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the best days to advertise in the  
columns of the "News." Other good  
days are Thursday, Friday, Saturday.

# DESERET EVENING NEWS.

The Saturday and Semi-Weekly  
News Reach 150,000 Readers. Spec-  
ial Rates Accorded Advertisers in  
These Two Issues.

20 PAGES—LAST EDITION.

WEDNESDAY, DECEMBER 16, 1903. SALT LAKE CITY, UTAH.

FIFTY-THIRD YEAR.

## MARTIAL LAW IN COLORADO.

State Supreme Court Called Upon  
To Determine Whether Gov.  
Peabody's Action is Legal.

## THE WRIT OF HABEAS CORPUS.

Question Comes Up on Application  
For One for Victor  
Poole.

## A PRISONER AT CAMP GOLDFIELD

No Charges Have Been Made Against  
Him, but Court's Order for His  
Release is Ignored.

Denver, Dec. 16.—The state supreme court was asked today to decide whether Gov. Peabody's action in declaring martial law and suspending the writ of habeas corpus in Teller county is legal. The question comes up on an application for a writ of habeas corpus for Victor Poole, a prisoner in the guard-house at Camp Goldfield, Cripple Creek, against whom no criminal charges have been filed. Dist. Judge Seeds of Teller county, ordered the release of Poole on a writ of habeas corpus and the military authorities, acting under Gov. Peabody's instructions, have ignored the court's order.

The supreme court issued a writ of habeas corpus in the Poole case, returnable in five days. A writ was also issued on behalf of A. J. Paul, another prisoner in the military guard house at Camp Goldfield. Attorneys Richardson and Hawkins, representing the prisoners, waived the matter of having their bodies produced before the court and the cases were set for argument next Monday.

Adj. Gen. Bell said today he had received a report that Charles McKinney and Charles Foster, who were arrested by the military at Cripple Creek, had confessed that they had taken part in the dynamiting of the Vindicator mine, which resulted in the death of Supt. McCormick and Foreman Beck. It is said they implicated twenty other persons in their confession.

## WAS HE POISONED?

Relatives of Late James A. Hansen of  
Provo Think He Was.

(Special to the "News.")  
Provo, Dec. 16.—Jas. A. Hansen died this morning after a week's severe illness. He has been sick for about a year from stomach and kidney troubles, but it is feared by the relatives that the direct cause of his death was poisoning from an improperly compounded prescription. A full investigation will be made.

Deceased was a son of the late H. P. Hansen of Richfield, where he was born about 35 years ago. He has been in Provo for four years, and with his brother Irving, engaged in conducting the Mozart dancing academy. He had many friends here and in Sevier county. His mother, brother and three sisters survive him. The remains will be shipped to Richfield tomorrow for burial.

## HOLMAN GATHERED IN.

Colored Man With a Bad Record Ar-  
rested for Trespass.

Budd Holman, a notorious colored man who has served time in the city jail for petty larceny, was arrested this morning by Officer Sperry on the charge of trespassing. Had Sperry waited awhile before making the arrest, he believes he would have caught Holman in the act of housebreaking.

The man was caught at 127 West Fourth street. He went to the place this morning and was discovered by the owner, who called the police. When he was taken to the police station, he was found with a pocket watch and a small amount of money. Officer Sperry took him in charge.

## ORFF GOES BACK.

Alleged Mountain Home Embezzler  
Willing to Return Home to Idaho.

(Special to the "News.")  
Butte, Mont., Dec. 16.—Sheriff W. W. Fountain of Elmore county, Idaho, arrived in Butte last night to take Charles Orff to Mountain Home, Idaho, where he is wanted on a charge of embezzlement. The prisoner is willing to return with him, and the two left this afternoon. Orff is alleged to have embezzled \$100 from the C. R. Kelley company, for whom he was a salaried man. Having a wife and three children in Mountain Home, he is reticent as to the affair, and his reasons for coming to Butte.

## MINER GOT THREE MONTHS

Man Charged With Stealing a Watch  
Sentenced by Judge Morse.

Fred Poppi, who is charged with stealing a watch from a miner from Bureka on Thanksgiving day, appeared before Judge Morse this morning in the criminal division of the district court, and, with the consent of Dist. Atty. Eubank, changed his plea of not guilty of grand larceny to a plea of guilty of petty larceny. He was sentenced to three months in the county jail.

## Russia and Manchuria.

Moscow, Dec. 16.—A copy of the Daily Yostok, just received here, throws interesting light on the Russian attitude toward Manchuria. An imperial commission is drawing up regulations for governing various decisions, in rendering various decisions, in rendering various decisions.

The custom house question is not yet settled. It remains dependent upon whether Russia will retain Manchuria for herself alone.

## TROOPS MUST STAY WITH IT.

Governor Wells Says They Will  
Be Needed Till After New  
Years.

## CONDITIONS CALL FOR IT.

Statement Made After a Consultation  
With Vice President  
Kramer.

Governor Wells and Vice President Kramer of the Utah Fuel company had a consultation this morning and talked over the situation at the coal mines. When seen after the consultation, Governor Wells said:

"There are a number of complications which have arisen at the mines which will necessitate the troops remaining there for some time yet. Mr. Kramer tells me that the Castle Gate mines will be started up on the first, and as the evictions of the strikers will take place on that date, it is necessary for the troops to be there to preserve peace and order. They will be brought back when the last danger of trouble is passed.

"The situation now is that the men who have been loyal to the company and have worked in the mines during the strike, object to having these Italian strikers come back to work with them; and if the strikers are allowed to return the men who have been loyal and have prevented a coal famine might possibly go out, and there would be trouble from that source.

"There are two ways this trouble will be terminated; either the loyal men must consent to work with the returned strikers or the strikers will have to leave the country. The militia must stay there until this matter is settled. General Cannon will be here tomorrow and I shall confer with him and see if it is possible to release part of the troops down there now. I am of the opinion, however, that he will not be able to do without any of the troops. If it can be done, however, it will save the state some expense, at least."

The increase in the number of miners in the coal fields continues. At Winter Quarters 24 more miners went to work this morning; at Clear Creek the increase was six, and at Sunnyside 16. The increase in tonnage yesterday over that of the day previous was 3,230 tons, and the entire output was 3,230 tons.

The management of the company is no longer worrying over the situation which is regarded as eminently satisfactory, and no trouble of moment is anticipated in getting discharged employees out of their homes. The agitators remain at Helper where they are safe.

## CONSOLIDATION IS AUTHORIZED.

The stockholders of the Utah Light & Power company held an adjourned meeting this morning, and by over two-thirds vote authorized the board of directors, through the president and secretary, to consummate the proposed consolidation or merger of the Light and Power company with the Consolidated Railway & Power company, the new organization taking over the properties of the two merging companies.

The meeting then adjourned until the 30th inst., when there will be a formal meeting with the representatives of the street railway company to settle the details of the consolidation, the proportion of interchange of stock preparation to the issuance of the stock of the new company, and to decide on a name, the capitalization, new directory and general management. The present combined capital of the two companies is a little over \$6,000,000, and it is supposed that \$6,500,000 will represent the recapitalization.

## THAT \$1,500 ERROR.

Chairman Clawson Says it is Up to  
City Engineer's Office.

Chairman Spencer Clawson of the board of public works while discussing an alleged error of \$1,500 against the city, as claimed in this morning's Herald, stated that if there were any error in the sewer contract for 1904, that it was a clerical mistake that had its origin in the office of the city engineer. In support of his statement he exhibited the original contract bid entered by James Kennedy & Co., of Evans, N. D., and the minutes of the various bids entered. In the Kennedy bid the cost of eight inch sewer pipe and laying the same is set forth as 39 cents per linear foot. Not only is this set forth in figures but the amount is also written out. When the various bids were read off through a clerical error this item was made to appear ten cents cheaper, or 29 cents a linear foot.

Mr. Clawson does not accuse the city engineer of making the mistake, but says that the error was most certainly committed by a clerk in the office of the city engineer and not by the board of public works.

## A HUNDRED PEOPLE RENDERED HOMELESS

Pittsburg, Dec. 16.—One hundred persons were rendered homeless today and driven out into the cold, with nothing but their night clothes, by a fire that destroyed the planing mill and lumber yard of the Bennett Lumber and Manufacturing company at Millvale, Pa., and partially destroyed a dozen houses adjoining.

Loss, \$50,000.

## PRESIDENT HESS GOES TO HIS REST.

Davis County Pioneer Succumbs  
To a Long Standing  
Affliction.

## PASSED AWAY THIS MORNING.

Was a Member of the Mormon Battal-  
ion and a Man of Unflinching  
Integrity.

President John W. Hess of Davis county passed peacefully away at 5:40 this morning at his home in Farmington, after four years' illness, from Bright's disease. The deceased was a long and patient sufferer but through it all he exercised the functions of his office as president of the stake, supervising the work right up to his demise. He was a man of sterling quality, true



JOHN W. HESS.

to every trust reposed in him. His was a life of strict devotion to principle, and by his unflinching integrity he won the love and respect of all with whom he came in contact. He was a member of the "Mormon Battalion" and one of the pioneer settlers of this section. The funeral will be held from the Farmington meetinghouse on Saturday at 11 a. m. The remains may be viewed at the family residence from 9 to 10 a. m. the day of the funeral.

John W. Hess was the son of Jacob Hess and Elizabeth Foutz Hess. He was born in Franklin county, Pennsylvania, August 24, 1834. In 1852 his father moved to Richmond county, O., and was baptized in March, 1854, with his wife, three eldest daughters and son John W. In 1858 they moved to Ray county, Missouri, where they lived until the expulsion of the Saints from Caldwell, when they moved with them to the state of Illinois, settling in Hancock county at that state. Owing to the hardships the father had passed through up to this time, his health began to fail and the greater part of the labor now developed upon his son John W. The latter was married Nov. 2, 1845, to Emmeline Bigler in Nauvoo, Ill. About this time the word went forth that the Saints would leave Nauvoo in the spring, of this the deceased wrote in his journal:

"In November, 1845, my father was stricken down with a shock of paralysis and lost the use of one side, which rendered him entirely helpless, and one can well imagine the situation we were in to start on such a journey, when we had been robbed of all our substance, and my poor father lying helpless in bed, but it being the only alternative to get away from the fury of the mob, I began to gather up what I had and commenced to get together an outfit, and the best I could do was to rig up two old wagons and two yoke of oxen, one of which was my own personal property. I arranged one of these wagons with a bed for my father to lie upon, as he could not sit up. It took one entire wagon for his convenience, and then it was poor enough. This left one wagon to be drawn by one yoke of oxen to carry the outfit for the entire family—eight in number—while all the time we had to walk every step of the way, rain or shine, but notwithstanding all these difficulties we fixed up the best we could, and on the third day of April, 1846 we started, crossed the Mississippi river and camped on the Iowa side the first night, in a drenching rain.

## JOURNEY BEGUN.

"April 4th, we started on the weary journey, but with our heavy load and the incessant rain that continued to fall, our progress was very slow. The best we could do, we could only travel from five to eight miles per day, as my father occupied one of the wagons, and the rest of the family had no shelter until they could get on the wagon, and the wagons and much of the time we were obliged to cut brush to lie on the ground to keep our

## PORTE LODGES A COMPLAINT.

Says Officials at American Con-  
sulate at Alexandria Prevent  
Attarian's Embarkation.

## HIS PASSAGE PROVIDED FOR.

Thought if He Were Gone the Princi-  
pal Cause of Trouble Would  
Be Abolished.

Constantinople, Dec. 16.—The porte has complained to the United States legation that the acting officials at the American consulate in Alexandria are preventing the embarkation of Attarian, the naturalized American whose recent arrest caused Consul Davis to leave Alexandria, for whom the porte instructed the local authorities to obtain a passport on an Italian steamer at the cost of the government. It was the opinion of the porte that the embarkation of Attarian would remove the principal cause of complaint. The legation has not yet presented any demands for reparation.

The United States flagship Brooklyn left Beirut Dec. 14. It was said she was going to Egyptian waters for gun practice.

## MR. ADEE IS VERY FIRM.

Washington, Dec. 16.—Acting Secretary of State Ade has taken a firm stand in the matter of the Austrian-Hungarian consulate in Alexandria. He has called Minister Lehmann to present the facts to the Turkish government and inform that government the case is one seeming to invite an expression of regret and reparation. The state department does not indicate what measure of reparation is expected, but it is understood the Turkish government certainly will, by removal or otherwise, punish the offending Turkish official and compensate the Italian for the losses and injuries he has sustained.

## MAJ. GARLAND DEAD.

Shook Hands with All the Presi-  
dents Except Washington.

Johnson City, Tenn., Dec. 15.—Maj. William H. Garland, who had shaken hands with every president of the United States except Washington, is dead at the National Soldiers' home here, aged 94. He was one of the naval cadets who accompanied Lafayette on the second visit to the United States in 1824, and he at one time conversed with Napoleon on the island of St. Helena.

## DECISION ON MURDER.

Drunken Indian Resisting Arrest.  
Killed Policeman, Not Guilty.

Portland, Ore., Dec. 15.—United States District Judge Charles B. Bellinger today decided that the killing of a man by a reflex and wholly involuntary action is not a crime, although the accused man at the time he engaged in an unlawful pursuit. The decision is said to be without parallel. The ruling was made in the case of Frank Winnishutt, a Warm Springs Indian, charged with the murder of an Indian policeman while resisting arrest. Winnishutt, while under the influence of liquor, was riding horseback about the city when he was engaged in a quarrel with a policeman. Two Indian policemen attempted to arrest him. One seized the reins and endeavored to drag him from the saddle, while the other went around behind the horse. Winnishutt, who was trying to cut the bridle with a knife, suddenly broke loose, lost his balance and fell backward, striking the other policeman on the head with the hilt of his knife. Bellinger after hearing the evidence of the prosecution ordered the jury to return a verdict of acquittal and discharged the prisoner.

## A BLACKMAILER ON TRIAL.

Isaac Gravelle Accused of Trying  
To Extort Money from N. P.

Helena, Mont., Dec. 15.—The taking of testimony in the case of Isaac Gravelle, charged with sending letters to the Northern Pacific officials demanding money for immunity, began today. Among the witnesses was the warden of the penitentiary, Jack Conley, who testified to Gravelle having served two terms in the penitentiary. The theory of the prosecution is that three of the threatening letters received by the railroad were written in the penitentiary by the cell mate of Gravelle, a man named Harvey Whitton, who is serving an eight-year sentence for second degree murder. Conley identified two of the threatening letters as being in the handwriting of Whitton. The paper they were written on is sent out by a school of correspondence, and was identified by a peculiar water mark. One of the letters identified was addressed to the board of directors of the road and was dated July 16, 1903. The day Gravelle was released from prison. It was the first demand for \$25,000. The second was without date and directed the railroad company how to deliver the money and what the denominations were to be.

There are eighty witnesses in attendance on the trial, and it will consume about two weeks.

## Mgr. Usti Dead.

Madrid, Dec. 16.—Mgr. Usti, the last Spanish archbishop of Santiago de Cuba, died today at Zama, near San Sebastian. His body will be interred there by the side of the remains of Gen. Martinez de Campos.

## Quimby, Ia., Bank Robbed.

Quimby, Ia., Dec. 15.—The Bank of Quimby has been robbed of \$5,000. The cracksmen escaped.

## TREATY WITH PANAMA ARRIVES AT STATE DEPARTMENT.

Washington, Dec. 16.—An expressman brought the Hay-Bunau-Varilla canal treaty, inclosed in a large steel box, to the state department today. He also had two in-bound boxes which contained the keys to the big steel box and to the smaller contained within,

## RENEWAL OF THE TRIPLE ALLIANCE.

Emperor Francis Joseph Says This  
Well Proved Basis of His Policy  
Will be Continued.

## SITUATION IN THE BALKANS.

Austria's and Russia's Aim Has Been  
To Preserve Peace and  
Nothing More.

Vienna, Dec. 16.—Emperor Francis Joseph today received the Austrian-Hungarian delegation. The speech from the throne was chiefly notable for its stronger affirmation of the emperor's determination to maintain the dreadnought.

"By a renewal of the triple alliance," he said, "this well proved basis of our policy, which we have determined to maintain henceforth, has been consolidated for the future."

The speech referred to the death of Pope Leo, to the gratifying foreign relations of the dual monarchy and to the close harmony between Austria and Russia in regard to the Balkans, with the object of "maintaining peace and the status quo in those regions, in which we are receiving the energetic support of the other great powers."

The emperor also said Austria and Russia had no selfish aims in the Balkans and only have in view the establishment of peace in the interest of the whole of Europe, to which end Austria-Hungary was endeavoring to induce Turkey to improve the condition of the Christians and to restrain Bulgaria from encouraging revolt.

After mentioning the visit of "my dear ally," the German emperor, the czar of Russia and the king of England, which gave the desired opportunity for a personal exchange of views in regard to the Balkans and all other questions of present and future importance, the emperor concluded by saying: "In Serbia a change of dynasty has been brought about by a crime which must fill every civilized being with horror. It is to be hoped that this country, under its new rule, may be directed towards its moral regeneration and a prosperous future."

The speech concluded with saying that the war office appropriation would be the same as last year, and that it asks for money to maintain new quick-firing guns, the work to be commenced in 1904.

## FOREIGN MISSIONS.

American Board of Commissioners  
Makes Public Summary of Them.

Boston, Dec. 16.—The American board of commissioners for foreign missions made public today a summary of the financial report for the year 1903. The income of the board is shown to be an advance over the receipts of the preceding year. The income of societies in the United States and Great Britain alone shows an increase of over \$24,000. The statistics are as follows: Total missionaries, 5,771; out stations, 2,556; total missionaries, 1,608; native workers, 4,163; communicants in churches, 2,070,404; pupils under instruction, 1,127,552. The total native constituency is 3,643,391. The United States is represented by 6,591 stations and out stations, 1,611 men, 2,838 women; 20,801 native laborers, 50,000 communicants, 1,127,552 pupils. The societies reported is \$1,174,000. The Chinese missions of the American board have been assumed by the churches on the islands, that mission districts have been reduced to 10, and to the Philippines has been added, so that the number of missions is still 21.

In the Chinese missions of the American board there are more church members by 88, than before the Boxer outbreak, while the native laborers have increased nearly three-fold.

## CAUSE OF TYPHOID AT BUTLER, PA.

New York, Dec. 16.—Dr. George A. Soper, a sanitary expert, engaged by the Philadelphia News to investigate the typhoid epidemic at Butler, Pa., and its causes, reports that the epidemic has its origin in the water supply. He regards the epidemic as the most severe one of typhoid of recent record and attributes it to the suspension of the municipal water supply.

The water for the town is obtained from a spring in the hills. The water is not filtered and is not boiled. The water is not filtered and is not boiled. The water is not filtered and is not boiled.

## JAPANESE STATESMEN CONFER.

Tokio, Dec. 16.—In consequence of Russia's reply, a special conference of the older statesmen of Japan, including the Marquis Ito and the cabinet ministers, is proceeding here today. It is understood that the statesmen are considering the adoption of a firm stand against Russia.

## Gen. Kodama, the War Minister, was present, for the first time, at the conference.

There is renewed activity at the admiralty, in view of a possible naval demonstration.

## Petty Officer Gets Five Years.

Berlin, Dec. 16.—Owing to his mistreatment of soldiers on 1,520 counts and abuses of authority on 100 counts, a non-commissioned officer named Franzki of the Eighty-fifth infantry, has been sentenced to five years' imprisonment and dishonorable discharge from the army by a court-martial at Redsburg. The court declared Franzki had displayed the "brutality of an ox-driver."

## Flood Renders Employees Idle.

New York, Dec. 16.—Nearly 4,000 persons will be idle in the Hudson district of Paterson, N. J., for several days because of the bursting of a small dam which let loose the waters of the Passaic river and flooded an area of 20 acres occupied by several large factories.

The flood assisted immediately but machinery was clogged with ice making operation of the mills impossible. The water covered the houses and the streets were soon frozen. Streets for miles around also were clogged with ice. The loss will amount to several thousands.

## Burned by Kerosene Explosion.

New York, Dec. 16.—By the explosion of a kerosene lamp in the tenement house of John Stankovich, 24 East 54th street, Stankovich and his daughter were badly burned and his wife and son were severely burned that they are not expected to live. Members of a family living on the floor just above were found half suffocated, and policemen assisted them to the hospital. The damage caused by the fire was small.

## American Skating Association.

Chicago, Dec. 16.—The American Skating association, which proposes to control all minor organizations, and to promote interest in ice skating, has been formed at a meeting in the Sherman House by a number of men well known in skating circles. Officers for the coming year were selected and a general committee appointed to transact business until the next meeting, which will be held in two near future. A constitution will then be drawn up and rules drafted to govern all contests held under the auspices of the association in the future. The officers elected were:

President, Louis R. Toitz; secretary, E. H. Greenke; treasurer, Dr. J. N. Sandblom.

## Cashier Bushnell's Shortage.

New Haven, Conn., Dec. 15.—An additional shortage of \$2,000, making a total thus far known of \$7,000, has been discovered in the accounts of A. C. Bushnell, cashier of the Yale National bank, who committed suicide yesterday. It is estimated that it would be impossible to tell definitely until a full audit whether there is a still greater shortage.

## FINANCIAL CRISIS EXISTS AT NOME.

Merchants Demand Cash for Every-  
thing, All Credit Being  
Suspended.

## THE PLACE'S DEBT IS \$35,000.

Boodle Charges Are Freely Made  
Against Members of City  
Council.

## THE WRECK OF THE DISCOVERY.

Found by an Indian, Revenue Cutter  
Rush Going to the Scene of  
The Disaster.

Seattle, Wash., Dec. 16.—A special dispatch to the Times from Vancouver says that the wreck of the Discovery has been found. An Indian from Cross Sound found the wreck and brought the news to Juneau. The revenue cutter Rush has gone to the scene, taking the Indian as a guide.

A telegram to the Times from Nome, Dec. 3 via St. Michaels, Dec. 14 says: "Today the government officials announced that a wreck of the Discovery with Nome would be established inside of ten days. Several parties successful tests have been made.

There is a financial crisis existing in Nome. Merchants demand cash for all purchases, credit being entirely suspended.

Boodle charges against the city council are being made freely on the papers. Nome's debt is \$35,000 with no income until the first of June.

Schooner Zenith with crew of ten and twenty passengers is frozen in for the winter near Golovin bay. The vessel is in a very bad position. The passengers are in good health, well supplied and in no danger.

A disgraceful dispute has arisen between the city and federal authorities over the body of an Indian woman which was found just within the city limits and which the city authorities refused to bury. The city officials finally cared for the body after dogs had gotten at it four days after it was discovered.

## Adm'l Rogers Nearly Asphyxiated

New York, Dec. 16.—Rear-Admiral Rogers, commander of the Navy yacht, was nearly asphyxiated by a choking fit while on duty at the yard. Mr. Rogers and Frederick, his son, were at the yard. Mr. Rogers and Frederick were at the yard. Mr. Rogers and Frederick were at the yard.

## Alfred Dolge Has Backing.

New York, Dec. 16.—When Alfred Dolge, of Dolgeville, Herkimer county, N. Y., failed in 1898, the crash was called an economic tragedy, because it shattered hopes in a small town. The advent of a new industrial center fostered by Dolge.

The promoter is now here buying machinery and erecting a power plant. A small power plant is being located in southern California, two miles from Pasadena. Two companies have been formed, he says, capitalized at one million dollars each and have been given 100 acres of which will be set aside for a hotel and 200 for the building of a model town.

The factory will open with 20 operatives in a month or so. Many of the old hands from Dolgeville, N. Y., have already gone there.

## Actor Frank Molten Enjoined.

New York, Dec. 16.—An important decision regarding theatrical contracts has been handed down by Judge Townsend of the United States court. The decision is made permanent an injunction asked for on behalf of Castle Square Opera company against Frank Molten, a comedienne appearing on the stage under another name, to sue for breach of contract. The decision is a landmark in the history of theatrical contracts.

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