASIDE VERDICT OF COURT—MARTIAL ON GENERAL.

BY ASSOCIATED PRESS. Denver, Colo., Nov. 7.—Governor Peabody today set aside the verdict of the court-martial which found Brig. Gen. John Chase guilty of disobedience of orders and sentenced him to a dishonorable discharge. The governor decided that the findings of the court were correct, but on account of the general's previous good record, restored him to duty as commander of the National Guard of Colorado.

The charge of disobedience of orders was filed against General Chase by Adjutant General Bell, who issued an executive order at Cripple Creek, which was disregarded by the commander.

General Chase attempted to justify his action on the ground that many "manufactured executive orders" had been issued, and he was in doubt as to whether the order in question really came from the governor or not.

NELSON SURRENDERS

SPECIAL TO THE INTER MOUNTAIN. Glasgow, Nov. 7.—Charles Nelson, reputed to be a member of the Nelson gang, for whom rewards have been issued, has returned to town and surrendered. He says he has been on a farm in Minnesota.

He denies any connection with the outlaw gang that has been operating north of here. The county commissioners recently offered a reward of \$500 for the capture of each member of the gang.

Nelson and the others are charged with having kidnaped Frank King some time ago and held him prisoner to prevent his going into Canada to testify against one of his gang. Nelson's bonds have been fixed at \$5,000 pending trial in the district court for robbery.

BONDELSWARTZ ATTACKED WHEN THE GERMAN FIRED

Commander of Kaiser's Garrison Is Said to Have Started Trouble Which Led to the Massacre.

BY ASSOCIATED PRESS. Cape Town, Nov. 7.—A German missionary from Demaraland reports that Lieutenant Jobst, commandant at Warmbad, ordered the Bondelswartz to deliver up their rifles for registration.

A deputation of the natives met the commandant to discuss the matter and an altercation arose. The commandant, becoming incensed, shot the Bondelswartz chief, killing him. This led to a general attack by the natives, in which it is believed that 15 of the soldiers in the garrison were killed and that few escaped.

The German consul here declined to give any information.

Garrison Attacked.

London, Nov. 7.—The Cape Town correspondent of the Daily Mail reports that the German police post of Usibia has been surrounded and the garrison murdered and that the German garrison of 60 white soldiers at Keetmanshoop have been attacked.

SPANISH WAR VETERANS AT DUDLEY FUNERAL

SPECIAL TO THE INTER MOUNTAIN. Dillon, Nov. 7.—The funeral of W. J. Dudley, who was killed in the Indian mine on Birch creek this week, was held this afternoon from the Presbyterian church, Rev. A. B. Martin officiating. The veterans of the Spanish-American war who fought in the Philippines with the deceased when he was a member of Company E, First Montana, attended and gave the dead a military burial.

Snow in Ohio.

Cleveland, O., Nov. 7.—Snow fell at many points throughout northern and central Ohio yesterday. In some sections three inches of snow have fallen.

PRESIDENT'S STAND ON THE TROUBLES OF COLOMBIA

FIRST DUTY OF THIS COUNTRY TO SEE THAT TRAFFIC ISTHMUS IS FREE.

AN OLD TREATY HOLDS AMERICA TO SEE TO IT

Battleship Maine Hurries to Colon to Augment Squadron—New Republic Has Appointed a Minister—Colon Rejoices at Recognition.

Washington, Nov. 7.—The secretary of state yesterday made the following statement in regard to affairs on the Isthmus of Panama:

"The action of the president in the Panama matter is not only in the strictest accordance with the principles of justice and equity and in line with all the best precedents of our public policy, but it was the only course he could have taken in compliance with our treaty rights and obligations. By our treaty entered into with New Grenada in the year 1846 New Grenada guarantees that 'the right of way, or transit across the Isthmus of Panama, upon any modes of communication that now exist, or that may be hereafter constructed, shall be free and open to the government and citizens of the United States.'"

"This is a right which we acquired by the treaty, not gratuitously conferred, but in return for an important compensation, for in the same article the government of the United States guarantees positively and efficaciously to New Grenada by the present stipulation the perfect neutrality of the before mentioned isthmus, with the view that the transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists and in consequence the United States guarantee in the same manner the rights of sovereignty and property which New Grenada has and possesses over the territory."

"The close connection thus created between the two governments was well set forth by President Polk in his message transmitting the treaty to the senate. He said:

"The importance of the concession to the commercial and political interests of the United States cannot be overrated. The route by the Isthmus of Panama is the shortest between the two oceans, and from the information herewith communicated it would seem to be the most practicable for a railroad or canal. The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would save us from a long and dangerous navigation of more than 9,000 miles around the Horn and render our communication with our possessions on the northwest coast of America comparatively easy and speedy. The treaty does not propose to guarantee a treaty to a foreign nation in which the United States will have no common interest with that nation. On the contrary, we are more deeply and directly interested in the subject of the guarantee than New Grenada herself or any other country."

"These considerations, the controlling nature of which were once recognized so long ago, have become more and more important in every year that has elapsed since the treaty was written."

"Our acquisition of Hawaii and the Philippines has given them a greatly enhanced validity. The control, in the interest of commerce and traffic of the whole civilized world of the means of undisturbed transit (Continued on Page Five.)"

CUBA MAY TRANSFER GUANTANAMO TO UNITED STATES

Should America Accept the Application, the Deal Will Be Effected.

BY ASSOCIATED PRESS. Havana, Nov. 7.—The Cuban government today handed to United States Minister Squier an application which, if accepted by the United States, will result in the immediate turning over of the Guantanamo government to the United States.

14 YEARS AGO TOMORROW MONTANA BECAME STATE

Helena, Nov. 7.—Fourteen years ago tomorrow Montana dropped the garb of a territory and assumed the habiliments of a state.

It was on November 8 that the state of Montana became a fact.

Governor Toole, in speaking of the anniversary of the state's admission, said that he favored the legislature making some sort of provision for observance of the day and he may make a recommendation to that effect to the next legislature.

COURTNEY LETTERS OF ADMINISTRATION FILED

Special letters of administration were filed in the district court today in the estate of T. F. Courtney, deceased. The special administrator named in the letters is Thomas S. Hogan. Besides the letters, Mr. Hogan files his official bond for \$15,000. The United States Fidelity and Surety company is the surety on the bond.

WEATHER—Washington, Nov. 7.—The weather indications for Montana are: Rain or snow Sunday, with falling temperature.

SENATOR WINS ACTION ON TIMBER

W. A. Clark Secures Decision in Suit Brought by Government.

OPINION BY COURT

Judge Knowles Attacks the Testimony of Witness Griswold in Case.

Judge Hiram Knowles in the United States court today handed down a lengthy opinion in the case of the United States vs. Senator W. A. Clark. The opinion exonerates Clark from any blame of fraud charged in connection with the purchase of 82 timber claims in Western Montana. The complaint of the United States set up that the patents to these claims had been committed by the patentees named in the patents in procuring the issue of the same.

It was claimed that these patentees obtained these patents for timber lands under the act of June 3, 1898, as amended by the act of August 4, 1902, and after having made final proof upon their entries and having received certificates of purchase from the proper officers of the United States land office for the districts in which their several entries were situated, conveyed the same to one Robert M. Cobban, who in turn conveyed the same to Mr. Clark.

Mr. Clark in his answer claimed to be an innocent purchaser, and denied any intent or knowledge of fraud.

In handing down his decision, the court recited the fact that Mr. Clark purchased the lands from Cobban, and stated the contention of the government that the claims were purchased before a patent had issued, and that on account of this fact Clark could not be a bona fide purchaser and was chargeable with notice of certain frauds alleged to have been committed by the patentees.

Under the practice of the land department of the United States, any allowance of entry for patent can be recalled for sufficient reasons at any time before the actual issue of the patent therefor and the entry of the applicant cancelled. Anyone purchasing from an entryman who has received his final certificate of purchase only purchases such interest in the land as the entryman has, subject to the right of the land department to review its action and refuse to issue the patent.

This matter was cited as applying to Senator Clark, but the court decided today that in the case at bar the land department had made no withdrawal of its approval of the right of the entryman to a patent, but on the contrary issued a patent to each of them, and converted another wise equitable title into a full, legal title, and under the laws of Montana their actual acquired title enured to the benefit of the defendant, Clark.

The court cited the rule laid down by the United States vs. Maxwell Land Grant company, 121 U. S. 325, as to evidence necessary to authorize a court to set aside a patent. This rule was virtually this, that when in a court of equity it is proposed to set aside, to annul, or to correct a written instrument, for fraud or mistake in the execution of the instrument itself, the testimony on which this is done must be clear, unequivocal and convincing, and that it cannot be done upon a bare preponderance of evidence which leaves the issue in doubt. Only the class of evidence which commands respect and that amount of it which produces conviction, shall make an attempt to set aside successful.

Griswold's Evidence. In treating the evidence of Griswold the court said:

"As to witness Griswold, who was certainly a most willing witness for the complainant, the same practice as above was observed. It does not seem to me that in considering a case like this, under the rule laid down in the Maxwell land grant case supra, his testimony ought to be given any weight. According to his own admissions he had wilfully, deliberately and corruptly sworn falsely as a witness for some of the entrymen and entrywomen who made proofs in the land office; he had also made an affidavit contradicting his evidence as to the agreement with Cobban, which agreement he previously claimed had authorized him to make contracts for the purchase of their lands with the entrymen and entrywomen before their final proof was made in the land office. His general reputation for honesty and truthfulness was attacked by respectable witnesses in this court, and he did not sufficiently rebut this evidence. It was shown that he had received money from parties to suppress evidence regarding illegal cutting of timber upon the public domain. It was also shown that he had received assurances from government representatives that should he furnish testimony as he had stated, he would be given public employment."

They Deny It. "If we are to consider the evidence of the entrymen, we find that they positively deny having made any contract with Cobban to convey their land to him."

"Considering the rule as to evidence necessary to establish fraud in such cases as this and the rulings of the courts in cases cited, I am constrained to view that it is not established that the entrymen and entrywomen and Cobban committed the frauds charged in the bill. For the above reasons the bill must be dismissed."

The court rendered several minor decisions concerning motions to strike and demurrers to motions, etc.

Judge Knowles leaves today for Missoula, where he will remain until Monday, when he goes to Helena to open court Tuesday.