

BREEN AND MAESTRETTI CITED TO APPEAR BEFORE SUPREME COURT

Judge and District Attorney Must Answer for Strictures Upon the Higher Body--May Be Debarred From Practising Before Any of the Courts in the State.

(Special to the Bonanza.)
CARSON, Nev., Sept. 23.—Following an investigation and report by the Attorney General, the Supreme Court of the State of Nevada today cited Judge Breen of the District Court and District Attorney Maestretti of Lander county to appear October 7th to show whether they made certain statements that were strictures on the action of the higher court in granting a new trial in the Dwyer murder case, where a change of venue had been ordered to Elko county, and if so, why they should not be ordered to expunge said false and defamatory statements from the minutes of the District Court.

The court also directed citations to issue to each of them to appear at the same time to show cause why they should not be adjudged guilty of conduct unbecoming members of the bar and officers of the court, under an act relating to attorneys and counselors at law, and why their names should not be stricken from the roll of attorneys and they be disbarred from practicing in all courts of the State.

Goldfield Consolidated Pays First Dividend

GOLDFIELD, Sept. 23.—The board of directors of the Goldfield Consolidated Mines Company met this afternoon in the Wingfield building and voted the first of the regular dividends to be paid, distributing \$360,000 among the shareholders.

George Wingfield, the vice president, J. M. Fenwick, Charles S. Thomas, John S. Cook and John Wellington Finch, comprising a majority of the directorate, were present at the meeting. Wingfield presided in the absence of Senator George S. Nixon.

The reports of the officers had been compiled and were presented formally to the directorate. The board decided that an assured dividend, payable each month, would be far more preferable than the payment of a large amount occasionally.

Stockholders in all subsidiary companies of the Consolidated will be given an opportunity to exchange the shares for Consolidated. The board by resolution set the limit for such exchange at October 5th. Such exchanges will enable the holders of constituent company stocks to profit from the output of the Consolidated, which is one of the greatest gold mines on earth.

Before the meeting today Mr. Wingfield said: "The directors will simply declare a dividend of 10 cents a share a month, extend the time for the exchange of stock in subsidiary companies for Consolidated, and attend to a few minor matters."

This afternoon the Mohawk company declared a dividend of 50 cents a share on 710,000 shares of stock, practically all of which is owned by the Consolidated. The dividend is payable Oct. 25th.

Find Body of Woman Stuffed in a Trunk

(By Associated Press.)
SEATTLE, Sept. 23.—The police have positively identified the body of the dead woman found stuffed into a trunk, cast upon the beach at South Alki, yesterday morning, as that of Mrs. Agnes Truman McCombe Covington, seventeen years old. The woman had been strangled. She was the wife of Frank Covington, for several months employed as a salesman by the Kilsheimer Lignor Company, 1115 First avenue, Seattle. Covington is missing and the police are looking for him. Acquaintances say they have not seen him for a week. The body in the trunk had been dead for at least a week.

Mrs. Covington was the daughter of Truman McCombe, who lives near Vernon, B. C. Her grandmother, Mrs. Elizabeth Robinson, her aunt,

Miss Jennie Robinson, and Geo. Robinson all live at 721 Yesler way, Seattle, where the dead woman's mother runs a lodging house. Covington is about 23 years old. He is said to have come to Seattle two years ago from Louisville, Ky. A letter from St. Paul, under date of April 11, 1906, apparently written by Covington's sister, Edith Covington, was found in the trunk with the body. The letter was addressed to Frank Covington and the publication of excerpts from the letter in the papers led to the positive identification today by the dead woman's uncle, George Robinson.

The police are working on the theory that Covington is the murderer. The only plausible motive so far advanced for the crime is that the murder followed a violent quarrel.

Mrs. M. Faalmer of 510 Fifth avenue, who conducts a lodging house at 916 Fifth avenue, said today that

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Mont.-Shoshone Has Machinery in Motion

(Special to Bonanza.)
BEATTY, Sept. 23.—The great machinery of the mill of the famous Montgomery Shoshone mine was turned for the first time this morning, and a new era was marked in the history of the Bullfrog district.

The power which has been anxiously awaited for months was connected up and turned on at 4 o'clock this morning. Some of the principal people of the Montgomery Shoshone Mining Company were on hand for the event, and they did not hesitate to express the satisfaction that it gave them to see the machinery in motion. These gentlemen included Donald B. Gillies, president of the company; H. M. Rayborg, vice-president; Dr. R. M. Ward, brother-in-law to Charles M. Schwab, and treasurer of the company; and James E. Brown, one of the stockholders. General Manager Bryce Turner was on hand, as a matter of course.

No attempt was made to run any ore through the mill—the ceremony consisting of a tuning up of the machinery. Wednesday is set for the day that the ore will be put through the mill, and then there will be no effort to test the capacity of the mill. It will be easily thirty days before that is attempted.

The company has been sorely tried

with delays and breaks and disappointments, which were none of their doing, but the fault of the elements and the contractors. Then when everything was ready, there was more delay over the arrival of the power from Bishop, the Nevada Power Company being kept back by all sorts of things. But at last all obstacles have been overcome, and in a very short time the ore of the greatest mine in the southern part of the State will be running into money.

The company has been by no means idle during all the time they were waiting for the power. They have been shipping at the rate of a carload a day, merely enough to pay expenses and keep the treasury stiffened. But when the mill is going the production will be something fierce, for when the plant is going to its full capacity, it will mean the reduction of from 400 to 500 tons of ore a day.

The mills are the thing in this country to which is looked forward the salvation of the district. Bullfrog is essentially a milling proposition, and there will be many more mills follow in the lead of the Montgomery Shoshone. The eyes of the East have long been on the work that is being done on the newly finished mill, and no greater boom could be given to the district than the turning over of the wheels of the great plant. It was a great day for the mine and it was a greater day for the Bullfrog district.

Supreme Court Rules Against the Bribers

(By Associated Press.)
SAN FRANCISCO, Sept. 23.—The State Supreme Court today destroyed the last hope of the defense in the various bribery-graft proceedings by deciding that the Oliver Grand Jury, which indicted many of the men most prominent in business and social life in San Francisco, was and is a legal body, and that hence the indictments returned by it are valid.

The opinion, occupying nine typewritten pages, is that of Chief Justice Beatty and associate Justices Sloss, Angeliotti, Henshaw and Lorgan. Associate Justice McFarland handed down a dissenting opinion.

The attorneys for Theodore V. Halsey and Louis Glass of the Pacific States Telephone and Telegraph Company; Patrick Calhoun, Thornwell

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JUSTICE AT LAST COMES TO JOHN HENNESSY

HAVE PREVENTED PLAGUE OUTBREAK

(By Associated Press.)
SAN FRANCISCO, Sept. 23.—Dr. Rupert Blue of the marine hospital service and President William Ophuls of the city board of health today united in the following statement to the press relative to the bubonic plague situation:

"From our knowledge of bubonic plague, the prevention of a sudden outbreak in epidemic form can be predicted with assurance. But a certain number of cases will continue to occur for a considerable period in spite of prevention."

Today's report shows the following number of identified cases, 42; deaths, 24; suspects under observation and not yet verified, 25.

Man Who Has Been Imprisoned for Defending His Life Is Given Freedom--Prosecuting Attorney and Jurors United in Plea for Pardon--Case Dismissed on Motion of District Attorney.

John Hennessy is a free man. He walks the streets today with all the rights and privileges of citizenship; he can hold his head erect, he can look every man in the eye; his character is now as clear as his conscience has always been.

Intense Interest in Senator Borah's Case

(By Associated Press.)
BOISE, Idaho, Sept. 23.—The case of Senator Borah, charged with conspiracy to defraud the government out of valuable timber lands, was called today before Judge Edward Whitson in the United States District Court. The prominence of Borah in state politics, his personal popularity in his home town, the leading part he took in the prosecution of Haywood, and the fact that more than 100 well known residents of Idaho are involved with him in the so-called conspiracy, combined to attract interest in the proceedings practically equal to that of the Haywood trial, and the court was filled to overflowing. The array of counsel on both sides was imposing. The government, whose representatives here freely predict a hearing of sensational interest, practically takes the case out of the hands of the local officials.

At the beginning of the impaneling of the jury it was announced that former Governor Steunberger was indicted with Borah for conspiracy to defraud the government of timber lands. The indictment was presented as John Doe. The Borah indictment

alleges that he, with twelve others named as co-defendants, conspired to defraud the government out of many thousands of acres in Boise county. As a result of the conspiracy, it is alleged, 108 residents of Boise, many of them prominent and of the best people here, took out timber claims and swore that in doing so they were acting solely in their own interest, whereby it is claimed that these statements were false and that they entered into agreements to turn over such claims to three selected men, who in turn were to transfer them to the Barber Lumber Company, whose officers have headquarters in Wisconsin and large interests in the West.

District Attorney Norman M. Huck, against whom charges of improper conduct before the Grand Jury were filed by Borah and others, is in charge of the special attorneys trained in timber land matters and fresh from successful prosecutions in other States. Attorneys McBurch of Detroit and Rush of Omaha are at the head of the government's counsel. James H. Hawley, senior counsel for the State in the Haywood case, is leading counsel for Borah.

John Hennessy killed a man, and wounded another. His act was performed in the defense of the life of his friend. The law is perfectly clear on this point. It gives the right to a man to kill in the defense of his employer, his kith and kin, his friend. Hennessy was convicted, when if he had received a fair trial, he would have been acquitted. Judge Breen and a jury tried the case, and Judge Breen would not permit the introduction of evidence that would have cleared the man on trial. Judge O'Brien, then practicing law, defended Hennessy, and he was ruled against on point after point. That Judge Breen was wrong on ruling out this evidence the Supreme Court decided, and the highest tribunal in the State gave Hennessy tardy justice by granting him a new trial, and there never was a stronger rebuke given to a judge on the bench than was given to Breen by the higher court.

Never in the history of the State was a judge overruled on so many points as was Judge Breen. Had these points been admitted on the trial, there could have been but one result—the acquittal of John Hennessy. In the days of the trial, the I. W. W. was blooming into a pretty strong plant in this country and it looked as if they might be a strong political power. What effect this situation might have had on the trial, no one can presume to say, but the court room was crowded with the representatives of the organization,

and they were a mighty dictatorial lot. They demanded the conviction of Hennessy.

With all the expressed intimidation, with the judge's ruling out the principal points of the defense, and with his charge to the jury, the latter could find no verdict of murder. They brought in a compromise verdict. They found Hennessy guilty of manslaughter and that verdict was given with the understanding that the recommendation of the jury would have weight with the judge, which ordinarily it has. The jury recommended that the sentence of the court be the minimum punishment of the law, one year's imprisonment.

Judge Breen disregarded the recommendation of the jury absolutely. His sentence was five years and eight months in the State penitentiary. Mr. Hennessy's attorney immediately gave notice of appeal. The friends of the prisoner also got busy and he would have been pardoned long ago but for the persistence of Judge O'Brien, who was determined that his client should come out of the case with no stain upon his name. The appeal was a most elaborate document, and every point raised by Mr. O'Brien was granted by the Supreme Court. When the highest tribunal granted the motion for a new trial, they virtually set the convicted man free, for with the points admitted that had been ruled out by Breen, no jury in the world would have done anything but found a verdict for acquittal.

It was last night that Mr. Hennessy's moment of triumph came. Judge O'Brien was disqualified from sitting on the case, and Judge Langan came over from Goldfield to sit in his stead, as he had gone once before to admit Mr. Hennessy to bail. The proceedings were short, the court room was filled with the friends of Mr. Hennessy, who would have raised on a previous occasion, if necessary, a million dollars for his bail, and who would have spent a fortune to get him a fair trial, and his rights. It was a little recompense to the man who had suffered wrongly to know that he had behind him such tried and true friends, for he numbered among them the best men in this community.

The district attorney addressed the court and asked that the case be dismissed as he knew that he was doing his duty by the people in so doing, for he was certain that he could not secure a conviction, and it was not

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