#### THOMAS SAYS POLICE LIED

Federation Attorney Accuses Officers of Perlucy in Dennison Case.

SMYTH SAYS MICKEY'S WARRANT IS VOID

Doumet for Denneton Declares Governor Had No Facts on Which to Issue the Extradition Papers.

In the argument of the Dennison case yesterday morning Elmer E. Thomas, one of the atterneys for the respondent, met the inevitable by declaring that the police offi-cers who testified for Dennison "deliberately lied."

Ed P. SmRh, of counsel for Dennison had stated to the court that there was no chance for the police officers to have been mistaken-that their testimony could not be attacked unless by the assertion that they deliberately committed perjury. not looking for "salve;" they did not want the court to disregard their evidence and give as a reason for so doing that they were mistaken. He declared that if the court decided the question of facts involved without giving credence to the testimony of the officers it would brand them as perjurers.

When it came to Mr. Thomas' turn to speak he readily accepted the challenge of the other side and declared that the po-Hos officers had not been mistaken, but had deliberately lied on the witness stand. "The alibi for Dennison was put up for the attorneys on the other side," said Mr. Thomas, "and they have put it through in

The argument of the case was opened soon after 9 o'clock by C. J. Smyth, who spoke for the Dennson side until 10:30, after which his associate, Ed P. Smith, talked for an hour and a quarter. At the time of the noon recess Mr. Thomas had the

Declares Mickey's Warrant Vold. Mr. Smyth opened his argument by atsued by Governor Mickey for the arrest

"The warrant," said he, "Is veid upon its face, for it does not set forth that the existence of the jurisdictional facts was shown to the governor. The governor of Nebraska does not say in the warrant that it has been shown to him that any crime has been committed by this petitioner; he merely states that the governor of lowa has stated to him that the offense has been committed and this petitioner has seen indicted for it. The warrant to be valid must show that it has been proved to the governor of Nebraska that the person charge with the crime has not only been indicted, but that he is a fugitive from justice. There was no competent evidence before Governor Mickey that this man Dennison was even charged with crime in Iowa, for the copy of the indictment presented to the governor was not certified to, as required by the federal law which applies to practice in this

Quotes Authorities on Point. Mr. Smyth read a number of authorities in support of his contention that the warrant was insufficient and void. He also argued that the affidavits presented in the case at bar were inadmissible and read the statutes enumerating the cases in which

affidavits may be accepted.

After devoting an hour of his time to the ussion of the law points, Mr. Smyth briefly reviewed the evidence in the case. He pointed out that the testimony given by former Chief of Police Seavey did not necessarily contradict the evidence of the

"The memory of Mr. Seavey," said the lawyer, "was apparently defective and his evidence as to dates was not sufficiently finite to controvert the testimony of the police officers who shadowed Dennison. Mr. Pinkerton, in his deposition, did not state positively when the surveillance of Dennison began, but merely implied that it might have been after he wrote his letter to Superintendent Weber connecting Dennison with the case. It was just as reasonable to infer that the surveillance of Dennison began before Superintendent Weber wrote the report to Pinkerton, which drew from the latter a letter ordering that a watch be kept over Dennisc The Pollock deposition was next taken up, the atterney arguing that it did not contradict the alibi evidence giver, by the police officers. Mr. Smyth said that Pollock did not swear positively that Dennison called on him at the Millard hotel until about two weeks after the robbery, at a time when the shadowing of Dennison by Omaha police had been discontinued.

Outlawed by Statutes. Ed. P. Smith opened his argument by citing the statutes of limitation of the state of Iowa and contending that they had barred the indictment of Dennison. Smith paid his respects to a is of local newspapers which he said had taken jurisdiction in the case and had already decided it against Dennison.

"According to these newspapers, which ognise no law, every witness produced here for the respondent has been a paragon of virtue and truthfulness, while all of the witnesses for Dennison have been stamped as lineal descendants of Ananias."

Mr. Smith dealt at length on the testisitnesses as deliberate and wilful perjur-

"If the court is to make a rule to disoredit the evidence of police officers," said trifling matters, it puts a badge of disthe lawyer, "then seventy-five per cent honesty on his testimony." of the criminals tried in this room must "Mr. Smith has said," continued Mr.

"There has not been a particle of oral testimony given here to contradict the the truth or deliberately lied. We accept evidence of the police officers. The only Mr. Smith's statement. We say the wit the hotel register from Davenport and this, have fied. Anyone who is familiar with ass into court without any proper iden- alibi testimony knows that it should be tification. In regard to the Dennison name carefully scrutinized." on this register we have the preponderance of evidence to prove that it was not written by Mr. Dennison. Six witnesses have testified that in their opinion it is not the genuine signature of Dennison while only three witnesses have expressed an opinion

Thomas Feels No Responsibility. Mr. Thomas opened his remarks by saying that the technical objections raised by Smyth to the warrant had been waived by an entrance into the hearing of the case on its merits. These objections, he argued, could be made only on demurrer before the hearing, but he did not pursue the argu-



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ment at length, remarking that Mr. Brome would discuss the law points involved. Mr Thomas insisted that no burden rested upon the respondents in this case; that it was Tom Dennison's case and therefore it was up to Dennison to rebut the prima facie case set forth in the warrant. "All we have to do." he declared, "is to throw upon his case some doubt." Mr. Thomas then entered upon an elabor-

ate analysis of the evidence given by the police officers to establish an alibi for Dennison. He pointed out small discrepancies mony given by the police officers declaring that it must not be disregarded by the
sourt unless the court wished to stamp the

jury. After reading from the record to show how positively the policemen swore to small details, he exclaimed

"When a man will swear positively on Thomas, "that the alibi witnesses cannot be mistaken; that they have either told ng introduced against this evidence is nesses who attempted to put up this alibi

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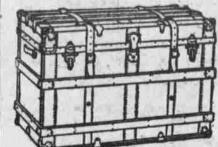
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