

Lewiston Evening Teller

THIRTY-FIRST YEAR—NO. 269.

LEWISTON, IDAHO, WEDNESDAY, DECEMBER 11, 1907

STOESSEL TRIAL IS NOW ON

SCENE OF COURTMARTIAL IS SPECTACULAR—NEARLY 200 WITNESSES TO BE HEARD—COURT APPARENTLY BIASED

Stoessel Holds a Telegram From the Czar Which It Is Thought Will Have Considerable Bearing on the Case

ST. PETERSBURG, Dec. 11.—The trial of General Stoessel opened yesterday in the auditorium of the Army and Navy club.

The room resembled more a social gathering of officers of high rank than the scene of a court martial. Among the judges, spectators and witnesses, were Generals Kuropatkin, Linevitch and Rennenkamp, Vice Admiral Wren and scores of other prominent leaders in the Russo-Japanese war.

There were also present 200 officers and soldiers who had been present at Port Arthur and who today were clothed in their full dress uniforms with stars and decorations.

The trial was convoked by Vice Admiral Doubasoff. He declared it to be the duty of the court to proceed with the trial of the four officers charged with the responsibility of surrendering the fortress of Port Arthur on terms dishonorable to the garrison of Russia and humiliating to the prestige of the Russian army.

He then called the roll of the 200 witnesses, including General Kuropatkin and Vice Admiral Wren. Several of the witnesses were absent, but the court decided to proceed with the trial.

One or two incidents showed the attitude of the court to be unfavorable to General Stoessel. His personal request that two additional witnesses be called in was dismissed without ceremony.

One of these witnesses, Dr. Roseanoff, chief of the Red Cross in the fortress, at the preliminary hearing testified at the time of the surrender General Stoessel had 8,000 able-bodied men to defend the hundreds of miles of fortifications, and the cold winds at times made it difficult for the soldiers even to hold their rifles.

General Nadien, the other witness excluded, is the author of a deposition similar to that of Dr. Roseanoff.

It is generally understood that Stoessel is in possession of a weapon in the shape of a telegram received by him before the surrender of Port Arthur, in which the emperor said: "Don't push the defense to extremities," meaning by this to spare the lives of Russian soldiers when their power of resistance was exhausted, as the emperor feared that the Japanese might repeat the feat of a former capture of the fortress, when they put to death 10,000 Chinese.

GOVERNMENT TO INVESTIGATE

TROUBLE BETWEEN GOLDFIELD MINERS AND MINE OWNERS TO BE INVESTIGATED BY DEPARTMENT OFFICIALS

WASHINGTON, Dec. 11.—After a conference with the president today, Assistant Secretary Murray of the department of commerce and labor, Commissioner Charles P. Neill and Commissioner of Corporations Herbert Smith announced that they would leave for Goldfield this afternoon to make a thorough investigation of the trouble between the miners and operators.

Airs assumed by the self-made man are mostly fresh airs.

SUNDAY LAW CONSTITUTIONAL

SUPREME COURT HANDS DOWN LAW UPHOLDING THE ACT OF LAST SESSION PROHIBITING BUSINESS ON SUNDAY

BOISE, Ida., Dec. 11.—In an opinion handed down by the supreme court yesterday, written by Justice Stewart, Chief Justice Ailshie and Justice Sullivan concurring, the Sunday rest law passed by the last legislature has been declared constitutional.

The opinion is in the case of the state vs. W. F. Dolan, appellant, on appeal from the decision of Judge Wood of the Third district, and the lower court is affirmed. The case was argued at the Lewiston term, when other cases attacking the constitutionality of the act were pending. Counsel joined in submitting this as a test case.

Arguments were made by the attorney general and three of his assistants and by the prosecuting attorneys of Ada and Shoshone counties and R. P. Quarles, amicus curiae, upholding the act, and by C. E. Cavannah, J. J. Blake of Ada county and J. P. Gray, H. P. Knight, H. E. Worstel and A. H. Conner of Shoshone county. The opinion is voluminous and upholds the law on all points, the first paragraph of the syllabus reading:

"In the exercise of its police power a state may prohibit the conduct of business on Sunday."

FLIP OF COIN DECIDES CASE

TOSSING THE COIN BECOMING POPULAR—JURY IN GOUCHER CASE DETERMINES VERDICT BY HEAD AND TAIL MEANS

Robert Goucher, the Spalding bartender, was yesterday afternoon convicted of the charge of selling whiskey to an Indian by a jury in Justice Pugh's court, composed of W. A. Hill, I. M. Binnard, Charles Sampson, Ezra Baird, M. Scully and M. Ward.

The jury stood three for acquittal and three for conviction, and the final decision was reached by the flip of a coin which determined the verdict to be rendered which was against the defendant.

Attorney J. L. Harn appeared for Goucher and filed a motion for a new trial on the grounds that a man's liberty cannot be gambled away, nor can he be placed in jeopardy twice on the same charge, as he alleges was done in this case, the defendant having been acquitted of the charge of selling liquor on Sunday, the specific case being the same as used to secure the conviction on this charge.

CALL FOR VOTE ON PROHIBITION

MICHIGAN STATE GRANGE ASKS TO HAVE "DRY" CLAUSE IN NEW CONSTITUTION NOW IN PREPARATION

SAGINAW, Mich., Dec. 11.—The State Grange, with a membership of 51,000, in its annual meeting here adopted a resolution calling for the constitutional convention in session at Lansing to insert a clause in the constitution prohibiting all traffic in liquor.

A woman's figure, like her age, is sometimes a doubtful quantity.

DRAWING LINES ABOUT POWERS

CONFESSION OF YOUTSEY NOW SERVING LIFE SENTENCE FOR IMPLICATION IN THE CRIME, BAD FOR POWERS

GEORGETOWN Ky., Dec. 11.—Henry E. Youtsey, now serving a life sentence in the penitentiary for complicity in the assassination of former Governor Wm. E. Goebel, was a witness yesterday in the trial of Caleb Powers. He told of a conversation with Dr. W. R. Johnson as to killing Goebel and of the purchase by Youtsey of smokeless cartridges in Cincinnati. He said before the cartridges were bought Johnson became impatient and said Youtsey could shoot Goebel and the secretary of state's widow.

Youtsey detailed the events leading up to the tragedy and the preparations which he had arranged for the shooting. It was Youtsey who met James Howard, who is alleged to have done the shooting, upon his arrival at Frankfort. Youtsey told of placing guns in Powers' office, raising the window and drawing the curtain to the window, of pointing out Goebel as he approached the capitol and seeing Howard aim at his victim. He then left the window and heard the crack of the rifle as he was descending the stairs.

The witness connected Powers directly by stating that he fixed the door for the entrance of the assassin and approved of the plan.

Youtsey said also former Governor Taylor dictated a letter to him, asking Howard to come to Frankfort to do "the job."

Youtsey testified that Taylor said he would give \$1,500 a free pardon and a military escort to the mountains to the man who would kill Goebel.

PROBE DEEPER LAND FRAUDS

GRAND JURY CALLED IN THE COLORADO CASES WILL SEEK TO BRING GUILTY PARTIES TO JUSTICE

DENVER, Colo., Dec. 11.—The grand jury which convened today will probe deep into alleged land frauds, and it is believed a number of men of wealth and prominence will be caught in the federal dragnet.

The murder of Joseph A. Walker, federal secret service agent at the Hesperus mine near Durango, recently, has stirred the federal authorities to exert themselves to the utmost to bring the guilty parties to justice. Evidence that has been gathered personally by Chief John A. Wilkie and some of his most able assistants will be laid before the grand jury.

Its work, it is expected will be more far-reaching than that of the grand jury which indicted seventy-three men last summer for alleged land frauds. The trials of those now under indictment will begin in the United States district court here next week.

COMMITTEE MEETS THURSDAY Democrats to Decide Upon Date and Place of Next Convention

CHICAGO, Dec. 11.—Thomas Taggart, chairman of the democratic national committee, left yesterday for Washington, where the committee will meet on Thursday to decide upon date and place of the next democratic convention.

Before leaving Mr. Taggart gave out the official list of cities which are after the convention. It includes St. Paul, Atlantic City, Louisville, Chicago, Denver, St. Louis and Cincinnati.

RETURNS FROM A MONTH TOUR

DR. MACLEAN, PRESIDENT OF STATE UNIVERSITY, VISITS INSTITUTIONS OF EAST—TAKES IN LIVESTOCK SHOW

MOSCOW, Dec. 11.—President MacLean of the state university returned from a month's tour in the East yesterday.

He visited several of the educational institutions and was in attendance at the National Association of State Universities at Washington, D. C.

Among other questions discussed there was the foundation of a national university to be the head of the public educational system of the United States.

Dr. MacLean visited the International Livestock association show in Chicago, where the finest specimens of livestock the world has produced were on exhibition.

"There are evidences of good crops in all the sections visited" said Dr. MacLean, and he spoke of the pleasant weather, with but slight snowfall as yet, and of the excellent time made on the return journey, two days and three hours being all that was required for the trip between Minneapolis and Moscow.

POSTOFFICE FOR NEW ILO

ORDER TO REMOVE POSTOFFICE FROM OLD TOWN OF ILO TO NEW TOWN RECEIVED—WILL WIPE OUT OLD TOWN

Special to Evening Teller. ILO, Dec. 11.—Citizens of the town of Ilo are jubilant today over the fact that they are to retain their postoffice. Word just received from Congressman Burton L. French is to the effect that the postoffice department has sanctioned the removal of the postoffice from the old town to the new, and the removal is being made today.

This marks the complete wiping out of the former town of Ilo and the building up of a new townsite on the railroad. The citizens are congratulating themselves on the change, and are further pleased with the near approach of the railroad, which is within a mile of the town.

BANKER GOES BY SUICIDE ROUTE

CALIFORNIA BANK WRECKER ENDS HIS LIFE WITH SHOTGUN RATHER THAN FACE IMPENDING PROSECUTION

SAN FRANCISCO, Dec. 11.—T. Otway Sudleir, manager of the West End branch of the California Safe Deposit Trust company, committed suicide during the night, blowing off the top of his head with a shotgun. His body was found this morning.

He was a close friend of J. Dalzel Brown, vice president and general manager of the company, who is in prison accused of embezzlement.

FUNSTON GOES TO GOLDFIELD

SAN FRANCISCO, Dec. 11.—Funston started for Goldfield early today, where he will personally examine conditions so as to be fully prepared for any emergency.

LOOKOUT NOT EMBARRASSED

FARMERS OF LOOKOUT EXPERIENCE NO FINANCIAL EMBARRASSMENT—BIG PROFITS IN DIVERSIFIED FARMING

"About all we know of the financial stringency is what we read in the papers," said C. S. Puntenny, merchant of Lookout, who was a visitor in the city yesterday.

The farmers of the Lookout section are not only engaged in the cultivation of grain crops, but are also engaged in fruit raising, dairying and livestock, and the residents of the mountain section secure large revenues from the sale of lumber and wood.

"Of course there is a slight decrease in business, but there is plenty of money and our people are not materially affected by the money shortage that has embarrassed all lines of business in other sections of the country."

Mr. Puntenny states the people are making elaborate preparations for the celebration of Christmas and the citizens will be addressed on Friday, Saturday and Sunday evenings by E. D. Nichols, the temperance worker who is now lecturing in the northern part of the state.

The Lookout school now has an attendance of about 60 pupils, and the eight grades are being efficiently taught by Miss Mann, who was secured by the Lookout district last fall.

EXPECT TROUBLE IN GOLDFIELD

CLASH BETWEEN MINERS AND SOLDIERS OR MINE OWNERS MAY BE PRECIPITATED AT ANY MOMENT

GOLDFIELD, Dec. 11.—The situation here is becoming more intense and nearly everybody anticipates trouble of some sort tonight or tomorrow at the latest.

Captain Swain of the Thiel Detective agency left for San Francisco to bring 500 miners here, mostly strikebreakers from Idaho and California.

It appears efforts are being made by the Mine Owners' association to induce Col. Reynolds, commanding the troops, to declare martial law. Reynolds is unwilling to take this action until some act of violence is committed or on the arrival of Funston.

Reynolds was shown specimens of ore taken from men charged with "high-grading." Three more "high-graders" were captured today.

The Mine Owners' association office still asserts that the mines will be worked tomorrow and that they have men engaged to work them.

COURT FIXES QUEER VALUES

NEW YORK, Dec. 11.—A boy's life is worth \$800, but a boy's leg is worth \$10,000, according to two verdicts just handed down by the supreme court.

John Sheehanson, killed in a runaway, was awarded \$800, and Arthur Clements, who lost a leg by a trolley car, got \$10,000.

First Official Electrocution TRENTON, N. J., Dec. 11.—The first official execution under the new law in New Jersey occurred at the penitentiary early today, when Servio di Giovanni paid the penalty for the murder of Joseph Sanson. The electrocution was a success.

BIG SHIPMENT CATTLE, HOGS

BALES & JONES SHIP FROM STITES TO COAST POINTS 25 CARLOADS OF FAT CATTLE AND HOGS

Stockmen's Meeting in Spokane Shows Idaho County Ships More Than Spokane Market can Consume.

The firm of Bales & Jones will make a shipment of 22 carloads of cattle and hogs from Stites on December 14. The shipment will chiefly go to coast points, where the firm has filled large contracts during the past few months.

A shipment of 480 hogs occupying six cars, was made from Stites yesterday by E. S. Sweet of Grangeville. The hogs were consigned to the Stanton Meat company in Spokane, and will be used in supplying the Spokane trade.

"Idaho county ships more fat stock than is consumed in the city of Spokane and the outside dealers supplied by Spokane meat firms," said Robert Jones of the firm of Bales & Jones, when discussing the stock industry in central Idaho. "This was brought out in reports submitted at the stockmen's meeting held in Spokane last year, and we have promised to increase the stock output of the county as the population of the city is increased."

"The stock shipments each year bring large sums of money into the county to be divided among the farmers and stockmen and the financial condition of the farmers of Idaho county bespeaks the benefits accrued from this feature of the agricultural industry."

ORCHARD TELLS GRAPHIC STORY

CHIEF WITNESS FOR STATE DETAILS HIS CONNECTION WITH CRIMES, IMPLICATING PETTBONE AND FEDERATION

BOISE, Ida., Dec. 11.—Orchard was the first witness in the Pettibone trial today. The witness was dressed in a new suit. His general appearance showed little change since the Hayward trial.

Pettibone and Moyer watched him closely, but the witness merely glanced in their direction. Pettibone's name was brought into the testimony the first time when Orchard said the defendant told him in 1904 that the guns used in the 1899 riots were shipped in piano boxes by him from Denver.

Orchard told of the taking possession of the train by miners going to Wardner, where he touched off one of the boxes of dynamite that blew the Bunker Hill and Sullivan mine to pieces. He afterwards went to Cripple Creek, where he engaged in "high-grading" at the Vindicator mine.

He testified that W. F. Davis, a striker, asked him to blow up the mine while the nonunion men were at work. He consented to do so. He told of the killing of Beck and McCormick in the Vindicator by a bomb that Orchard said he and Billy Aikmen placed there for the purpose of killing nonunion workmen.

WESTERN UNION DIVIDEND Amounts Made Payable in Stock of the Corporation

NEW YORK, Dec. 11.—The directors of the Western Union today declared a quarterly dividend of 1 1/2 percent, payable in stock of the company.