



## CONFUSION IS RESULT

### Two Legal Days Cause Trouble.

### COMPLICATIONS ARISING

### Little Joke of Governor Will Produce Considerable Inconvenience.

### TRY TO STRAIGHTEN TANGLE

### Many Suits Are Barred From Courts—Criminal Case at Astoria Must Be Dismissed and Complications Innumerable Have Been Brought About.

PORTLAND, Dec. 10.—Because Governor Chamberlain skipped Friday and Saturday in his holiday proclamations, there can be no sessions of the State Circuit Court for the trial of cases until January. Judges Cleland, Gantenbein and O'Day are this afternoon considering the calling of a special session of the court, which can transact only certain business, and therefore there will be no general court business done until after the first of January.

The Oregon code provides that when no court is opened on the first two days of a term the court is adjourned by operation of law until the next term. Friday and Saturday were the first judicial days in December, and were therefore the first days of the term. No court having been opened, there can be no court except for special purposes until in January.

Legal complications and confusion may follow the act of Governor Chamberlain in not proclaiming last Friday and Saturday legal holidays, according to the opinions of some of the best lawyers of Portland. Law suits, appeals, the protest of commercial paper, criminal prosecutions, the December terms of the Circuit Courts, and possibly the 1907 tax levy may be barred by the fact that the people did not know Friday and Saturday were not holidays.

The three judges of the State Circuit Court held a conference today to devise a means, if possible, by which the court can be opened next Monday. They learned from the Governor that Friday and Saturday were not holidays; that no regular term of court is possible this month, and then took up the consideration of a special session of court.

Commercial paper which fell due and should have been protested within the two days, these lawyers say, cannot now be protested. Suits which must have been filed, if at all, during the first two days not holidays are forever barred. Many suits on mortgages, mechanics' liens and other suits against which the statute of limitations runs are shut off by the judicial days of last Friday and Saturday.

Appeals to the Supreme Court, where the time limit of the appeal had nearly expired before the holidays must be abandoned. One criminal case at Astoria is brought to an end. The trial was about half completed, but because it was not resumed on the first day not a holiday the prisoner must be discharged, as he has been once in jeopardy.

The assessment rolls of Multnomah county may be affected, because the board of equalization doubts whether they had the power to act during the holidays. It was their intention to meet on the first day not a holiday and ratify their actions. If such ratification as necessary, the roll is invalid, because the day for the ratification was Friday, the first day not a holiday, and has passed.

The Board of Equalization was in ses-

sion this morning in an effort to determine the status of the assessment rolls, but they reached no conclusion. They communicated with the Governor and Attorney-General by long distance telephone, but learned nothing except that the Governor repeated that Friday and Saturday were not holidays and hoped no inconvenience would be caused by it.

None of the judges of the State Circuit Court knew that any holidays had been missed until after they were over. Governor Chamberlain's letter of December 5th to officials all over the state, in which he said he had issued a proclamation extending the holidays to December 14, left every one off guard, and the skipping of the two days was expected by no one.

Facing the probability that the State Circuit Court can not convene before January, even though the holidays terminate December 14, the task of expediting the already congested business of the Circuit Court assumes new difficulties. The conference of Judges Cleland, Gantenbein and O'Day extended late into the afternoon.

Judge McBride, of the Fifth judicial district also finds himself face to face with difficulties, because of the Governor's failure to include Friday and Saturday in the holidays. There were three terms of court which it was necessary for Judge McBride to adjourn on the first day not a holiday in order to prevent complications. He had arranged for a special train in order to accomplish the task. Because he did not adjourn his three terms Friday, he now finds himself facing the very complications he sought to avoid.

## SEVEN LOSE LIVES

### Bridge Collapses Throwing Workmen Into River.

### NEARLY A SCORE ARE INJURED

### Flood Waters of Swollen River Cause False Work to Carry Away and the Bridge Collapses Hurling Forty Workmen Into the Susquehanna River.

BLOOMSBURG, Pa., Dec. 10.—High water tonight caused the collapse of the new bridge in course of construction over the west branch of the Susquehanna at Millville, eight miles north of here, and resulted in the death of seven men, and injuring nearly a score of others, two perhaps fatally. Forty men were at work when the bridge collapsed and they were thrown into the swollen river. The collapse was caused by the flood waters carrying and piling debris against the false work of the bridge. A large tree struck the false work just before the bridge fell. The men were just preparing to quit at nightfall when the accident occurred.

Owing to the increasing darkness the work of rescue is greatly retarded. Four bodies have been recovered. Some of the rescued were carried over a mile down the river. The bridge is being built by the State to replace the one carried away by the freshet of 1903.

### BELIEVE IT IS FARCE.

HELENA, Dec. 10.—Evidently believing the investigation by the officers of the Interior Department, into the charges of graft against certain officials in connection with the Crow Indian reservation in this state is a farce, Judge William H. Hunt of the Federal court today ordered the Federal grand jury to conduct a complete probe of the allegations.

Helen Pierce Gray, a Chicago newspaper woman, who caused the original investigation, late today went before the grand jury and told of the alleged irregularities practiced by officials of the reservation. In her testimony she told of a conference with Roosevelt last spring when she said she reported the true conditions existing on the reservation.

### ENDORSES GRAY.

DOVER, Del., Dec. 10.—The Democratic state committee today passed a resolution endorsing Judge George Gray of this state, for the presidency.

## ROOSEVELT IS BLAMED

### Because Funston Goes to Nevada.

### SITUATION IS QUIET

### Mineowners Are Determined to Open Mines on Next Thursday.

### UNION CONDEMN AUTHORITIES

### Protests Against Troops Remaining in Goldfield and Demands Their Withdrawal—Refuse to Take Scrip Instead of Coin—No Overtures to Mineowners.

GOLDFIELD, Dec. 10.—Meetings of the unionists and of the mineowners were held tonight. It is believed here that Roosevelt is responsible for the decision of Funston to come here and that it is the intention to take the conduct of affairs out of the hands of Governor Sparks, and the Emerald county officials; that martial law will be declared immediately on the arrival of Funston. It is believed the drastic action of the President was instigated by the mineowners, who were fearful of the outcome in the effort to open the mines, but who are apparently determined to carry out their plan of re-opening Thursday. Governor Sparks' arrival at Goldfield today gave rise to the rumors of impending trouble, but nothing has transpired today materially to affect the situation. It is definitely known 500 miners have been secured through the efforts of the Thiel detective agency in California and are being held to coming to Goldfield on two days' notice. At tonight's meeting of the executive committee of the miners' union, a resolution was adopted condemning the authorities for sending troops and protesting against their remaining here and demanding their withdrawal at once. The decision to refuse to accept scrip in lieu of coin was sustained and it was decided to make no further overtures to the mineowners.

SAN FRANCISCO, Dec. 10.—Funston will leave for Goldfield tomorrow with two or three staff officers. He wished it made plain he was not going there to take command but merely to study the situation and will not order additional troops to Goldfield. He expects to remain but a few days.

GOLDFIELD, Dec. 10.—General Funston will come to Goldfield, arriving Thursday, to personally take charge of the situation. Probably more troops will be brought here. Martial law has not been declared.

GOLDFIELD, Nev., Dec. 10.—At an early hour this morning the attempt to start up the work on the dumps of the Mohawk Combination lease was abandoned by Manager Siebert, who had announced last night that he would begin work on the dumps of this mine, which is close to the camp of the United States troops.

The men who had been ready to make the attempt were notified they would not be needed until Thursday morning, when work at all the mines in Goldfield will be started.

Manager Siebert was in consultation with other members of the Mineowners' Association until a late hour of the night. There were rumors that Western Federation men were arming and would attack the guard at the Mohawk, but after the mineowners had spent several hours investigating the rumors proved false.

Tonight the regular meeting of the

executive committee of the Goldfield Miners' Union will take place, and it is the general impression that there will be no action of any sort taken by either side to the controversy until after that. Whatever is to be done to change the present situation will be decided upon at that meeting.

Suppressed excitement prevails everywhere. Nobody knows just what is going on, except those who are leading the forces on either side. The Mineowners' Association asserts it is fully prepared to open the mines on Thursday morning, while the officers of the Miners' Union scoff at these assertions and refuse to divulge their plans.

Governor John Sparks arrived here at 12:30 from Carson City. He denies that an effort has been made to induce him to ask for the recall of the United States troops, and says they will remain here until there is no possibility of trouble. He will confer with Colonel Reynolds this afternoon.

### PROVIDE FOR INQUIRY.

Committee on Finance Will Throw Light on Bond Issues.

WASHINGTON, Dec. 10.—Senator Aldrich today informed the Senate that the committee on finance would in a very short time bring in a resolution providing for inquiry into the recent bond issues of the government; that it would provide investigation into all matters contained in the resolution offered by certain Senators concerning the financial stringency and the efforts of the government to relieve the situation. With this assurance Cullerson, of Texas, and Clay of Georgia, agreed to permit their resolutions to go to the committee for its consideration. Tillman allowed his resolutions on the same subject to lie on the table until he had secured the data he desires to present to the Senate.

### CALL STRIKE OFF.

Western Federation Takes Official Action in Cripple Creek.

DENVER, Colo., Dec. 10.—The executive board of the Western Federation of Miners yesterday officially called off the strike in the Cripple Creek District of Colorado, giving as the reason the fact that the camp is in need of skilled mine workers and now, by calling off the strike, many union men employed "in less favorable places," can go to Cripple Creek and accept work without violating their union pledge. The Cripple Creek strike was declared August 12, 1903, in sympathy with the striking mill men of Colorado City. The stirring events that followed, including the declaration of martial law and deportation of union miners made Colorado the center of interest for many months.

The board also receives a message from Union in British Columbia stating that mine operators are attempting to reduce wages and asking advice in the matter. The reply was sent back to the union men to "stand pat" Acting Secretary Kirwan had the following to say: "If the reduction as threatened is made in British Columbia more than 6000 skilled miners will lay down their tools and the mining industry of the Canadian West will be crippled."

### HORRORS CAUSE INSANITY.

Night and Day in Broken Down Motor Boat at Sea.

NEW YORK, Dec. 10.—Driven temporarily insane by the horrors of a day and a night in a broken down motor boat out of sight of land, John and Olaf Olsen, of Brooklyn, were finally rescued and taken to shore after a desperate fight with their rescuers. They were 10 miles out at sea when they were found by a launch returned from a visit to the Oyster beds off Rockaway Beach.

The motor boat in which they had started for the fishing banks, had broken down and for more than 24 hours they had been trying to row their boat ashore. They were delirious when found and had to be dragged aboard the rescuing launch and overpowered before they would consent to be taken ashore. Physicians say they will require several weeks' care before they fully recover.

### LIVESTOCK CONVENTION.

DENVER, Dec. 10.—The call for the eleventh annual convention of the American National Livestock Association which will be held January 21 and 22 of next year was issued today.

## STATE MAKES STATEMENT

### Hawley Outlines Case of Prosecution.

### EVIDENCE BEING TAKEN

### Pettibone Trial Proceeds With Dispatch and Orchard Will Testify Today.

### SENATOR BORAH AGAIN IN CASE

### Hawley Recites Facts Concerning Killing of Governor Steunenberg and Points to Pettibone as Chief Criminal Claiming He Was Paymaster.

BOISE, Idaho, Dec. 10.—James H. Hawley, chief counsel of the state in the case of George A. Pettibone, today outlined the case which the prosecution proposes to prove. When the trial was resumed Senator Borah occupied a seat at the table of the state when court convened. Immediately after the reading of the indictment Hawley began his address, first reciting the facts concerning the killing of ex-Governor Steunenberg as the result of the explosion of a dynamite bomb on the night of December 30, 1905, at the gate of his home at Caldwell, Idaho. He dwelt on the law of Idaho, which provides that anyone who is under the common law an accessory before the fact is equally guilty with the one who actually commits the crime. The law of conspiracy was also explained to the jury.

A brief history of the Western Federation of Miners was given by Mr. Hawley. "We expect to show you," he said, "that about eight years ago a conspiracy was formed by what is known as the 'Inner Circle' of the federation, the purpose of which was the murder of those in public life who refused to obey their dictates, and those who in private life ran counter to their purposes. Desperate criminals were employed and they, acting under instructions from the 'Inner Circle' left a trail of blood wherever they were sent. The killing of Frank Steunenberg was only one of many crimes so committed."

"George A. Pettibone has been the paymaster into whose hands was passed the money given to the actual murderers by officers of the Federation. He was an actual participant in some of the crimes, and was the constant counsel with others engaged in the conspiracy. They operated a store in Denver near Federation headquarters and that store was the arsenal and the scene of the hatching of many a murderous plot."

Hawley went into the arrest of Harry Orchard and his confession, the arrest and confession of Steve Adams, the arrest of Moyer, Haywood and Pettibone and the flight of Jack Simpkins, and said Orchard would take the witness stand and tell of all his crimes.

"We will further show," said Hawley, "that on the day after his arrest Orchard then was known as Thomas Hogan and received an unsigned letter from Denver, which, although obscurely worded, plainly referred to the Steunenberg murder, and to some money matters in connection with it. That letter we will show was in the handwriting of this defendant and a copy of it will be produced in evidence."

The Coeur d'Alene troubles and the stern hand which Governor Steunenberg used to suppress anarchy were reviewed for the purpose of showing the motive for the crime for which Pettibone is now on trial. The Colorado troubles were also explained, and it was shown that the state will bring them into the

trial, as was done in the Haywood case.

"Pettibone is the most important factor of the conspiracy," continued the attorney. "He was the mediator between the federation leaders and the desperate men who made murder a trade and assassination a means of livelihood. It was Pettibone who manufactured the peculiar kind of explosive known as 'Pettibone dope' which, when thrown upon anything, causes intense fire which cannot be put out. It was he who saved off the shotguns which became the favorite weapons for use of the assassins. Pettibone helped to make the bombs which caused a score of deaths."

At the conclusion of the statement Attorney Darrow announced the defense would reserve its statement until the conclusion of the state's case.

The taking of evidence began at the afternoon session and before adjournment the state had established a corpus delicti clearing the way for Harry Orchard, who tomorrow will take the witness stand and for the second time tell a jury his bloody story.

### DENIES REPORT.

NEW YORK, Dec. 10.—James J. Hill, chairman of the Board of the Great Northern Railroad Company, denies absolutely the printed report that his visit to Washington from which he returned yesterday, was for the purpose of consulting the administration regarding the future of the Burlington Railroad. This road is now owned jointly by the Great Northern and the Northern Pacific and it is said that Mr. Hill has long desired to make it a part of the Great Northern system.

## PLEADS NOT GUILTY

### Before Brilliant Assemblage General is Arraigned.

### HASTELEGRAM FROM EMPEROR

### Accused Generals Deny Their Guilt and Say Fortress Was so Poorly Equipped and Under Provisioned That Effective Defense Was Impossible.

ST. PETERSBURG, Dec. 10.—Before a brilliant assemblage of his old comrades-in-arms, Lieutenant-General Stoessel was today placed on trial to answer with his life and reputation for the loss of Port Arthur on January 1, 1905, and in firm tones and with quiet manner the general pleaded "not guilty" to the charge of needlessly surrendering the fortress, and thereby humiliating the Russian army.

Generals Stoessel, Fock and Reiss turned their defense on charges of cowardice today into a furious attack on the war ministry.

Denying their guilt the accused Russian generals say the fortress at Port Arthur was so poorly equipped and under provisioned that effective defense was rendered impossible.

As a tribute to the war ministry the accused officers openly assert that they believe the conditions named were less due to incompetency than to corruption.

The court apparently showed prejudice in depriving him of two witnesses whom he asked for and who at the previous trial testified in his favor. It is generally understood that Stoessel has in his possession a weapon in the shape of a telegram from the Emperor which is alleged to say: "Don't push the defense to extremities," meaning by this to spare the lives of the Russian soldiers when the power of resistance was exhausted.

### YOUNG WALLACE DEAD.

WASHINGTON, Dec. 10.—Thomas B. Wallace, the 14-year-old son of Mr. and Mrs. Hugh Wallace, of Tacoma, died at the residence of his grandfather, Chief Justice Fuller, today.

### REPUBLICAN MAYOR.

BOSTON, Dec. 10.—Complete returns of the city's election today give for Mayor, Couthurst, Independence League, 15,657; Fitzgerald, Democrat, 35,733; Hibbard, Republican, 37,720.