

TRUTH AND LIBERTY

MARTIAL LAW IN COLORADO.

State Supreme Court Called Upon To Determine Whether Gov. Peabody's Action is Legal.

THE WRIT OF HABEAS CORPUS.

Question Comes Up on Application For One for Victor Poole.

A PRISONER AT CAMP GOLDFIELD

No Charges Have Been Made Against Him, but Court's Order for His Release is Ignored.

Denver, Dec. 16.—The state supreme court was asked today to decide whether Gov. Peabody's action in declaring martial law in Teller county is legal. The question comes up on an application for a writ of habeas corpus for Victor Poole, a prisoner in the guard-house at Camp Goldfield, Cripple Creek.

The supreme court issued a writ of habeas corpus in the Poole case, returnable in five days. A writ was also issued on behalf of A. J. Paul, another prisoner in the military guard house at Camp Goldfield. Attorneys Richardson and Hawkins, representing the prisoners, waived the matter of having their bodies produced before the court and the cases were set for argument next Monday.

Adj. Gen. Bell today he had received a report that Charles McKinney and Charles Foster, who were arrested by the military at Cripple Creek, had confessed that they had taken part in the dynamiting of the Vindicator mine, which resulted in the death of Supt. McCormick and Foreman Beck. It is said they implicated twenty other persons in their confession.

WAS HE POISONED?

Relatives of Late James A. Hansen of Provo Think He Was.

(Special to the "News.") Provo, Dec. 16.—Jas. A. Hansen died this morning after a week's severe illness. He has been sick for about a year from stomach and kidney troubles, but it is feared by the relatives that the direct cause of his death was poisoning from an improperly compounded prescription. A full investigation will be made.

HOLMAN GATHERED IN.

Colored Man With a Bad Record Arrested for Trespass.

Budd Holman, a notorious colored man who has served time in the city jail for petty larceny, was arrested this morning by Officer Sperry on the charge of trespassing. Had Sperry waited awhile before making the arrest, he believes he would have caught Holman in the act of housebreaking.

ORFF GOES BACK.

Alleged Mountain Home Embezzler Willing to Return Home to Idaho.

(Special to the "News.") Butte, Mont., Dec. 16.—Sheriff W. W. Fountain of Elmore county, Idaho, arrived in Butte last night to take Charles Orff into custody on the charge of embezzlement. The prisoner is willing to return with him to the mountain home without requisition papers and the two left this afternoon. Orff is alleged to have embezzled \$140 from the C. R. Kelsey company, for whom he was a salaried man, having a wife and three children in Mountain Home. He is retained as to the affair, and his reasons for coming to Butte.

MINER GOT THREE MONTHS

Man Charged With Stealing a Watch Sentenced by Judge Morse.

Fred Poppi, who is charged with stealing a watch from a miner from Bureka on Thanksgiving day, appeared before Judge Morse this morning in the criminal division of the district court and, with the consent of District Attorney, changed his plea of not guilty of grand larceny to a plea of guilty of petty larceny. He was sentenced to three months in the county jail.

Russia and Manchuria.

Moscow, Dec. 16.—A copy of the Daily Vestnik received here, throws interesting light on the Russian attitude toward Manchuria. An imperial commission is drawing up regulations for getting various decisions, in rendering various decisions, in rendering various decisions.

TROOPS MUST STAY WITH IT.

Governor Wells Says They Will Be Needed Till After New Years.

CONDITIONS CALL FOR IT.

Statement Made After a Consultation With Vice President Kramer.

Governor Wells and Vice President Kramer of the Utah Fuel Company had a consultation this morning and talked over the situation at the coal mines. When seen after the consultation, Governor Wells said:

"There are a number of complications which have arisen at the mines which will necessitate the troops remaining there for some time yet. Mr. Kramer tells me that the Castle Gate mines will be started up on the first, and as the evictions of the strikers will take place on that date, it is necessary for the troops to be there to preserve peace and order. They will be brought back when the last danger of trouble is passed.

"The situation now is that the men who have been loyal to the company and have worked in the mines during the strike, object to having these Italian strikers come back to work with them; and if the strikers are allowed to return the men who have been loyal and have prevented a coal famine might possibly go out, and there would be trouble from that source.

"There are two ways this trouble will have to be terminated; either the loyal men must consent to work with the returned strikers or the strikers will have to leave the country. The militia must stay there until this matter is settled. General Cannon will be here tomorrow and I shall confer with him and see if it is possible to release part of the troops down there now. I am of the opinion, however, that he will not be able to do so. If it can be done, however, it will save the state some expense, at least."

CONSOLIDATION IS AUTHORIZED.

The stockholders of the Utah Light & Power company held an adjourned meeting this morning, and by over two-thirds vote authorized the board of directors, through the president and secretary, to consummate the proposed consolidation or merger of the Light and Power company with the Consolidated Railway & Power company, the new organization taking over the properties of the two merging companies.

The meeting then adjourned until the 30th inst, when there will be a formal meeting with the representatives of the street railway company to settle the details of the consolidation, the proportion of interchange of stock preparation to the issuance of the stock of the new company, and to decide on a name, the capitalization, new directors and general management. The present combined capital of the two companies is a little over \$6,000,000, and it is supposed that \$6,500,000 will represent the recapitalization.

THAT \$1,500 ERROR.

Chairman Clawson Says it is Up to City Engineer's Office.

Chairman Spencer Clawson of the board of public works while discussing an alleged error of \$1,500 against the city, as claimed in this morning's Herald, stated that if there were any error in the sewer contract for 1904, that it was a clerical mistake that had its origin in the office of the city engineer. In support of his statement he exhibited the original contract bid entered by James Kennedy & Co., of Fargo, N. D., and the minutes of the various bids entered. In the Kennedy bid the cost of eight inch sewer pipe and laying the same is set forth as 39 cents per linear foot. Not only is this set forth in figures but the amount is also written out. When the various bids were read off through a clerical error this item was made to appear ten cents cheaper, or 29 cents a linear foot.

Mr. Clawson does not accuse the city engineer of making the mistake, but says that the error was most certainly committed by a clerk in the office of the city engineer and not by the board of public works.

A HUNDRED PEOPLE RENDERED HOMELESS

Pittsburg, Dec. 16.—One hundred persons were rendered homeless today and driven out into the cold, with nothing but their night clothes, by a fire that destroyed the planing mill and lumber yard of the Bennett Lumber and Manufacturing company at Milvale, Pa., and partially destroyed a dozen houses adjoining.

TREATY WITH PANAMA ARRIVES AT STATE DEPARTMENT.

Washington, Dec. 16.—An expressman brought the Hay-Bunau-Varilla canal treaty, inclosed in a large steel box, to the state department today. He also had two in-bound boxes which contained the keys to the big steel box and to the smaller contained within.

PRESIDENT HESS GOES TO HIS REST.

Davis County Pioneer Succumbs To a Long Standing Affliction.

PASSED AWAY THIS MORNING.

Was a Member of the Mormon Battalion and a Man of Unflinching Integrity.

"MORMON" LOYALTY.

"Seeing that I could do nothing where I was, I concluded to take my own team and what I had, and go to Council Bluffs, one hundred and thirty miles distant, where the Church authorities were then stopping. So I made my father's family as comfortable as I could with the limited facilities I was in possession of and taking my wife and our two small children, I bade the rest of the family good bye and started, traveling in Henry W. Miller's company. We were overtaken one evening about dark, by Capt. Allen, who was accompanied by a guard of five dragoons, of the regular U. S. army, all of whom camped with us for the night. The object of their visit soon became apparent from ques-

tions asked by them, namely, that they were sent to see if the Mormon people could and would respond to the call for 500 men to help fight the battles of the United States against Mexico. This, indeed, was the first of the Mormon people of the state of Illinois to be called on out and while we were scattered on the prairies of Western Iowa with nothing in many instances but the canopy of heaven for a cover to get us under these circumstances for 500 of the strength of the camp of Israel.

"We arrived at Council Bluffs about the 16th day of July and found that four companies had already been enlisted and organized. I was enlisted in company "E," Captain Daniel C. Davis. My wife Emmeline also enlisted, as the government had provided for four women to go with each company of one hundred men to go as laundresses."

AN ACTIVE CAREER.

After being discharged from the army in 1857, shortly afterwards moving to Farmington, in March, 1858, he was ordained a Bishop, in which capacity he served for 27 years, until ordained Sept. 22, 1885, as counselor to President William M. Smith of Davis county, upon whose death he was made president, being ordained Jan. 15, 1894. This position he held until his death. He served these terms in the state Legislature, being elected in 1858, 1860 and 1876. He was also colonel commanding the militia of Davis county for many years, and in November, 1895, he visited Omaha as a delegate to the Transmississippi congress.

Elder Hess performed a mission among the states, also to Pennsylvania, visiting his birthplace. He was ordained a Patriarch Feb. 8, 1900, by Elder Francis M. Lyman, in which capacity he remained active to his dying day. He leaves a large family to emulate his good deeds.

ARSON AT BEAVER.

Abortive Attempt to Burn Down the Postoffice Last Night.

(Special to the "News.") Beaver City, Utah, Dec. 16.—A dastardly attempt was made last night to burn the postoffice building. Fortunately, however, from some cause, the fire burned itself out. Although the fire in two places, no material damage was done. It is a miracle that the structure escaped as it is a lumber building in which the fire started. The postmaster discovered it first about 9 o'clock this morning.

JOURNEY BEGUN.

"April 4th, we started on the wearisome journey, but with our heavy load and the incessant rain that continued to fall, our progress was very slow. The best we could do, we could only travel from five to eight miles per day, as my father occupied one of the wagons, and the rest of the family had no shelter only what they could get by crawling under the wagons and much of the time we were obliged to cut brush to lie on the ground to keep our-

PORTER LODGES A COMPLAINT.

Says Officials at American Consulate at Alexandretta Prevent Attarian's Embarkation.

HIS PASSAGE PROVIDED FOR.

Thought if He Were Gone the Principal Cause of Trouble Would Be Abolished.

Constantinople, Dec. 16.—The porte has complained to the United States legation that the acting officials at the American consulate in Alexandretta are preventing the embarkation of Attarian, the naturalized American whose recent arrest caused Consul Davis to leave Alexandretta, for whom the porte instructed the local authorities to obtain a passage on an Italian steamer at the cost of the government. It was the opinion of the porte that the embarkation of Attarian would remove the principal cause of complaint. The legation has not yet presented any demands for reparation.

The United States flagship Brooklyn left Beirut Dec. 14. It was said she was going to Egyptian waters for gun practice.

MR. ADEE IS VERY FIRM.

Washington, Dec. 16.—Acting Secretary of State Adee has taken a firm stand in the United States Consul Davis by Turkish officials and police at Alexandretta. He has called Minister Lehmann to the United States and informed the government and inform that the government of the case is one seeming to invite an expression of regret and reparation. The state department does not indicate what measure of reparation is expected, but it is understood the Turkish government certainly will, by removal or otherwise, punish the offending Turkish official and compensate Attarian for the losses and injuries he has sustained.

MAJ. GARLAND DEAD.

Shook Hands with All the Presidents Except Washington.

Johnson City, Tenn., Dec. 15.—Maj. William H. Garland, who had shaken hands with every president of the United States except Washington, is dead at the National Soldiers' home here, aged 94. He was one of the naval cadet company that accompanied Lafayette on the second visit to the United States in 1822, and he at one time conversed with Napoleon on the island of St. Helena.

DECISION ON MURDER.

Drunk Indian Resisting Arrest Killed Policeman, Not Guilty.

Portland, Ore., Dec. 15.—United States District Judge Charles B. Bellinger today decided that the killing of a man by a reflex and wholly involuntary action is not a crime, although the accused man at the time he engaged in an unlawful pursuit. The decision is said to be without parallel. The ruling was made in the case of Frank Winnishut, a Warm Springs Indian, charged with the murder of an Indian policeman while resisting arrest. Winnishut, while under the influence of liquor, was riding horseback about the 10th day of July and was engaged in the murder of an Indian policeman. Two Indian horsemen attempted to arrest him. One seized the reins and endeavored to drag him from the saddle, while the other rode around behind the horse, Winnishut, who was trying to cut the bridle with a knife, suddenly broke loose, lost his balance and fell backward, striking the other policeman with the head of his rifle.

A BLACKMAILER ON TRIAL.

Isaac Gravelle Accused of Trying To Extort Money from N. P.

Helena, Mont., Dec. 15.—The taking of testimony in the case of Isaac Gravelle, charged with sending letters to the Northern Pacific officials demanding money for immunity, began today. Among the witnesses was the warden of the penitentiary, Jack Conley, who testified to Gravelle having served two terms in the penitentiary. The theory of the prosecution is that the threatening letters received by the railroad were written in the penitentiary by the cell mate of Gravelle, a man named Harvey Whitton, who is serving an eight-year sentence for second degree murder. Conley identified two of the threatening letters as being in the handwriting of Whitton. The paper they were written on is sent out by a school of correspondence, and was identified by a peculiar water mark. One of the letters identified was addressed to the board of directors of the road and was dated July 16, 1903. It was the first demand for \$25,000. The second was without date and directed the railroad company how to deliver the money and what the denominations were to be.

Mgr. Usti Dead.

Madrid, Dec. 16.—Mgr. Usti, the last Spanish archbishop of Santiago de Cuba, died today at Zama, near San Sebastian. His body will be interred there by the side of the remains of Gen. Martinez de Campos.

Quimby, Ia., Bank Robbed.

Quimby, Ia., Dec. 15.—The Bank of Quimby was robbed of \$3,000. The cracksmen escaped.

IDAHO FACTORY'S FINE RUN.

(Special to the "News.") Idaho Falls, Dec. 16.—The new factory of the Idaho Sugar company is now running in perfect order. The builder, Mr. Dyer, pronounces it finished and will leave for good tomorrow. For the last 24 hours the factory sliced 532 tons of beets and produced 1,445 bags of sugar. It is expected that the next 24 hours will reach the 400 ton mark. The beets are keeping up in excellent shape. Up to this morning the factory has produced 1,030,000 pounds of sugar.

RENEWAL OF THE TRIPLE ALLIANCE.

Emperor Francis Joseph Says This Well Proved Basis of His Policy Will Be Continued.

SITUATION IN THE BALKANS.

Austria's and Russia's Aim Has Been To Preserve Peace and Nothing More.

Vienna, Dec. 16.—Emperor Francis Joseph today received the Austrian-Hungarian delegation. The speech from the throne was chiefly notable for its stronger affirmation of the emperor's determination to maintain the triebund.

"By a renewal of the triple alliance," he said, "this well proved basis of our policy, which we have determined to maintain henceforth, has been consolidated for the future."

The speech referred to the death of Pope Leo, to the gratifying foreign relations of the dual monarchy and to the close harmony between Austria and Russia in regard to the Balkans, with the object of "maintaining peace and the status quo in those regions, in which we are receiving the energetic support of the other great powers."

The emperor also said Austria and Russia had no selfish aims in the Balkans and only have in view the establishment of peace in the interest of the whole of Europe, to which end Austria-Hungary was endeavoring to induce Turkey to improve the condition of the Christians and to restrain Bulgaria from encouraging revolt.

After mentioning the visit of "my dear ally," the German emperor, the czar of Russia and the king of England, which gave the desired opportunity for a personal exchange of views in regard to the Balkans and all other questions of present engaging importance, the emperor's speech continued:

"In Serbia a change of dynasty has been brought about by a crime which must fill every civilized being with horror. It is to be hoped that this country, under its new rule, may be directed towards its moral regeneration and a prosperous future."

The speech concluded with saying that the war office appropriation would be the same as last year, and that it asks for money to maintain new quick-firing guns, the work to be commenced in 1904.

FOREIGN MISSIONS.

American Board of Commissioners Makes Public Summary of Them.

Boston, Dec. 16.—The American board of commissioners for foreign missions made public today a summary of Protestant foreign missions. It is most of the items there is shown to be an advance over the receipts of the preceding year. The income of societies in the United States and Great Britain alone shows an increase of over \$2,000,000. The following follow:

Stations, 5,771; out stations, 2,256; total missionaries, 16,618; native workers, 15,281; communicants in 1902, 2,270,042; pupils under instruction, 1,127,833. The total native constituency is 3,632,391. The number of societies in 1902, by 6,502 stations and out stations, 1,611 men, 2,283 women; 20,841 native laborers, 50,679 communicants, \$3,727,000. The income of the societies reported is \$1,174,382. The missionary work in the Hawaiian Islands having been assumed by the churches on the islands, that mission disappears this year from the report. But that to the Philippines has been added, so that the number of missions is still 21.

The Chinese missions of the American board there are more church members by 885 than before the Boxer outbreak, while the native laborers have increased nearly three-fold.

Cause of Typhoid at Butler, Pa.

New York, Dec. 16.—Dr. George A. Soper, a sanitary expert, engaged by the health department to investigate the typhoid epidemic at Butler, Pa., and its cause, reports that the epidemic has its origin in the suspension of the mechanical filtration of the city water supply. The water for the town is obtained from surface sources.

Japanese Statesmen Confer.

Tokio, Dec. 16.—In consequence of Russia's reply, a special conference of the statesmen of Japan, including the Marquis Ito and the cabinet ministers, is proceeding here today. It is understood that the statesmen are considering the adoption of a firm stand against Russia.

Gen. Kodama, the war minister, was present, for the first time, at the conference. There is renewed activity at the admiralty, in view of a possible naval demonstration.

Petty Officer Gets Five Years.

Berlin, Dec. 16.—Owing to his mistreatment of soldiers on 1500 counts and abuse of authority on 1,000 counts, a non-commissioned officer named Franzki of the Eighty-fifth infantry, has been sentenced to five years' imprisonment and dishonorable discharge from the army by a court-martial at Redsburg. The court declared Franzki had displayed the "brutality of an ox-driver."

American Skating Association.

Chicago, Dec. 16.—The American Skating association, which proposes to control all minor organizations, and to promote interest in ice skating, is now formed at a meeting in the Sherman House by a number of men well known in skating circles. Officers for the coming year were selected and a general committee appointed to transact business until the next meeting, which will be held in the near future. A constitution will then be drawn up and rules drafted to govern all contests held under the auspices of the association in the future. The officers elected were:

Cashier Bushnell's Shortage.

New Haven, Conn., Dec. 16.—An additional shortage of \$25,000, the total thus far known \$75,000, has been discovered in the accounts of A. C. Bushnell, cashier of the Yale National bank, who committed suicide yesterday. The shortage is said to be impossible to explain until further investigation whether there is a still greater shortage.

FINANCIAL CRISIS EXISTS AT NOME.

Merchants Demand Cash for Everything, All Credit Being Suspended.

THE PLACE'S DEBT IS \$35,000.

Boodle Charges Are Freely Made Against Members of City Council.

THE WRECK OF THE DISCOVERY.

Found by an Indian, Revenue Cutter Rush Going to the Scene of the Disaster.

Seattle, Wash., Dec. 16.—A special dispatch to the Times from Vancouver says that the wreck of the Discovery has been found. An Indian from Cross Sound found the wreck and brought the news to Juneau. The revenue cutter Rush has gone to the scene, taking the Indian as a guide.

A telegram to the Times from Nome, Dec. 3 via St. Michaels Dec. 14 says: Today the government officials announced that the financial crisis existing with Nome would be established inside of ten days. Several partly successful tests have been made.

There is a financial crisis existing in Nome. Merchants demand cash for all purchases, credit being entirely suspended.

Boodle charges against the city council are being made freely in the papers. Nome's debt is \$35,000 with no income until the first of June.

Schooner Zenith with crew of ten and twenty passengers is frozen in for the winter near Golovin bay. The vessel is in a very bad position. The passengers are in good health, well supplied and in no danger.

A disgraceful dispute has arisen between the city and federal authorities over the body of an Indian woman which was found just within the city limits and which the city authorities refused to bury. The city officials finally cared for the body after dogs had gotten at it four days after it was discovered.

Adm'l Rogers Nearly Asphyxiated

New York, Dec. 16.—Rear-Admiral Rodgers, commandant of the Navy yard, Mrs. Rodgers, their son, a cadet, and four attendants have narrowly escaped asphyxiation from their quarters in the commandant's house at the yard. Mrs. Rodgers and her children were asphyxiated and died. The admiral was not seriously affected.

Some time after the admiral retired the furnace in the basement began to glow and a fire broke out in the house. The admiral was awakened by a choking sound. Hastily flung open the window doors he carried out his wife and children to the fresh air. Prompt attendance soon restored them.

Alfred Dolge Has Backing.

New York, Dec. 16.—When Alfred Dolge, of Delgoeville, Herkimer county, N. Y., failed in 1898, the crash was called an economic tragedy because it shattered the hopes of thousands of men in an industrial center fattened by Dolge.

The promoter is now here buying machinery and erecting a steel mill. A new plant of a new Delgoeville to be located in southern Delgoeville, will contain two acres of which will be set aside for a few factories and 200 for the building of a model town.

Actor Frank Molten Enjoined.

New York, Dec. 16.—An important decision regarding theatrical contracts has been handed down by Judge Townsend, in the United States court, in New York. It made permanent an injunction asked for by the United States Opera company against Frank Molten, a comedian.

Under this decision, Molten is restrained from appearing on the stage unless he has the consent of the opera company. The contract expires in six months hence. The comedian has appealed to the court for a writ of habeas corpus and maintained the same privilege for himself.

Flood Renders Employees Idle.

New York, Dec. 16.—Nearly 4,000 persons will be idle in the Hudson district, of Paterson, N. J., for several days because of the bursting of a dam which let loose the waters of the Passaic river and flooded an area of 30 acres occupied by several large factories.

The flood assisted immediately but machinery was clogged with ice making operation of the mills impossible. The water flooded the basements of the mills, and soon froze. Streets for miles around also were clogged with ice. The loss will amount to several thousands.

Burned by Kerosene Explosion.

New York, Dec. 16.—By the explosion of a kerosene lamp in the ten and a half story building of the Standard Oil company, John Stankovich, 26, east 12th street, Stankovich and his wife and son were severely burned that they are not expected to live. Members of a family living on the floor just above were found half suffocated, and policemen assisted them to the street. The damage caused by the fire was small.

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