

MOTION TO QUASH INDICTMENTS ARE DENIED BY COURT

ROOSEVELT COMES OUT POSITIVELY REFUSING HONOR

Defendants Will Stand Trial in June for Perjury If Demurrers Are Overruled.

Sticks to Declaration of Renunciation Made Three Years Ago to the People.

LOCAL ATTORNEY AND PROSECUTOR IN MIXUP

LEAVES THE WAY CLEAR FOR OTHER CANDIDATES

United States Attorney Is Charged With Going Back on His Promise of Immunity Given Indicted Woman.

Under No Circumstances Will He Accept Re-nomination; Bryan Not Surprised at the Stand of President.

Judge F. S. Nave yesterday in the United States court denied the motions to quash the indictments against R. B. Hegardt, N. S. Berry, E. T. Stewart, and R. B. Reill. Demurrers to the indictments were then filed and the court's ruling on these will probably be handed down this morning. It is hardly expected that the demurrers will be sustained, owing to the ruling of the court yesterday, which contained an intimation that any unnecessary delays in bringing the cases to trial would be discountenanced. The argument in support of the motions to set aside the indictments was begun yesterday morning by E. E. Ellinwood for the defense, but the matter went over until late in the afternoon and it was almost 5 o'clock when Mr. Ellinwood again took up the argument. Several authorities were cited in support of the contentions that irregularities in the grand jury room were sufficient to base a setting aside of the indictments. No argument was made by the government and the ruling of Judge Nave which followed, fully as long as some of the decisions cited, showed that the court had studied the case fully. He held that there was hardly a grand jury session in which there was not some sort of irregularities and if action as requested in these cases, were taken in all others, there would be little accomplished in the courts. There would be sufficient safeguard for the rights of the defendants, he said, if the cases come to trial.

**Jury Discharged.**

All doubt as to the probability of a long continuance in the cases was dispelled yesterday morning when the federal trial jury was discharged for the term. If the demurrers are overruled this morning the defendants will stand trial in June, when the federal court again convenes.

At the beginning of the morning session the court called the attention of United States Attorney Alexander to the publication of indictments which had been placed on secret file and ordered him to make an investigation as to where the leak occurred. Although the information was published Monday evening, apparently no effort had been made by the United States attorney to ascertain its source. Jail sentences for contempt will probably follow the investigation.

**Lawyers in Wrangle.**

Edna Earl, found guilty Tuesday of violating the Edmunds act, was brought into court for sentence yesterday morning and the passing of sentence was preceded by a somewhat sensational incident, in which the principals were Judge J. M. McCollum, who defended the woman and United States Attorney (Continued on Page Six)

DEAL PRACTICALLY CLOSED FOR GLOBE'S TWO LIGHTING PLANTS

Electric and Gas Plants To Be Disposed of to Combination of Eastern and Western Capital; Capacity of Both Will Be Increased and Service Bettered by New Owners.

It is very probable that within a few weeks the principal public utility plants in Globe will have changed hands. Messrs. Cottee and James, who own the controlling interest in the electric light and gas plants, last evening concluded the preliminary details of the deal, with A. F. Gressler of Bisbee and W. D. West of Chicago, representing eastern and western capital, and the consummation of the deal is made subject to the approval of engineers who will be sent here immediately to make an examination of the company's property.

Mr. Gressler, who is in charge of the independent lighting plant at Bisbee, has been after the local plants for the last year. He stated last night to a Silver Belt representative that if the deal is consummated, a considerable amount of money will be expended in increasing the capacity of both the electric and gas plants and the service then

THE CONVERSION OF KENTUCKY.



PRESIDENT TAKES HAND IN THE GOLDFIELD LABOR TROUBLE AND GIVES ORDERS TO THE TROOPS

GOLDFIELD, Nev., December 11.—By direction of the secretary of war, Adjutant General Ainsworth has directed Colonel Reynolds to cause to be publicly posted here an order from the war department to the effect that he is to take no sides in the trouble at Goldfield and to interfere with no person in any way unless such course becomes necessary to protect life, after violence had been committed. The notices are posted on Main street and groups of miners and citizens surround the bulletin boards.

WASHINGTON, December 11.—Further than the official statements already given out, no declaration is to be had from any authorized person as to the sudden decision of the administration to take such action as the president did today, in relation to the Goldfield strike. It is clearly understood, however, among officials of the war department that the purpose is to forestall adverse criticism on the despatch of troops to Goldfield.

Roosevelt is anxious to ascertain the exact conditions at Goldfield and he has given to a commission consisting of Secretary Murray, Labor Commissioner Neill and Herbert Smith a letter of instructions, so broad in character that it will enable them to make such investigation as they may determine. The letter is brief, simply directing the commission to proceed to Goldfield immediately and make inquiries into affairs as they exist and report to him personally. The letter directs all civil and military authorities to furnish the commission with any information they may have.

**Use Own Judgment.**

While the president discussed the matter informally with members of the commission, he gave them no concrete instructions beyond those contained in the letter, leaving the method of inquiry to their discretion. The following instructions were sent to the commanding officer of the troops at Goldfield, by order of the president:

"The troops were not sent to take part of either side in a purely industrial dispute as long as it is kept within the bounds of law and order. They are to be neither for nor against the strikers or employers, but they are to prevent riot, violence and disorder under and in accordance with the constitution and the laws of the land. No man is to be interfered with as long as he conducts himself in peaceful and orderly manner."

A statement was made at the White House that there is no intention of withdrawing the troops from Goldfield, notwithstanding the despatch of the commission.

**Things Look Different.**

GOLDFIELD, December 11.—President Roosevelt's communication from Washington to Colonel Reynolds in command of the federal troops in Goldfield, which was posted in conspicuous places throughout the city this afternoon by direction of the president, put a different complexion on the situation here.

This, coupled with the fact that General Funston is to arrive in Goldfield to view the situation and report to Washington, has caused a complete change in the decision of the mine operators, who had hoped to be able through Governor Sparks to have martial law declared in Goldfield tonight, and to reopen the mines tomorrow under the active protection of troops. Orders have been issued by Colonel Reynolds that none of the soldiers shall be given the privilege of going outside the guard lines tomorrow. Camp No. 2 is within 200 yards of the main shaft of the Consolidated company's mine, where an attempt to re-open will be made by the company tomorrow. Civilians, unless on urgent business, will not be permitted within the camp lines.

**Sparks Unchanged.**

Governor Sparks tonight said that he was satisfied that General Funston will find ample need for troops here and that he will advise that they remain in Goldfield all winter. He says he sees no reason for changing his views regarding the wisdom of sending troops and that the good results will be shown in the future when a repetition of the terrible scenes in other camps during such struggles will be avoided and a settlement of the labor difficulties secured by peaceful means.

It developed today that John S. Cook & Co., bankers, will probably be able to meet the first payroll under the new wage schedule in gold and that all wages will be paid in gold hereafter. This will have a tendency to induce more of the miners to return to work than might otherwise do so, as the one grievance, appearing on the surface, was the fact that the wages were paid in scrip.

**Start Work Today.**

Secretary Erb of the Mine Owners' association said tonight: "The combination mine and mills will certainly resume work tomorrow. A sufficient number of men have been secured for the purpose. I cannot say what other mines or leases will resume."

This statement has led to the belief that the whole effort of the Mine Owners association is to be devoted to

BRYAN FAVORITE FOR NOMINATION

Looks Like Nebraskan Will Get It; Louisville May Get the Convention.

WASHINGTON, December 11.—The situation with regard to the selection of a place for holding the next democratic national convention had so simplified itself tonight that practically all the candidates for the honor had been eliminated except Chicago, Louisville and Denver.

The Denver delegation has been consulting freely with the committee and impressed upon every one the fact of the city's readiness to pay \$100,000 to secure the convention. Louisville is represented by a strong delegation and at a late hour indications are favorable to that city. There is no talk of any candidate except Bryan. Some members of the committee think it too early to say that any one man is certain of the nomination, but admit that probabilities point to the Nebraskan.

FIRE-EATER JEFF DAVIS POURS HOT SHOT INTO TRUSTS

SUICIDE IN WAKE OF BANK FAILURE IN SAN FRANCISCO

The Senator From Arkansas Makes a Dramatic Speech in the Senate Yesterday.

Close Friend and Confidential Employee of Brown Kills Himself With Shotgun.

SHERMAN ANTI-TRUST LAW IS INEFFECTUAL

PRESIDENT WALKER WAS MERELY A FIGUREHEAD

Says President's Salary and Allowance Too Much; In Family He Has Roosevelt "Skinned City Block."

General Manager Brown Had Entire Run of Business and Is Alone Responsible for Failure of Trust Company.

WASHINGTON, December 11.—Senator Jefferson Davis of Arkansas today delivered an address on trusts. All the senators were in their seats and gave strict attention to his remarks. The galleries were filled with spectators. Davis delivered a passionate address after declaring that his bill if rigorously enforced, would kill the trusts, and with a dramatic challenge to any senator to step forward and contest the issue with him. A domestic corporation found fixing a price on any article would, by his bill, he said, have its charter forfeited, and foreign corporations guilty of such an act would not be allowed to do business in the United States. Of the Sherman anti-trust law he said:

"Has it proved effectual?"

"Has it destroyed a single trust?"

"Under its operation have they not grown stronger, more defiant and more arrogant?"

**Wants to Be Shown.**

"For almost seventeen years the Sherman anti-trust law has been upon our statute books. Nearly seven years of Roosevelt's strenuous term has passed, with all the machinery of the government at his back, with the great power of the chief executive in his hands, yet I ask, will some republican senator upon the floor show me one trust that has ever been tamed, much less destroyed."

"What is needed by the trust magnates' union in order to make them respect the law, is that they be treated like ordinary felons, that the strong arm of the law be laid against them just as it would be against a horse thief, or any one else charged with crime. Land them in the penitentiary and place the felon's stripes, the 'dexterity of a misappetite life,' upon them, and you will see that the trusts are busted and the people will get relief."

Speaking of the great expense of the government, Davis said:

**Rival of Roosevelt.**

"Our president, besides his salary of \$50,000 a year, and I say that is not excessive, is paid by congress \$25,000 a year for traveling expenses. This is enormous and unreasonable. The president has five children, I believe. It is true that he should live in accordance with the dignity of his position. I have the president skinned a city block in the matter of family. I have eight children, and it does not take \$113,000 for my living expenses. The greatest president that ever lived upon this earth, that was ever inaugurated in this capital, in my judgment, was Old Hickory Jackson, who rode his horse to the Washington, and to the White House, dressed in a suit of blue jeans."

**Brown Is Responsible.**

While neither Walker nor Barnett will state, in so many words, that Brown was responsible for the disappearance of the securities, the fact remains that the former has denied all knowledge of their existence, and the latter today stated that the securities were deposited in the bank by order of the court, and that neither he nor Walker had anything to do with their removal.

Among the developments of the day was the discovery of the suicide of T. Otway Saddler, manager of the West End bank, one of the four branches of the California Safe Deposit and Trust company. Saddler was an intimate friend and confidential employee of Brown. He worked unceasingly to get his employer bailed out of prison, but without success and after talking with Brown at the city prison late last night Saddler went to his room in the rear of his bank and blew his head off with a double barrel shotgun.

Brown, who has maintained a sphinx-like demeanor since his arrest, was visibly affected when he learned of the death of his employee.

Bond offered by a surety company for Brown's release today was rejected by Judge Dunne, and the accused banker is still in prison.

**Cell Mate a Murderer.**

Walker spent from two o'clock this morning until nine o'clock in a cell in the city prison with Dr. Lee, charged with murder, for a cell mate. He asked to be placed in the same cell with his general manager and when shortly before he was released he was placed in a cell on the woman's side of the prison near Brown, the two officials of (Continued on Page Six)

HARRY ORCHARD AGAIN TELLS STORY OF CRIME AND BLOODSHED

Repeats Story He Told in Haywood Trial in Trial of George Pettibone; Was on Stand Four Hours and Story Was Not Half Told at Adjournment; New Evidence Adduced.

BOISE, Idaho, December 11.—For four hours today in the trial of Pettibone, Harry Orchard was on the stand and when court adjourned his story was only half told. Under the guidance of James H. Hawley, chief counsel for the prosecution, Orchard told of the blowing up of the Bunkerhill-Sullivan mine in the Coughlin-Alene, the killing of Charles McCormick, and Melbrek in the Vindicator at Cripple Creek, the murder of Lyle Gregory in Denver, the blowing up of the Independence depot, and the attempts on the life of Governor Peabody of Colorado. In the main his testimony was the same as given at the Haywood trial, but the questions emphasized Pettibone's alleged conspiracy.

An entirely new feature in the evidence was the statement by Orchard that Pettibone told him in 1904 that he had purchased 100 rifles from a hardware company in Denver and shipped them to Coughlin-Alene for use in the riots of 1905. The witness said that

Pettibone told him he had paid \$1,500 of Western Federation money for the rifles. Another portion of the testimony which the state regards as important was the statement that Pettibone visited Orchard's house at Cripple Creek, and showed him how to use the "Pettibone dope." It is claimed by the prosecution that corroborative evidence will be introduced on these points.

**ALICE ROOSEVELT ILL AT THE WHITE HOUSE WITH APPENDICITIS**

WASHINGTON, December 11.—Mrs. Nicholas Longworth, wife of Representative Longworth of Ohio and daughter of President Roosevelt, is ill at the White House, suffering from appendicitis. It was stated tonight that Dr. Finney of the Johns Hopkins hospital, Baltimore, will perform an operation probably tomorrow morning.

MAKE UP EARLY LOSSES AT CLOSE

Market Shows Strength During Last Hour; Copper Drops Again at Home and Abroad.

NEW YORK, December 11.—A dull recovery set in after midday, coincident with the decline in the call money rate, which culminated in a brisk rise at the last hour and except in extreme cases, early losses were recovered and the most favorable stocks quoted materially above yesterday's closing. Heavy short covering in American Smelting was the feature and there was also conspicuous strength shown by Reading, St. Paul, Hill stocks, Southern Pacific, and Amalgamated copper.

NEW YORK, December 11.—Copper declined to \$29.50 for spot, \$30.00 for future in London, and locally a further decline was reported, with Lake 13.25 1/2 to 13.37 1/2, Electrolytic 12.87 1/2 to 13.12 1/2, Castings 12.87 1/2.

Lead declined 5 to \$14.75, 6d in London and locally was weak and five points lower, at 3.80 to 3.90.