A Newspaper's Value as an Adver-

tising Medium is Determined by the Character of Its Circulation.

FINAL PLEA FOR MURDERER DAY

Dramatic Scenes Before Pardon Board at Reopened Hearing This Morning.

DECISION THIS AFTERNOON.

Ills. J. R. Walker Says Her Babies Told Her Not to Let Them Shoot Day.

He Was Her Coachman and Won the Love of Her Children by His Kindness and Gentleness.

hearing which means either the word which will send A. T. Day to leath chair Friday morning or save te for endless days within prison brought out a number of vital interesting points this morning and marked by dramatic moments ich crowded one upon the other in ing rapidity. Mrs. J. R. Walker, ham Day worked as a coachman, ed the greatest impression upon auditors gathered in the supreme n chambers. Stunding before the rd of pardons, she made a most est and dramatic plea for clemency the black man who now awaits the set for his death within his cell

I come before you, not ause I have been asked, but be-I rould not enjoy peace for the nder of my days if I let that man this death without saying a word am. He worked for me and was my observation for months. Duratime I never saw him even angry toss. My children loved him belie was so kind and gentle to It's because of this—nothing—that I am now here. My babies me not to let them shoot Mr. All the time he was in my employ as sober, industrious and attentive is dates. He had a room near his estand evening after evening I december the second of his kindness to bren and his quie's docile disposition and his quie's docile disposition. his death without saying a word and his quie's docile disposi-

s Mrs. Walker continued in the same Mrs. Walker continued in the same unusus pairs of eyes were wet and buried in hands. Atty. George M. an who took the most active partic proceedings for the defense, it in his handkerchief. In concluding Walker said in a low voice, lemen. Mr. Day was a good manist believe him anything else and that all was not told at the trial, we want you to let him he shot? st want you to let him be shot. NEW TRIAL ASKED.

at the defense is going to ask for strial was made a certainty this ag by Atty. Sullivan who started dress the board and said as much ing interrupted. Atty, Sulli-just started to show the un-of some of the prosecution's nd bring out the point that, "fraternal" spirit among cer-ed men, had worked against ddant when one interruption other making it unwise and for him to finish. But ac vident before sitting down fense is going to ask, not for on of sentence only, but that utation of sentence only, but that trial be granted owing to the injustice in the one held before which convicted and sentenced fendant to death, although one number had held out for a difsentence until he was told by his jurors that his action was not and that the public demanded execution. Day's trial compression of the control of t Joynt, Peter Anderson, Davids, J. H. Vincent, Royal Bate Javid B. Richards, George M W. B. Armstrong and Carl John

INTEREST INTENSE.

to or seldom at the most, has a intensely dramatic hearing for tation of sentence been held a board of pardons. To the syman there appeared to sen brought out this morning a bundance of evidence and testimatic or the symbol of which could result in but one Just whether the average lay-correct and too given to pity remains to be seen as the hear-s continued until this afternoon. ital points developed this morn-my be summarized as follows: COLORED ODD FELLOWS.

the testimony of a Mr. Coun-lered, it appears that because as a fellow member of a local lodge with Joe Ware, one of ledge with Joe Ware, one of witnesses, who was present shooting, all evidence within d which would work in favor icfendant was suppressed. Mr. said Ware had told him and a say nothing and know nothing they did otherwise there be "an uprour" in fraternal cir-

J. R. Walker, Mr. W. P. Kiser for well known residents of Sait dended for Day, saying he was saite and doctle.

that doesie. that defense that did not tell all he knew fying during the trial was at startlingly when he was afore the board this morn-

PARDON BOARD.

part before whom such a fort is being made to save a lists of Gov. J. C. Cutter; Straup, McCarty and Frick, or Brooden. Warden Arthur the penitentiary is present up the case. J. W. Houston is the case of the case of the case of the case. J. W. Houston is the case of the in whom they worked, was also present but took no part in this forenoon's secondings. Day is terpresented by Beasen tills Ellie and Schulder; George M Suffivan, Walter Little and milliam lumn. The supreme court humber was filled with interested sudners white and black, all anxious demand man.

Differs FROM RECORD.

The contention of Day's counsel to the effect that Witness loe Ware did.

MR. McSwine said Mr. Counsel had asked him to bring ware to him so they (Ware and Counsel) could talk over matters so both Ware and himself roud her refreshed in memory. Continuing witness said: "Counsel thouse had been a conversation in which ware said there had been a conversation between there had been a conversation between the held a conversation in which ware said there had been a conversation between the held a conversation in which ware said there had been a conversation between the held a conversation in which ware said there had been a conversation between the held a conversation in which ware said there had been a conversation between the first that the held a conversation in which ware said there had been a conversation between the first that the held a conversation in which ware said though been the refreshed in memory. Country the local transmitted the refreshed in memory. Country the ware and Counsel talk over the ware and Counsel to the refreshed in memory. Country the refreshed in memory. Country the local transmitted the refreshed in memory. Counsel the refreshed in memory. Country the refreshed in memory. Counsel to the refreshed in memory. Counsel to the refreshed in memory. Country the country the refreshed in memory. Country the country that the refreshed in memory. Country the country that the refreshed in memory. Country the country that the refreshed in me

not tell all the facts at the trial was strikingly brought out when Ware took the stand this morning. In relating the events which transpired immediately after the shooting of Vosa by Day, Ware added details which are not found in the strengthesis and the case. I was impressed and am of the case. I was impressed and am of the case.

Day, Ware added details which are not found in the stenographer's record of the testimony given before the jury which convicted Day and brought about the death sentonce by its findings.

Joe Ware took the stand somewhat unwillingly. He had been summoned to the session room by Governor Cutler. His examination was conducted by A. C. Eilis. Ware declared that he was not a church member and that he had never been such. He cannor read nor write, he sans, and never speut a day in school. Since leaving his parents' home, he has heard from them only once in 10 years. He was a coal and from miner, and since coming to this city he had worked as a common laborer. Attorney Ellis, pressing him regarding his affiliations with a church, asked him:

"There have always been churches

"There have always been churches here since you came here, have there not?" 'Yes," answered Ware, "but because

"Yes," answered Ware, "but because they'se churches a man don't have to go to them, do he?"

Atty. Ellis was striving to obtain from the witness his idea of the obligation entered into when a person takes an oath to "tell the truth, the whole truth and nothing but the truth, so help me, God."

"Do you know what the penalty is in the event that you lie when under oath?" Mr. Ellis asked Ware.

RECKLESS AS TO FUTURE.

"Well. I suppose you go to hell, if there is such a place. I ain't prepared to go nowhere else anyway."

Ware admitted that there were certain fraternal relations between himself and Voss that made him more friendly toward Voss than toward Day, but he said that he had nothing "in particular against Day."

Ware admitted that he had had some trouble with Day the Saturday night before the shooting. He admitted that his relations with Mrs. Yarber had been rather intimate, but he said that he was not jealous because he had heard that Mrs. Yarber and Day were also intimate to a degree.

intimate to a degree.

Ware refused to say that he had heard Mrs. Yarber, who was a witness in the trial of Day, say on her death bed, "If God Almighly could forgive me for the lies I have told about Day, I could die happy."

Ware denied that he had told either counsel or anyone else that he had

counsel or anyone else that he had said he had testified to certain things on the preliminary hearing and that he couldn't change it in the trial.

NEW TESTIMONY.

NEW TESTIMONY.

The new testimony was given by Ware w en he testified to the events which followed the killing of Voss. Ware said that he rushed into "Old Man" Edwards' room and got a revolver from the dresser. He did that, he said, for his own protection against Day. He said that he hed it in his hand all the time up to the time he returned to the room where Voss lay dead. Then he said he saw officers around with the other people and he dropped the gun, not wanting to be arrested with the revolver on his perarrested with the revolver on his per

arrested with the revolver on his person.

This testimony is not found in the record of the trial of the case against Day. One of Day's attorneys stated immediately after the adjournment of the board until this afterneon that the new testimony given before the board with regard to his own actions after the shooting would be sufficient to convince all that Ware did not tell all the truth when he was on the stand. It was intimated that in the event that nothing further came up this afterneon, the attorneys for Day would rest on that as a ground for a new trial.

When adjournment until this afternoon at 2 o'clock was announced by Governor Cutler. Ware was still on the stand and was cautioned to be present when the adjourned session was commenced at 2 o'clock.

JOHN A. WALKER CALLED.

JOHN A. WALKER CALLED.

John A. Walker was the first man called. He has been a resident of Union for over 50 years, and was a jurer in the body which convicted A. T. Day,

"I would have held out to my dying day had I understood my duty as a juror as I do now. The charge was explained to me wrongly, I see now, by my fellow jurors and I cast my ballot against my own judgment."

BERT C. COUNSEL.

BERT C. COUNSEL.

Bert C. Counsel, colored, was the next person examined. He said he has lived in the west side of town for four or five years. He said he knows Jos Ware: a witness in the Day hearing. "I had a conversation with him." said the witness. "This was after the preliminary hearing. He said he had sworn that Day shot Voss just after he (Ware) had called Voss in to settle a dispute. I said I thought it strange that a man without saying a word would haul off and shoot another man. To this he answered, That's what I have testified to and I 'ain't changing nothing now.' This was all that passed between us." Counsel was then excused. He was recalled immediately after, however, as Gov. Cutter wished to ask him a question. This was "You say you have talked to no one about this case." The witness answered in the affirmative Atty, Sultivan asked Counsel if he had not talked with a man named McSwine. Witness remembered he had. Counsel was again excused for a time. was again excused for a time.

MRS: COUNSEL TESTIFIES.

Mrs. Counsel was then called. Justice Straup suggested that counsel for the defense should not ask questions with a tendency to open secrets or communications between man and wife. Atty. Suilivan asked Mrs. Counsel if she was willing to tell about conversations between man and wife. Members of the board and attorneys discussed the point pro and con. Gov. Cutter said if man and wife were agreeable to either teiling about conversations between them, there was no reason why the woman should not talk. Mr. Counsel was asked if he cared if his wife testified on conversations between them.

"None, except that it noight hurt happiness in the family," answered Mr. Counsel. The board then suggested that Mr. and Mrs. Counsel step into an ante-room and confult upon the point, when they left the room Mcs. Mr. Mr. Swine ON STAND. Mrs. Counsel was then called. Jus-

MR. M'SWINE ON STAND.

the opinion that there was some affair before the shooting."

Mr. McSwine went on to tell about an incident which happened one day when he started through Franklin avenue. Mrs. Voss made him go to a newspaper office to prove that ne didn't take an article into the office. "I didn't want to risk a fight with her as I had heard of her lighting propensities, so I went." Nothing came out of the affair. Mr. McSwine was excused and Atty. Sullivan announced that evidence was all in. The lawyer then began his address to the board.

ATTORNEY INTERRUPTED.

ATTORNEY INTERRUPTED.

Attorney Geo. M. Sullivan started to speak for A. T. Day, the condemned man, but before he had got fairly started. Justice Straup interrupted him, suggesting that there might be some one else present desiring to contribute some evidence. Mrs. Voss, who was present, announced that Mrs. Walker, known as "Colored Liz," was ready to make a statement. Mrs. Walker teok the stand, explained she was a washerwoman, and had lived with Day until she got afraid of hun, "He was a drunkard; bad man; gongerous man; fighter and tough," was the way Mrs. Walker described Day. Under examination by Attorney sullivan, Mrs. Walker admitted Mrs. Voss sent for her.

DRAMATIC MOMENT

A dramatic moment in the hearing was reached when Mrs. J. R. Walker took the chair and spoke for Day, who worked for her as a conchrant for five months. Day left her employ about a year and a half ago. Mrs. Walker said she believed he has not nad a fair show of justice and could not see him going to him. Mrs. Walker's words created a perceptible effect, several auditors covering their taces with their istors covering their faces with their

hands,
Rev. T. H. Allen, colored, followed
Mrs, Walker and he, too, made a most
intensely dramatic piet for Day. Nev.
Mr. Allen has become acquainted with
Day since the shooting. "If he is shot
Friday morning, I wid always feel he
has not had fun justice. Something has
been kept back. I believe in the law
and enforcement of the law, but I tunik
a mistake is about to he made."

EMPLOYED BY KEYSOR.

Keysor, for whom Day also worked Reysor, for whom Day also worked as a coacaman, appeared before the board and said he had round the colored man a quiet fellow with little to say and very conscientious in all he did. 'He had a room in the stable and whenever I needed him in the evening I always found him in his quarters. I never you king druk and he worked for er saw him drunk and he worked for me from September right up until the day of the tragedy."

MRS. WASHINGTON HEARD.

Mr. Keysor was excused and Mrs. Washington, colored woman mentioned by "Liz" Walker as a sweetheart of Day's, took the stand. Mrs. Washington is a little colored woman past middle age, and standing with both arms held in the air began: "Gentlemen, I am a woman—a thorough woman—and for the past 18 years I have been a Uhristian woman, I have lived as one and I cannot stand what that woman—that kind of a woman—(pointing to Mrs. Walker) says about me. I know Day and always knew him as a gentleman! He was sober and kind, and I resent the slurs cast upon him by that (again pointing to Mrs. Walker). That story about Day being a bad man is wrong, it's not the truth, for he was a good man," Almost sobbing, Mrs. Washington took her seat among the auditors unable to say more. Mr. Keysor was excused and Mrs.

REV. SIMPKIN,

Rev. P. A. Simpkin was the next speaker. "I come before your excel-lency and members of the board solely in the interest of mercy. I realize that the duties laid upon your shoulders seem to you to merit that sternness which rules out everything else—every sentiment or feeling and I realize that the body which convicted A. T. Day, He was placed under examination by Atty. George M. Sullivan. Mr. Walker said he had an opinion that Day shot Voss on the impulse of the moment, not by premeditated action.

Mr. Walker said he had talked with his fellow jurors regarding the killing and announced he would vote accordingly. "I was told I should not stand out against the other eleven," said Mr. Walker. "I was told also by several jurors that the public expected a verdict of guilty of murder as charged in the complaint. The Shockley case was referred to, some of the jurors making the statement that the case was worse than it.

"I would have held out to my dying day had I understood my duty as a juror as I do now. The charge was explained to me wrongly, I see now. by my fellow jurors and I cast my ballot against my own judgment."

Justice Frick interposed a query:

Justice Frick interposed a query:

Justice Frick interposed a query: "Parson, have you been in contact with Day since his incarceration in the pri-son, and if you have, what is your im-pression of the man?"

pression of the man?"

"I have," answered Rev. Simpkin,
"He is no criminal!" The parson then
went on to tell of a visit to Day's cell
in which the condemned man said he
deserved whatever came to him, and
he could only look to God for anything else. "This was not said with
bravado," added the speaker. "He appeared as simple and sincere as a peared as simple and sincere as

NO OGDEN BANK

IS INVOLVED.

(Special to the "News.") Ogden, Dec. 11.-The Associated

Press dispatch printed in last night's "News." stating that an Ogden bank had \$253,900 on deposit with the California Safe Deposit and Trust company at the time of its failure, was read with surprise here. Hon. David Eccles, president of the First National bank, authorizes the "News" to state that no bank In Ogden now has one dollar on deposit with the San Francis-co bank in question. The facts in the case are as follows:

co bank in question. The facts in the case are as follows:

The Western Pacific Railroad company kept a bank account with the California Safe Deposit and Trust company. The Western Pacific gave a large draft to the Utah Construction company of Ogden, in the course of business, on the Sao Francisco Institution; the Construction company deposited the draft to its credit with the First National Bank of Ogden, which in urn forwarded the arait for its own credit to the San Francisco bank, drawing drafts against it in the ordiown credit to the San Francisco bank, drawing drafts against it in the ordinary course of husiness. The remittunce of the First National of Ogden reached San Francisco just the day before the bank failed; hence, when the Ogden bank's drafts on the San Francisco house were presented they were returned angald. These drafts were promptly taken up by the Utan Construction company, and the remainder of the claim of the First National bank against the San Francisco bank was uselgned to David Eccles, and Matt Browning, those two genitemen having sent an agent to San Francisco, who satisfied them that the money would be forthcoming in time. The First National Bank of Ogden, therefore, has nothing whatever involved in the San Francisco failure, nor as attace; above, has any giller Ogden above, has any other Ogden

MINE OWNERS WANT MARTIAL LAW

Urging Gov. Sparks to Induce Col. Reynolds to Declare it Before Funston Arrives.

SITUATION IS VERY INTENSE.

Unless Soldiers Put in Charge Feared Attempts Will be Made on Water Supply.

Union Men Say No Danger of Vio. lence or Destruction of Property -Will Picket Mines.

Goldfield, Nev., Dec. 11.-Gov. Sparks and Col. Reynolds, who is in command of the troops in Goldfield held a conference this morning at the governor's hotel, and separated without deciding the matter of declaring martial law on this camp. It appears that the governor is being strongly urged by the mine owners to nake every endeavor to Induce Col. nake every endeavor to induce Col. Reynolds to take this action before the arrival of Gen. Funsion, which will be on Thursday, after the attempt it under to reopen the mines on Thursday morning. The conference this morning was barren of results and Col. Reynolds and Gov. Sparks will meet again this afternoon for another discussion of the matter.

He admitted that its would like to be able to stop the outrages but was still unwilling to take any decisive step until some act of violence had been committed or until the arrival of Gen.

remmitted or until the arrival of Gen.

Function.

Three more "high graders" were captured this morning.

OPEN MINES TOMORROW,

The Mine Owners' association of-nicials still assert that the mines will be worked tomorow and that they have been engaged to work them. The enort to have merical law declared today is for the purpose of allowing troops to patrol the mine and to search for can-cealed arms and aminunition alleged patrol the mine and to search for Can-coaled arms and aminunition alleged to be held by the strikers in various places. The mine owners anticipate attempts to destroy machinery of pow-er, wires or water supplies tonight un-less the soldiers take charge of the sit-uation. On the other hand, the union men say they will attemp no violence part destruction of preperty, but will men say they will attemp no violence nor destruction of property, but will endeavor to induce any miner who may try to go to work to leave the mines and join the union. The union has also sent pickets to Reno and Las Vegas. Capt. Swain of the Thiel agency, has left for California to be ready to bring 500 California miners here on short no-

The men secured are mostly lead rufners from Joplin, Mo., who have been strike-breakers in Idaho and Chilfornia and can be brought here in two

SWEARING IN DEPUTIES.

Constable Inman is swearing in 100 extra deputies who will patrol the mining district tenight and be detailed as personal guards of the miners tomorrow. They are in the pay of the Mine Owners' association. These deputies will easily only revolvers at first the control of the manufact will be provided with and if necessary win he provided with repealing rifles later. The situation here is becoming more intense every minute, and there is not a person who does not anticipate trouble of some part to-night or tomorrow at the latest.

"HIGH GRADERS" ARRESTED.

McCabe and James Thompson, min-ers who formerly were employed in the Rogers lease, were arrested last night by deputy sheriffs and constables who Rogers lease, were alreated and higher by deputy sheriffs and constables who had been watching the mines on the 400 foot level of the Little Florence lease. They are in jail, charged with burglary. The owners of the lease claim that they have been "high grading," and that they have uncovered a vein of rich ore, and have extracted a large lot of it. Three others, whom the officers are searching for, are alleged to be implicated. Tools hidden on the 400 foot level on the Rogers lease were unearthed by the officers.

The men descended the shaft of the O. K. mine, which is unguarded, and made their way along the levels of the O. K. and Rogers lease through a bulkhead, and into the Little Florence. This is the first intimation that any depredations were being committed since the beginning of the strike.

GOLDFIELD MINERS' STRIKE ENDORSED

Denver, Der. 11,-Official endorsement of the miners' strike at Goldfield was given yesterday by the executive board of the Western Federation of Miners. The following telegram was sent to Charles H. Mackindom president of the Guidfield Miners' union: "Executive board recognizes justice of your position. Will render all possible

DOWAGER QUEEN SOPHIA.

Her Condition is Such as to Occasion Anxiety

New York, Decc. ii.—The establishing of an Italian theater in New York is said to be in prospect as a result of the visit of Ernsete Novelit, the famous Italian actor. The plan is being formulated by a party of Italian merchants of New York, who propose, to creet a theater and bring to America famous Italian dramatic stars supported by their own companies to give long series of performances in New York and to pay visits to other cities where there are large Italian populations. The plans have not yet been completed. Stockholm, Dec. 11.—The condition of Dowager Queen Sophia is occasioning anxiety. The strain upon the queen incident to the illness and death of King Oscar was very severe and since his death she has been almost constantly confined to her bed.

RELEASED ON \$75,000 BAIL.

San Francisco, Dec. 11.—President David F. Walker of the insolvent Cal-ifornia Safr Decoult and Trust com-pay, accused of embezzlement, was today released from custody on \$75.

J. Dattell Brown, vice president and Chicage. Dec. II.—Representative of the baseball clubs of the American bague will put their heads together in annual meeting this afternoon, each one elect for some dicker that will ladd to the efficiency of his own particular club. Humors of all sorts of trades are in the sir, notwithstanding the tradition that few important transfers have been known to take place at the annual conference. In expectation of such reservantsation, quite a number of minor leagues are hovering near, hoping to be able to pick up some players. J. Daizel Brown, vice president and general manager of the institution, is still in fail. The bonds offered for his release by a surety company being rejected by Judge Dunne on the ground that the company already had gone security for an many accused persons that he protected to have Brown secure ball classwhere.

SARATOGA. WYO., BANK.

First National Authorized to Begin With Capital of \$65,000.

(Special to the "News.")
Washington, D. C., Dec. H.—The First
National bank of Saratogu, Wyo., has
been authorized to begin business with
45,000 capital; L. C. Miller, president. Gustave Jensen, cashier.



PRESIDENT JOHN R. WINDER,

Whose Eighty. Sixth Birthday Anniversary Occurs Today. years in perfect health and with every faculty or mind unimpaired, is not the lot of many men. But such has been the destiny of President John R. Winder, who today enters upon his eightyseventh year. To see him, with unright form and elastic step, as he walks to and from his office, or to beheld him therein, engaged with his colleagues of the First Presidency in disposing of the vast amount of accumulated work of the day, a stranger might guess Colonei Winder to be 60 years old, scarcely more, and would doubtless view with incredulity a statement that the veteran had passed that point by 27

The day has for many years been observed by the family or by the workers in the temple ln the way of a celebration, but such a feature will this time be postponed until a date in the near future, owing to illness in the immediate family of President Winder. Personally he is in his usual good health, and despite the inclemency of the weather this morning, he was early I or creed.

WESTERN PAINTERS.

Chicago.

nual exhibition of the Society of West-

ern Painters opened yesterday at the

art institute with a display of 148 paint-

Among the well known artists who are exhibiting their works are Lorado

Taft of Chicago, Clement J. Barn-

horn of Cincinnati, Oscar Berhinghaus and Edmund H. Wuerfel of St. Louis,

MME. TETRAZZINI.

Famous Prima Donna Will Appear in

Manbattan Opera House Jan. 15

New York, Dec. 11.—Oscar Hammer-

stein announces the appearance on

stein announces the appearance on Jan. 15 at the Manhattan Opera House of Mme. Tetrazzini, the famous prima donna, who has been immensely successful in London this season. The announcement is made formally, and it is said that the singer's first appearance in New York will be in "La. Traviata." Mr. Hamerstein's agent in London has been negotiating for some time with Mme. Tetrazzini, but it was necessary to secure the cancellation of other contracts before she was able to came to America. Mme. Tetrazzini sang several years age at San Francisco, but has rever appeared in New

STANFORD WHITE SALE.

Last Session Yesterday, Total Amount

Realized \$90,028.

New York, Doc. 11.-The last session

FOR ITALIAN THEATER.

BASEBALL MANAGERS MEET.

Chleage, Dec. II.—Representative of

MARRIAGE WAS A FAILURE.

ings, the work of western artists.

The exhibition will cont

To reach the age of four score and six | seen making his way to the president's

BRIEF SKETCH OF LIFE.

BRIEF SKETCH OF LIFE.

President Winder was born at Biddenham, Kent. England, Dec. 11, 1821, but was residing in Laverpoel, serving as clerk in a shoe store, when he became a convert to Mormonism. The incident that led to his introduction thereto was the picking from the floor of a scrap of paper, apon which were written the words "Latter day Saints." A question by him as to what the phrase meant elicited information from a fellow clork that led to an investigation which resulted in the baptism of Mr. Winder on Sept. 29, 1848. His wife, Ellen Walters Winder, was beptized the following month. In February, 1853, the family, which by that time included three children, sailed for America in the ship Elvira Owen. Oct. 10 witnessed their arrival in Salt Lake City, and this county has been the place of residence of Colonel Winder since that time. His illustrious labors in the Church, as well as in civil and military affairs, are too well known to the people of Utah to require rehearsing. Than President Winder, few, if any, have been more active and successful in the labors of life, and he is held in the highest esteem by all, regardless of sect or creed. highest esteem by all, regardless of sect

FOUL AIR.

Twelfth Annual Exhibition Opens in Is Breath of Death in Large Cities, Says Health Commisioner Evans. Chicago, Dec. H .- The twelfth an-Chicago, Dec. 11.-"Foul air from

improper ventilation is the breath of death, improper ventilation is reaping a harvest of 1,000 lives. Nor is this rao confined to the slums."

having enough to eat,

PROMPT ACTION PREVENTS FIRE PANIC.

Chicago, Dec. H .- Three audiences in the Fine Arts and Studebaker theater buildings were kept from panics last night by quick action of fire department officers and theatrical managers after a lire had been discovered in the Chicago musical college building, which adjoins the structures.

adjoins the structures.
One alarmist was knocked unconscious in the lobby of the Studebaker hullding by an official of the theater after he had uttered one shout of "Fire." Hobart Chatfield Chatfield-Taylor burried to the stage of Music hall, where a performance was being given, and caimed the people in the audience, who had smelled the smoke and heavy to exhibit stans of had begun to exhibit signs of

The fire, which was in the organ loft f the Chicago Musical college on the eventh floor, was of little consequence and readily was extinguished. Chief Horan ordered that all the fire

New York, Dec. 11.—The last session of the sale of the art collections of the late Stanford White was held yesterday and netted \$3,416, making the total for the entire sale, \$99,028. The articles sold yesterday were large marble and stone objects, too large to be removed to the galleries, and they were sold in the warehouse where they were stored by Mr. White to await the time when he would have use for them in connection with the buildings he designed. The highest price paid was for an antique luthan fountain, which brought \$525. Chief Horan ordered that all the header department apparatus should be stop-ped a half block north of the theater buildings. He also quickly stilled the going and the firemen's shouts. In the Studebaker theater, where a play was being witnessed by 1,490 per-sons, all the exits were taken in charge

sons, all the exits were taken in charge by ushers and firemen, who were ordered to throw them wide open at the first symptom of panic.

Less than a score of persons in the theater knew of the fire.

On the tenth floor of the Fine Arts building, 200 members of the Shake-speare club were gathered, and in a draintic school on the eighth floor about 75 pupils and teachers were engaged. They were warned by attendants of the building, and all left by the elevators.

TO INVESTIGATE THOROUGH-LY GOLDFIELD SITUATION

Washington Dec, II—Asst. Secy. Murray, of the department of Commerce and calor. Commender Charles P. Nelliand perfect Smith commissioner of coporations, will leave Washington at 1 o clock his afternous for Goldfield. Nevada, to make a thorough hivestigation of the rouble between the miners and mine operators at that place. Secy. Murray and commissioner Smith made this amouncement after a conference with President looseveit today.

DEMOCRATIC COMMITTEE.

Preliminary Prepartion for Meeting Tomorrow Perfected.

Washington, Dec. 11.—All the pre-liminary preparations for the meeting of the Democratic national convention committee, which will be held at the Arilington hotel beginning at 12 o'clock New York, Dec. 11.—Because he and his wife of two months quarreled over his desire to spand his evenings at his boweling club, Jacob Victor killed himtomorrow, have been completed, and it a now believed that it will be possible for the committee to complete tomor-row its work of selecting a time and place for holding the convention.

HARRY ORCHARD MADE A WITNESS

Notorious Wholesale Murderer Testifies in the Trial of Pettibone.

PRISONER EYED HIM CLOSELY

Told Tersely of Events Leading Up to Blowing Up the Bunker Hill Mine and Sullivan Mill.

Swore Defendant Told Him Guns Used In 1899 Riots Shipped Him in Plano Boxes from Denver.

Bolse, Idahe, Dec. II .- The announcement that Harry Orchard would be sailed as a witness in the Pettibons trial this morning caused the presence of many spectators, a large number of women being present. Orchard was called as the first witness and he promptly entered, accompanied by two penitentiary guards. He was dressed in a neat business suit and in general appearance showed little chang : since the Haywood trial.

The witness was perfectly composed as he answered the questions put by James H. Hawley of the prosecution. The early life of Orchard in Canada was touched only briefly. The witness stated his frue name as Alfred E. Horsley and his age as 40 years. As he testified Pettibone and Moyer watched him intensely, but he merely glanced in their direction. Eefore beginning his story of wholesaie murder, Orchard described in answer to questions, the location of Wallace, Mullen and other points in the Coeur d'Alenes and also concerning the organization of the Western Federation of Miners. He told of driving a milk wagon in the Coeur d'Alene count'y, of being in the wood business and of finally going to work in the mines and joining the union. In a very precise manner he narrated the events leading up to the tragedy of April 23, 1899, when the Bunker Hill and Sullivan mill was blown up by the members of the miners' amion at Burke, Gem and Wallace. Petitione's name was brought into the testimony for the first time when Orchard said that the defendant told him in 1904 that the guns used in the 1899 riot were shipped by him in pano boxes from Denver.

Orchard said that he was one of the 1,200 men who took possession of a train and went to Wardner, and that he touched off one of the boxes of dynamite which blew the hill to pleces He then told of the calling of troons and the execus of miners from the district, the witness going to Butte, thence to Utah where he remained until 1902, when he went to Cripple Creek, took up mining again and joined the Free Coinage union. When the strike was called Aug. 10, 1903, he walked out with the rest and said he engaged in "high-grading" at the Vindicator mine. Orchard then testified that W. F. Dav's, a member of the strike committee, asked him to blow up the mine while non-union men were at work in it, and he consented to do so. in their direction. Refore beginning his story of wholesale murder, Orch-

In these words Commissioner of Health W. A. Evans last night, in a speech at the Fort Dearborn club, expressed his belief that the atmosphere of many houses is charged with a more deadly polson than impure food.

"In strict figures, consumption and pneumonia have the greatest death rates in our city. In almost every case of these diseases, the primary cause is the breathing of food Dr. Evans declared America is affected with an epidemic of "overfeeding." Over-nutrition is doing far more harm than not had concluded the narrative adjourn-ment was taken for the noon recess.

> MILTON'S SIGNATURE IN BIBLE NOT GENUINE.

New York. Dec. H .- Book collectors broughout the English-speaking world are interested in the claim of George H. Richmond, a book dealer, that the Milton Family Bible," a book known to all collectors, which he bought at suction the other day, contains only forged signatures of John Milton, the poet and Elizabeth, his third wife. Mr. Richmond has returned the book to the Anderson company, the auctioneers from whom he bought it, who have accepted it, although they refuse to return to him the \$1.25 which he paid for it, or to admit that the signatures are forged. The original importers of the book, Dood, Mead & company, who bought it at auction in London in 180 contend that the signatures are certainly genuine. The book was sold by them to William H. Buckler of Haltimere, now secretary of the American legation at Madrid, and by him turned over with the rest of his library to the Anderson company for sale. Word has been received from England that W. Aldis Wright, of Trinity college, Cambridge university, an expert, denies that be certified to the genuineness of Milton's signature. He says that he told Mr. Buckler that the eignature was not that of the noet, but that of Major John Milton, of the city of Lendon trained bands. He believes however, that the bible was once in the family of Milton, the poet. ill collectors, which he bought at auction

NOT HIS AFFINITY.

Geo. Clifford Drouillard Had Idea Mrs. Potter Palmer Was His.

Chicago, Dec. II.—A dispatch to the Tribune from Cincinnati says:

Possessed by the delusion that Mrs.
Potter Paimer of Chicago, is his affinity,
George Clifford Drouillard, was adjudged insane yesterday and sent to Longview asylum. Drouillard was a clerk and has held responsible positions, has written many letters filled with endearing terms, and addressed them to the society leader of Chicago. He does not know Mrs.
Palmer, nor has he ever seen her, according to his friends.

LIQUOR TRAFFIC.

Michigan Grange Asks Constitutional

Convention to Prohibit It. Saginaw, Mich., Dec. II.—The State Grange at its atmual meeting here yesterday adopted a resolution calling on the constitutional convention now in session at Landge to insert a clause in the new constitution prohibiting all traffic in iquor. The Michigan grange has a memberahip of \$1.90 and \$40 delegates are in attendance at the sessions here.

SURGEON CUT JUGULAR VEIN

Chicago. Dec. II.—After microscopic examination of the exhunced hedy of Milfred Hanson, 5-year-old, who died at Lakeview hospital after a singleal operation for tubercular trouble five mixing decided last eventure that the shift's ringular veia had used broken and Coroscop Hoffman immediately ordered an inquest. This outcome lends cafor to the ollegations of the shift's father. Cordinately several by the surgeon in charge while operating upon her throat.