

'TROOPS WILL STAY IN NEVADA,' FUNSTON'S DECISION

OFFICERS OF LOOTED BANK GET NO MERCY

INCREASE BAIL OF BARNETT AND BROWN

COLTON SECURITIES SOLD TO GOULDS, IS REPORT

Men Held Responsible for Wrecking California Safe Deposit and Trust Company Must Raise \$200,000 Each or Stay in Jail

By Associated Press. SAN FRANCISCO, Dec. 13.—Assistant District Attorney William Hoff Cook, who has been investigating the affairs of the insolvent California Safe Deposit and Trust company, declared today that he believed the securities of the Colton estate, valued at \$200,000, which had been deposited with the institution and whose mysterious disappearance was revealed by the failure of the bank, were sold to the interests of George J. Gould in New York.

Walter J. Barnett, a director of the trust company and until he resigned a few days ago general counsel and vice president of Gould's new Western Pacific railroad, was the special administrator for the Colton estate and deposited them with the California Safe Deposit and Trust company.

Barnett, with J. Dalsell Brown, general manager, and David F. Walker, president of the bank, are under arrest on the charge of embezzlement as a result of the disappearance of the securities. Brown is in the city prison and Barnett has been at liberty on a bond for \$75,000.

Increases Bail of Both

Judge Dunne, in the superior court this afternoon, upon request of District Attorney Cook, raised the bail of Brown and Barnett from \$75,000 to \$200,000.

Cook declared that evidence in his possession and information gained from a personal investigation of the affairs of the trust company, the amount originally fixed by Judge Dunne, but reduced to \$75,000 upon request of the defendants and with the consent of the district attorney.

"I believe there is not the slightest doubt about the guilt of Brown and Barnett," said Cook to the court.

"That's sufficient—that's enough," quickly interposed Hiram W. Johnson, attorney for Brown. "No other evidence or testimony is necessary. I presume, your honor, that will close this inquiry. They are guilty, says the district attorney," he added sarcastically.

"Your office is given to convicting people before they are placed on trial," said A. J. Brown, Jr., one of Barnett's lawyers, turning to Cook.

Judge Dunne held the district attorney was not compelled to state his ground for asking the bail to be increased, and granted the request.

Brown Goes Back to Jail

Brown was returned to the city prison. Not being able to get a bond for \$75,000, he apparently did not think it worth the effort to get the larger amount.

Barnett, accompanied by his wife and two detectives, spent the entire afternoon endeavoring to get a bond for the additional \$125,000. When the two defendants came up for arraignment at 10 o'clock this morning, Cook made his demand that the morning bail be increased. Upon request of Barnett action was deferred by the court until 2 o'clock, at which time the bail was raised and the preliminary hearing set for next Monday morning.

The intervening time was utilized by Brown, who has been confined in the city prison, in visiting his invalid wife at his home and getting a new suit of clothes.

As the banker came out of Judge Dunne's court room in the Temple Sherwin building, he was met by the attorney R. D. Shadbourne, a heavy depositor in the insolvent bank, who called him a "scoundrel" and a "thief," who "ought to be ashamed to look an honest man in the face."

Barnett, in an interview, declared he was innocent of the removal of the missing securities.

"The securities were sent by me to the California Safe Deposit and Trust company from Washington," he said. "I have the two receipts for them. One is signed by J. Dalsell Brown, general manager, and James Coning, secretary. The other, which is a later one, is signed by President David F. Walker and Mr. Coning. Both have the the Atlantic corporation on it. Aside from these receipts that I have the express company has a receipt, given by the bank officials when the securities were delivered.

"The charge that the securities were sold to Mr. Gould is absolutely false. I had no part in their removal and no knowledge of it. The securities were deposited with the California Safe Deposit and Trust company by order of the superior court of Santa Cruz. I could not have removed them if I had desired without an order from the court."

Barnett spent the afternoon at the office of his attorneys and was busy telephoning or friends whom he expected to come to his assistance. He did not meet with any success, however, and a general of the people he sought were absent from the city. Barnett then telephoned to the security companies. He was told that the companies would willingly furnish him with the required bond for \$200,000, provided he could furnish a sufficient amount of solid collateral as security. This Barnett was not in a position to promise tonight, and sharply at 8 o'clock the detectives notified him that he must return to the jail.

DEPOSIT COMPANY RESTRAINED FROM SELLING SECURITIES

By Associated Press. NEW YORK, Dec. 13.—A temporary injunction was granted today in the federal circuit court against the California Safe Deposit and Trust company, and David F. Walker, president of the California Safe Deposit and Trust company, and Walter J. Barnett, an official of the same company, both of whom are now in custody in Florida for alleged embezzlement, enjoining them from parting with securities placed by them in the

LETTER HELD FOR POSTAGE, PHONE SAVES HIS NECK

Governor's Order Commuting Death Sentence Delayed and Prisoner in Shadow of Gallows Is Saved by Merest Chance

By Associated Press. COLUMBUS, O., Dec. 13.—John Soley of Cleveland, who murdered his sweetheart, came near being executed today in spite of the fact that papers from the governor commuting the death sentence to life imprisonment had been mailed to the warden of the penitentiary.

The warden had prepared to execute Soley, but telephoned the governor and found that the papers had been mailed.

Today the warden was notified from the postoffice that a letter was being held there for postage. It proved to contain the commutation order.

DEMING, N. M., Dec. 13.—Martin Amador and Magdalene Subalio, condemned murderers, were not hanged today, Governor Curry having granted each a reprieve of thirty days. Sheriff Johnson had everything in readiness for a double execution when word was received from Santa Fe staying the hanging.

BERKELEY PROFESSOR FIGURES IN DIVORCE

Physician Sues Wife, Naming Instructor in English at University of California as Co-respondent

By Associated Press. SANTA CRUZ, Cal., Dec. 13.—Dr. William Minor, a physician of Oakland and Berkeley, began suit for divorce today. The ground upon which the action is based is cruelty, occasioned by what is alleged in the complaint as improper conduct on the part of the defendant, Annie M. Minor. The co-respondent named is Prof. William Armes of the University of California, instructor of English.

It is alleged Dr. Minor gratified his wife with a trip to Chicago recently and that he has secured evidence to the effect that the California professor met, by appointment, Mrs. Minor in that city in the course of the relationship alleged to exist between Prof. Armes and Mrs. Minor frequent reference is made to French suppers and all that goes with them.

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SUMMARY OF THE NEWS

FORECAST For Los Angeles and vicinity: Fair Saturday; light frost in the morning; light northwest wind. Maximum temperature yesterday, 65 degrees; minimum, 46 degrees.

LOCAL Today last day of poultry show. Attendance breaks records. Health board revokes Kurpie's permit and settles fate of drugless sanitarium. Divorced couple in court, each on separate charge. Husband to pay alimony, wife to retain daughter. Flugs will be unfurled Monday in honor of departure of big fleet for trip around Horn.

Rev. Uriah Gregory, founder of McKinley Boys' home, passes away. Was pastor of San Francisco church where Durant murders occurred.

Foreman who stuffed payroll, paying imaginary employes real money, sentenced to four years in prison.

Schools begin Christmas vacation with elaborate exercises. Will resume sessions December 30.

Miss Josephine McCord and Jen Marstrand of Vancouver wed in Los Angeles hotel.

Rev. T. C. Marshall to lead organization of new men's club.

EASTERN Rate books of railroads used as evidence in Standard Oil trial have mysteriously disappeared.

Deposit company in New York restrained from selling securities deposited by the wrecked San Francisco bank.

Great social functions held aboard battleships on eve of their departure for the Pacific.

Pennsylvania coal company blamed for mine explosion in which thirty-four men were killed.

Former President Fish of Illinois Central denounces Harriman and his methods. Hunter in Illinois is nearly killed by a flock of crows.

Negro murderer in Chicago is hanged for killing school teacher.

William R. Wheeler of California is to report on immigration problems of the coast to the immigration commission.

New York theaters will fight Sunday closing law. Case against Harry Thaw has already cost the prosecution \$100,000.

COAST Officials of San Francisco bank, wrecked by frenzied financing, are shown no mercy by the courts. Harry Orchard, appearing as witness against George A. Pettibone at Boise, is grilled by Attorney Darrow. Trial of Patrick Calhoun, president of the United Railroads of San Francisco, on charges of bribery, has been postponed until February 1. Governor Gillett has planned for increasing the efficiency of the state board of bank examiners.

RATE BOOKS MISSING, OIL TRUST'S PLEA

MYSTERIOUS DISAPPEARANCE REPORTED

RAILROADS' TARIFF SCHEDULES NOT TO BE FOUND

Standard Makes Its Last Appearance Before Judge Landis, Who Imposed Fine of Over \$29,000,000

By Associated Press. CHICAGO, Dec. 13.—At a conference this afternoon between Judge Landis of the federal district court and the attorneys concerned in the case against the Standard Oil company, in which that corporation was fined \$29,240,000, Attorney John S. Miller made the announcement that three commodity tariff books of the Chicago & Alton railroad which figured in the trial were mysteriously missing.

The tariff books were offered in evidence by the Standard to show that there were in existence many other tariffs in Illinois similar to that for the acceptance of which the Standard Oil company was prosecuted.

Attorney Miller declared he had called upon railroad officials to produce the books since the trial and that they informed him they could not be found.

The books were excluded by Judge Landis at the trial, and it is said the defendant will use this fact in arguing for a reversal in the United States court of appeals.

At the conference today the text of exceptions was agreed upon and will be presented for signature to Judge Landis tomorrow. The signing of the bill will complete the history of the case in the lower court.

PAYMASTER OF GREENE MINE KILLS MEXICANS

Three Natives Shot Dead in Fight at Concho by Scott White. Slayer is Now in Jail

By Associated Press. WASHINGTON, Dec. 13.—A telegram received this afternoon from Concho, Mexico, said that Scott White, paymaster for the Greene mines of that section, had killed three men in a fight in an eating house.

It is reported that a party of Mexicans entered the place where the Americans were dining, became abusive and were ejected by the Americans. The entrance was locked.

A few minutes later the Mexicans returned armed and battered down the doors. The first three men who crossed the threshold were killed by White, who has been locked up in the Mexican prison at Concho.

U. S. BUYS SHELLS FOR BIG GUNS AT \$300 EACH

Navy Department Awards Contracts for Supplying Ammunition for Great Battle.

By Associated Press. WASHINGTON, Dec. 13.—The navy department today awarded contracts for furnishing shells for the bureau ordinance as follows: The First Sterling Steel company, 3000 12-inch at \$20 each, 2300 8-inch at \$70 each, 3000 7-inch at \$50 and 24,000 6-inch at \$25.50 each.

The Crucible Steel company, 1500 12-inch at \$23 each and 300 13-inch at \$300 each. The Bethlehem Steel company, 40,000 5-inch shells at \$20.90 each.

'THAT'S ANOTHER LIE.' IS CORTELYOU'S RETORT

Secretary of Treasury Answers Inquiry Regarding His Reported Resignation with Sharp Reply

By Associated Press. WASHINGTON, Dec. 13.—In answer to inquiries as to the report which gained some currency here that Secretary Cortelyou is about to resign from the cabinet, the secretary's sole comment was "That is another lie."

Stockholders Loss Heavily

BIRMINGHAM, Ala., Dec. 13.—Col. G. T. Bush, chairman of the board of receivers of the bankrupt Southern Steel company, today read the board's report to a large gathering of creditors. According to Col. Bush's report the total assets are \$1,370,329 and the current liabilities \$3,582,214, from which Col. Bush inferred creditors would get fifty cents on the dollar, less the expenses of the receivership.

Railway Owes City Big Sum

NEW YORK, Dec. 13.—The city has discovered that it has \$315,196 coming from a street car company. In looking up the facts in regard to the Brooklyn, Queens county and Suburban Railroad company, which has asked for permission to lay more tracks, it was discovered that the company had not paid the 5 per cent gross earnings tax which it should have paid since 1888.

Stevadore Suffocated

SAN FRANCISCO, Dec. 13.—John Hines, a stevedore, was suffocated to death this morning under a heap of coke in the hold of the French ship Alice. The accident was caused by the breaking of a bulkhead.



BATTLESHIPS ARE SCENE OF SOCIAL FETE

TEA PARTIES HELD ABOARD WAR VESSELS

All in Readiness for Long Cruise, Officers and Men of Fleet Make Merry—Discharge of Japanese Explained

By Associated Press. OLD POINT COMFORT, Va., Dec. 13.—A brilliant naval and military ball was given at the Hotel Chamberlain tonight in honor of Admiral Evans and the other officials of the sixteen battleships, which will sail Monday on their notable cruise to the Pacific ocean.

The reception and dance in the gaily decorated ballroom closed a day given over almost entirely to social functions. The ships reported "ready" last night, and today there was little or no work to do. Enlisted men came ashore in large numbers, while on board ship the gunners and wardroom officers kept open house.

Afternoon tea was served on every vessel, and important musicales were a feature of the day's entertainment. Bobbing launches filled with gay parties from shore made frequent trips during the visiting hours.

Tonight's event, the most formal of the week, called out the special evening dress uniforms of the naval officers, who all glitter with gold lace and trappings. Army officers from Fortress Monroe added a bright touch of artillery red to the color scheme.

Flags of nations draped the ballroom. The social sets of Norfolk, Richmond, Baltimore, Washington and other eastern cities were largely represented in the spectacular gathering.

Several naval attaches from the foreign embassies and legations at Washington have arrived here to witness the maneuvers attending the departure of the fleet.

With regard to the report that all Japanese servants on board the vessels of the fleet have been transferred to other ships that are to be left behind, it was stated on board the flagship Connecticut today that only those Japanese stewards and mess attendants whose enlistments expired prior to July 1, next, have been replaced by American sailors recently trained for the work.

The Japanese falling within this restriction have been placed on receiving ships at various navy yards, as it was not desired to discharge them at a distant port and be under the obligation of paying their fares back to the eastern portion of the United States. Quite a number of Japanese servants whose enlistments have a year or more to run are being taken along as usual.

To Improve National Guard

WASHINGTON, Dec. 13.—Officers of the National Guard and association of the United States were in conference today with the war department officials with a view to reaching some agreement for legislation to make more efficient the national guard more fully to carry out the purposes of the act of 1903, known as the Dick militia law.

Corporation Fees Heavy

SACRAMENTO, Dec. 13.—Deputy Secretary of State John Hoesch reported to State Controller Nye today that Lou Norton, head of the corporation license tax department, collected \$48,956 in corporation fees for the month of November.

Kills Wife, Attempts Suicide

MINNEAPOLIS, Dec. 13.—C. M. Colby, a janitor in the Oxford flat building, early today killed his wife by nearly severing her head from her body with a razor and then attempted to kill himself. He cannot recover.

ESCAPING GAS AWAKES INFANT; CRIES SAVE OTHERS

Babe Aroused by Strong Odor Screams Lustily—Father and Brother Found Too Late to Be Resuscitated

By Associated Press. ALLENTOWN, Pa., Dec. 13.—The cries of an infant saved the lives of eight persons here early today, but not before the baby's father and brother had been asphyxiated by coal gas.

The dead are Nicholas Contravo, aged 36 years, and Joseph H. his son, aged 4. Contravo, his wife and his two children slept in one room and six boarders occupied other parts of the house.

The escaping coal gas awakened the baby, whose cries aroused one of the boarders. He broke down the door of the room occupied by the family and found the father and son dead. He then rescued the mother and baby and aroused the other boarders, who had also been overcome by gas.

CALHOUN'S TRIAL AGAIN POSTPONED

Street Railway President Called to New York on Business—Prosecution Consents to Further Delay

By Associated Press. SAN FRANCISCO, Dec. 13.—The trial of Patrick Calhoun, president of the United Railroads, against whom the grand jury returned fourteen indictments on the charge of offering to bribe supervisors to obtain an overhead trolley franchise, has been postponed to February 1.

Accompanied by A. A. Moore, one of his attorneys, Calhoun appeared before Judge Lator today when a motion was made by Moore to continue the trial of the millionaire street railway president until February 1 instead of January 8 as previously set in order to give Calhoun time to go to New York on business connected with the street railway system in that city.

John O'Gara, representing the district attorney's office, said there was not objection to the continuance of the part of the prosecution. The court gave the defendant permission to leave the state.

Calhoun announced that he would leave for New York tomorrow morning.

Mental Condition Paid at Rate of Fifteen Dollars an Hour

By Associated Press. NEW YORK, Dec. 13.—An extra appropriation of \$15,000 for conducting the trial of Harry K. Thaw was allowed today by the board of estimates.

Comptroller Metz said District Attorney Jerome is to confer with his experts with a view of keeping down the expenses for their testimony at the second trial.

"Already \$24,000 has been spent for experts. It is an outrage, but it cannot be helped," added the comptroller.

"The experts were paid at the rate of \$100 a day, approximately \$15 an hour in some cases."

It was stated that the cost of the trial so far had been upwards of \$100,000.

ORCHARD ON RACK GRILLED BY DARROW

ATTORNEY PICTURES WITNESS AS MONSTER

Self-Confessed Murderer, Whose Testimony is Intended to Convict Pettibone, Is Match for Lawyer's Cleverness

By Associated Press. BOISE, Idaho, Dec. 13.—Clarence Darrow, the Chicago attorney who is conducting the defense of George A. Pettibone, had Harry Orchard, the state's chief witness, on the rack for two hours and a half today, endeavoring to discredit his testimony. The cross-examination was rigid and effective in that the witness was pictured as an inhuman monster, a murderer, bigamist, perjurer, gambler, thief and incendiary.

Profiting by the failure of Attorney Richardson in the Haywood trial to shake the testimony of Orchard, Darrow made little attempt to make the witness contradict himself.

Twice only during the day did he try to confuse Orchard in regard to his testimony, and each time he failed. Reading from the testimony of the Haywood trial, Darrow endeavored to make it appear the witness had changed his statements, but Orchard forced his questioner to read more of his testimony given before, showing his testimony had been the same at both trials.

"Did you know Moyer, Harrywood and Pettibone?" and each time the witness answered "no."

Darrow announced he would conclude his cross-examination tomorrow, and Mr. Hawley stated to the court that the state would finish its case by next Thursday. Witnesses for the defense were therefore subpoenaed to appear Friday of next week.

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THAW TRIAL HAS COST PROSECUTION \$100,000

Experts Who Testified as Prisoner's Mental Condition Paid at Rate of Fifteen Dollars an Hour

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VIGILANTES ARE GUARDING GOLDFIELD

SITUATION IS SERIOUS, SAYS GENERAL

TELEGRAPHS SECOND REPORT TO WAR DEPARTMENT

Belief That Soldiers Would Be Withdrawn from Nevada Shattered by Commander's Statement. Outrage Reported

By Associated Press. GOLDFIELD, Nev., Dec. 13.—Secretary Erb of the Goldfield Mine Owners' association announced tonight after a meeting of the executive committee of the association that a resolution had been passed suspending the wage scale of the association recently adopted for ten days at the request of the American Federation of Labor. During the ten days a committee of the American federation and of the association will perfect a new wage scale which will be satisfactory to the American Federation.

This arrangement will also affect the employees of the Nevada-California Power company, who walked out yesterday, and under the new agreement these employees will return to work tomorrow morning. The arrangement also affects the carpenters and engineers in the mines, and these men, who are not affiliated with the Western Federation of Miners, will resume work in the mines tomorrow morning.

GOLDFIELD, Nev., Dec. 13.—After having met and conferred with many citizens of Goldfield Gen. Funston tonight stated that he is finding conditions here worse than he has maintained.

"The possibilities of serious trouble growing out of the differences between the mine owners and the miners," he said, "are greater than my information previous to coming to Goldfield had led me to believe. I have telegraphed a second report to Washington which is based on the information I have gathered today."

"I do not believe the governor will declare martial law at once, as no serious disturbance has occurred. I am satisfied with this and shall not advise such action until it is absolutely necessary. As to patrolling the vicinity of the mines and streets of the city with the regulars, I have telegraphed them to become necessary at any hour."

The statement of Gen. Funston tonight settles effectively the question of the withdrawal of the troops from Goldfield. Neither Gen. Funston nor Governor Sparks will yield to the pressure that has been brought to induce them to favor the withdrawal of the troops before the arrival of the labor commission from Washington.

Women Want Troops

Tomorrow a delegation of women, composed of members of the Women's club of Goldfield, will call on Gen. Funston and lay before him their side of the case of deportation where two union men had escorted a miner who had signed the agreement and gone back to work to a point some three miles from camp and then brutally beaten him and started him for Tonopah, across the desert.

Delegations from the Goldfield chamber of commerce, the Mine Owners' association and the Goldfield stock exchange also will call on Gen. Funston to present the same matter.

Tonight there is a well authenticated rumor that a committee of citizens has been formed, ostensibly to act as a volunteer fire and police department in the residence district, but which will be more in the nature of a vigilance committee of the early California days sort.

A story is circulated to the effect that J. W. Finch, formerly manager of the Consolidated properties, had witnessed a case of deportation where two union men had escorted a miner who had signed the agreement and gone back to work to a point some three miles from camp and then brutally beaten him and started him for Tonopah, across the desert.

Fail to Find Victim

Detective Ramsey of the state police and Sage of the Mine Owners' association searched all day for verification of the story, which created great excitement in the city this afternoon, but could find no trace of the miner who was alleged to have been beaten or of the two men who were alleged to have committed the outrage.

Gen. Funston was informed of the matter tonight. He stated emphatically when questioned that the troops here would endeavor to protect Western Federation men if any attempts to deport them were made, just as they would protect men who might be set upon by strikers.

"The troops will try to prevent outrages or violence of any sort, no matter by whom committed," he said.

After an all-day session the Mine Owners' association late this evening decided to continue the card system in operation and to require all those who go to work to sign the agreement renouncing all allegiance to the Western Federation of Miners.

Say Scrip is Illegal

In support of their refusal to accept scrip in payment for wages, the officers of the local union today dug up a section of the constitution of Nevada which declares that no bank shall issue or cause to be circulated any money other than national currency or bank certificates authorized by congress.

The Federation miners have maintained a more rigorous picketing of the mines in operation today than was maintained yesterday and the guards of the Mine Owners' association has been more active.

It is said the Mine Owners' association has 300 strike breakers on the way here, but strict secrecy is being maintained as to the movement of the train and the hour when they will arrive is not known.

Empress' Condition Improved

ST. PETERSBURG, Dec. 13.—The empress of Russia is considerably better today.

(Continued on page two)