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OMAHA, TUESDAY MORNING, MAY 30, 1905.—TEN PAGES.

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DEFENSE TAKES TURN

Hooker, the Alleged Banker of Shercliffe, Tells Where Money Came From.

SAYS DENNISON FURNISHED MONEY FOR IT

Acted as Disbursing Agent for Hooker Was Compelled to Do So

NO MONEY TELEGRAPHED TO SEATTLE

Two Witnesses Tell of Conversation Held with Shercliffe.

FORMER CONVICT WAS AFTER MONEY

Proposed to Work Money, Dennison or Any Other Who Could Be Induced to Put It Up.

(From a Staff Correspondent.)

RED OAK, Ia., May 29.—(Special Telegram.)—The defense in the Dennison case today undertook to controvert much of the evidence introduced by the prosecution and to establish the existence of a conspiracy to railroad Tom Dennison out of Omaha politics into the Iowa penitentiary.

The evidence of M. E. Hooker, the alleged banker of Shercliffe, was that Hooker and Dennison paid the expenses of the Shercliffe trial, that the money paid out had been deposited by Shercliffe with Hooker and that Dennison had undertaken to look after Shercliffe and his money at the request of Hooker, whose wife was ill.

His verbal testimony was substantiated by his account book, by a receipt from Dennison to him for Shercliffe's money, and by a card which he had given to Attorney Cochran at the time he employed Cochran to defend Shercliffe.

Attorney Beeson of the prosecution tried in vain to shake the witness, but not once did he falter or show nervousness. During the time he was on the stand the audience frequently expressed its approval of him by applauding.

His story of the account book was substantiated by Ed Doyle, a druggist of Logan, who testified that he sold it to him and who swore that he had transferred the account from one book to the other. The new book, Hooker testified, was given to Dennison by Shercliffe's knowledge and consent and the original he (Hooker) retained.

W. W. Umsted, who had been summoned by the state, was turned down by the attorneys for the prosecution upon his arrival here but since he could not be by the defense, Mr. Umsted brought with him the records of his office for the year 1892, when it was alleged Dennison had sent \$1,000 to Seattle for bond for Shercliffe.

The witness swore and substantiated with the records that Dennison had not sent the money to Seattle and that during the months mentioned the largest order so far was for \$500.

J. M. Davis, a Logan newspaper man, and J. J. Wetmore, a private detective, testified on the conspiracy charge. Davis swore that Shercliffe had told him that he was fighting Dennison so bitterly because if Dennison was convicted he (Shercliffe) would be paid a large roll of money by certain Omaha men.

Wetmore attempted to tell of the conversation he had with Joe Sherry and Shercliffe in a room at a Logan hotel but objections to this were sustained. He said Shercliffe had told him he wanted money and that the Civic Federation of Omaha had been feeding him on promises long enough. He was ordered to get up and more to go into a deal to work Moore or Dennison or both, so the witness said.

At the request of both the defense and the prosecution there will be no court tomorrow. The jury in charge of an officer was granted permission to attend Memorial services.

Routine Proceedings.
Owing to the fact that two cars of a freight train became derailed a few miles from Red Oak the passenger train out of Omaha was delayed and did not reach here until 10:30, consequently court did not convene until about 11 o'clock.

The defense placed Ed Doyle, a druggist, formerly of Logan, on the stand. Doyle identified the Hooker expense book in which it is alleged the account between Hooker and Shercliffe was kept, showing that Shercliffe had deposited money with Hooker to be used in his defense. Doyle testified that Hooker came to the store in which he was employed and bought one of the account books and at Hooker's request he copied the items from the other one into the new book. He identified the writing as his own. Later he said he had taken some clues to the jail for Shercliffe and while there Hooker had submitted the account to Shercliffe and he had said the items were correct. He testified that Hooker told Shercliffe that he was going to turn the business over to Dennison and that Shercliffe said that was all right.

The cross-examination failed to shake his testimony. The witness said he did not remember seeing Dennison in Logan at that time, though he might have done so, and in answer to a question said he might have taken Dennison to the Washburn bank and introduced him to the cashier, but he did not recall it if he did.

No Money by Telegram.
W. W. Umsted, manager of the Western Union Telegraph company at Omaha, had been summoned by the prosecution, but upon his arrival here the state did not call him and the defense did. Mr. Umsted brought with him the records of his office for the months of February, March and April, 1892. He testified that during February the largest amount of money sent out by his office was \$300, during March no money, and during April the largest order was \$500.

"Did Dennison send out of your office money during those months?" was asked of him.

"Not in excess of \$300," was the answer, "but I have no record of the parties sending the money. No person, however, sent more than \$500."

C. O. Fuller, manager of the Postal Telegraph company, testified that he could find no records which would show that such an amount had been sent out of his office.

San Sonenberg was called shortly before noon, but during his cross-examination he suddenly became ill and dropped forward in his chair. The jury was dismissed and he was restored and court adjourned for noon.

Sonsberg testified that Dennison, Fatsy Grant and Charles O'Connor were in the Sonsberg store on the day of the Pollock robbery. November 1, but that his father was absent attending a funeral when the diamond trade occurred between Grant and Pollock. He swore that it was a common custom for jewelry salesmen to carry

NEBRASKA WEATHER FORECAST

Fair and Warmer Tuesday, Wednesday Fair.

Temperature at Omaha Yesterday:
Hour. Day. Hour. Day.
5 a. m. 61 1 p. m. 72
9 a. m. 69 2 p. m. 74
1 p. m. 72 3 p. m. 75
5 a. m. 66 4 p. m. 71
9 a. m. 66 5 p. m. 71
1 p. m. 66 7 p. m. 70
5 a. m. 71 8 p. m. 62
12 m. 71 9 p. m. 69

ATLANTIC WINS KAISER'S CUP

Captain Barr's Ship Reaches The Lizard with No Competitors in Sight.

THE LIZARD, May 29.—The Atlantic finished at 9:15 p. m. The Atlantic passed Wolf Rock with every stitch of sail set. Her spinnaker was rigged to starboard and her ensign was at the peak. Shortly afterward the wind dropped and the spinnaker was taken in. Captain Barr was hailed by the correspondent's boat. He said the Atlantic had made an average speed of ten and one-half knots since leaving Sandy Hook. As the Atlantic keeled her hull showed rudd, but there was no sign of seaweed.

The Atlantic was flying the international code letters "K. S. R. B." The wind continued to lighten and the yacht was unable to finish before darkness set in.

Shortly before the Atlantic reached the mark the wind fell almost to a calm and the tide—raged again.

Crews of people lined the cliffs watching the yacht endeavoring to make the mark with all sails set.

The Atlantic passed the line south of the Lizard lighthouse at 9:15 p. m. when a small boat from the German cruiser Freil, the stake boat, which arrived early in the evening, rockets being sent up over Lloyd's signal station and fog horns blown at the lighthouse.

The Atlantic proceeded for Cowles by way of Southampton, intent on beating the record.

4:40 a. m.—None of the competitors of the American yacht Atlantic has yet been sighted.

PRESIDENT'S LAW IS UPHELD

New York Corporation Law Is Decided Valid by Federal Supreme Court.

WASHINGTON, May 29.—The New York special franchise tax cases were decided today by the supreme court of the United States adversely to the corporations by which they were brought to the court. The act was advocated by President Roosevelt when governor.

The decision was handed down by Justice Brewer, and it held the law under which the tax was levied to be valid.

NEW YORK, May 29.—Unpaid taxes amounting to almost \$18,000,000 in the Greater New York, are made payable by the decision of the supreme court of the United States, upholding the state tax on corporation franchises. Among the companies affected and the sums due from them under the law are the following: The Manhattan Elevated Railroad company, \$4,221,251; Consolidated Gas company, \$1,498,956; Metropolitan Traction system, \$6,025,144; Brooklyn Rapid Transit company, \$2,225,656; Brooklyn Union Gas company, \$231,398 and the New York & Harlem Railroad company, \$964,024.

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ACTRESS PLEADS FOR SMEDES

Nebraska Girl Would Have Man Who Shot Her Given His Liberty.

PHILADELPHIA, May 29.—Bessie Helen Davis, the chorus girl who was shot by Edward Smedes, a member of the same theatrical company, today appeared at the police station to plead for her assailant's liberty. The girl, who had been in a hospital since the shooting, left the institution to be with her mother, who came from her home in Hebron, Neb., to her boarding house.

Several days ago the chorus girl wrote a letter from the hospital to Captain of Detectives Donaghy begging him to assist her in securing Smedes' freedom. She said she intended to withdraw all charges against her sweetheart because, she charged, "he did not mean to hurt me."

Smedes was arraigned before a magistrate charged with murderous assault.

MAYOR WEAVER IS SUPREME

"Organization" Decides Not to Oppose His Nomination to Fill Enticed Vacancies.

PHILADELPHIA, May 29.—Israel W. Durham, "organization" leader, late this afternoon issued the following statement: "I have advised my friends not to oppose my nomination to withdraw my name from consideration as director of public safety of the city of Philadelphia. I am a member of the organization of the opposition of Durham and associates to the mayor for the present at least."

Mayor Weaver today received the following telegram from Governor Folk of Missouri:

"Keep up the fight. The cost will sometimes seem hard and the way dark, but you must not be discouraged. Wood's bank and introduced him to the cashier, but he did not recall it if he did."

Green Case Goes Over.
WASHINGTON, May 29.—In the three cases of George E. Green, charged with conspiracy to defraud the government, the supreme court of the United States today postponed consideration of the cases on their merits, and set the hearing for the first Tuesday of the next term. Green was indicted in the District of Columbia by George W. Weaver, in connection with the sale of supplies to the postoffice department and has sought to evade removal to this city by habeas corpus.

Movements of Ocean Vessels May 29.
At New York—Arrived: Rotterdam from Rotterdam; Zealand from Antwerp; at Hamburg—Arrived: Saxonia from Saxonia; Tacoma from San Francisco.

At Boston—Arrived: Ryndam from Rotterdam; New York and passed the Lizard at 28th.

At New York—Arrived: Columbia from New York; Laurentia from Philadelphia; at Naples—Arrived: Citta Di Napoli from New York; Sailed: Gallia and Liguria for New York.

At Bremen—Arrived: Grosser Kurfur from New York.

At Dover—Arrived: Vaderland from New York.

At London—Arrived: Minnehaha from New York.

At Boulogne—Sailed: Rhætia from Hamburg.

At Genoa—Arrived: Canopia from Boston; Sailed: Delagada, Gibraltar and Naples.

At Gibraltar—Arrived: Koenigin Luise from New York.

At Calcutta—Sailed: Friedrich Der Grosser from New York.

MEMORIAL DAY IN OMAHA

Grand Army Aids in Program of Commemoration.

MONDAY VETERANS SPEAK AT SCHOOLS

General Mandererson Compares Russia's Lack of Preparation to that of North at Outbreak of Civil War.

Memorial Day Events.

Decorations of graves at various cemeteries under auspices of Grand Army of the Republic, attended by the usual exercises.

Exercises terminating at Hancock park for public ceremonies.

Memorial service, memorial. Began with a march at Field and Country clubs.

Play at theater, Ferris Stock company; matinee.

ARUG theater, Melbourne McDowell; matinee.

United Bros. Famous Shows. Musical demonstrations at the various parks and pleasure resorts.

"The reason that Togo is winning on the seas today and that Oyama is driving the Russians to the north is because the Japanese nation was prepared for conflict and the Russian nation, resting secure in its great wealth, was unprepared and entered this war with its hands tied by reason of this unpreparedness."

Thus spoke General Charles F. Mandererson in addressing the pupils and teachers of the Omaha High school at the First Methodist church Monday afternoon.

"This was one of the main reasons of the prolongation of the great civil war which tore this country from border to border, and this was the reason there was a battle of Bull Run. The south had kept to a custom to a certain degree of maintaining town militia and had maintained the military spirit, while the north had not. The military days had passed away and when the signal came from Fort Sumner the south was ready and the north was not. These men had to be made into soldiers by the stress of battle."

Battle Flag of His Regiment.
"For the first time in years I have brought into public my most prized possession, the battle flag of my old regiment. It enlisted as a volunteer in April, 1861, and remained with those who did not pass to the great beyond until the last rebel had surrendered. It was given by the women of Canton, O., the home of William McKinley, who had it in blood at Shiloh and today, as I brought it out on my porch, there passed a comrade on his way to address some school children. It was Jonathan Edwards. I said: 'Edwards, here is the flag that your brother met his death and it may be an inspiration to you to see this old flag.'"

"Why was it to see this old flag? Why was it men left home to fight and to endure the fatigue of war and to face the bullets? You will know the story. There were two different schools in which men were taught. We appreciate better now than ever before that slavery was the fundamental cause of this conflict. The south had taught that a state had the right to secede from the union and not honestly believed what was taught. I am not one of those who have words of condemnation for those who are taught in a different school. They were misinformed. They realize now that the success of the federal cause was due to the fact that the great west would not have been tempted by men of such virile strength and force had the cause not gone as it did."

At Other Schools.
Two hundred pupils were assembled at Dundee school to listen to the patriotic address by Chaplain D. C. Diefenbacher, the principal speaker of the afternoon. Members of the school board were present and made short addresses. Chaplain Diefenbacher's address treated largely upon his personal experiences and the lessons of patriotism taught by the war, which the living participants were still endeavoring to implant in the hearts and minds of this later generation. In order that they might know the price of liberty and the cost of peace. Upon the conclusion of his address, Chaplain Diefenbacher was presented with a handsome cluster of white roses, in appreciation of his visit to the school.

The exercises at Pacific school, under the direction of the principal, Miss McCarty, were beautiful and impressive. The children, nearly 300 in number, were assembled in the main hallway on the first floor, and many of them were provided with flags. The exercises opened with patriotic songs, in which all the children joined, and were followed with varied recitative exercises, in which adulation of the flag and loyalty to the country were the expressed feature. S. S. Peters was the Grand Army of the Republic speaker. His address was a narrative of the early opening of the war, the causes which led to it, and the participation that the school children of the early war days had in that event.

Palmer and Edwards.
Captain Henry E. Palmer was the principal speaker at the Park school, where the exercises were of particular interest. His address was along patriotic lines, in which he related the various incidents of his personal experiences on the battlefield that were listened to with the closest attention. The school exercises were specially appropriate to the occasion and consisted of musical and literary exercises, with recitations from various American poets of a patriotic character. A group of little girls dressed in the costumes of long ago, represented the scene of the making of the first American flag.

At St. Catherine's academy, where the exercises were especially well attended, was Jonathan Edwards was the speaker at Columbian school, where very interesting exercises were held. In brief the responses of the veterans to speak at the public and parochial schools were more general this year than for many years and in each instance the veterans were received with every evidence of loyal welcome and regard, making the occasion one that will be long and pleasantly remembered by them.

EVENTS THAT TRANSPIRE TODAY
Veterans, Their Wives, Sons and Daughters Will Celebrate.

Memorial day will be observed in various ways in Omaha today and many plans have been prepared for ceremonies to honor the nation's dead.

The Grand Army of the Republic has arranged a program which includes decoration of the graves, firing of salute and a parade. A program will be carried out at the unknown soldier's graves at the cemetery. The Thirtieth infantry band will furnish the music.

Owing to the rain Sunday the Bohemian

(Continued on Fifth Page.)

SEA FLEET OF RUSSIA IS DESTROYED--- ONLY REMNANT OF BALTIC FLEET ESCAPES

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Mr. Takahira called at the White House shortly after 7 o'clock this evening and was immediately received. Earlier in the day the minister had called and left for the president the report of the battle later given out at the legation.

Ambassadors Discuss Situation.
Sir Mortimer Durand, the British ambassador, will lunch with the president Wednesday, when the whole situation will be thoroughly discussed. Count Cassini, the Italian ambassador, said tonight that he expected to see the president before the week is over and Baron Sternberg, the German ambassador, who was early at the Russian embassy today, where he remained for some time in conference with the president, is constantly in touch with the ambassador through his intimate acquaintance with Mr. Roosevelt. The German ambassador is observing a discreet silence, but is thoroughly posted on both the Russian and Japanese point of view as represented here and stands ready to give the president all assistance possible. The result of the conference at the White House tonight could not be obtained at a late hour, but it is understood the minister assured the president that he had received official advice of the overwhelming character of the Japanese victory.

The promptness with which Washington immediately to furnish the world with the first news of the great battle is due primarily to the intimation conveyed to the American diplomatic, consular and naval officers abroad that the president desired prompt and full details of the impending naval battle at the earliest possible moment.

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Cassini Says War Must Go On.
At the Russian embassy tonight, Count Cassini, while naturally greatly depressed at the loss of life, expressed it would be when the details came out that the passage of a part of his squadron and that his passage of the straits had been accomplished not without inflicting great damage on the opposing fleet.

"The talk of peace is premature," the ambassador declared. "If the victory be as stupendous as the Japanese would have the world believe, the neutral powers can scarcely wish for Japan to be allowed to remain without a taste of defeat. Much as some reasons, my belief is that the effect of Rojostevsky's defeat will be the indefinite prolongation of the war. Russia must fight on, perhaps for years, but until the tables are turned."

At the Japanese legation Minister Takahira said earlier in the day expressed his satisfaction at the victory of Togo.

"I cannot discuss the effects of this battle," he said, "until the full reports are received; until we know Rojostevsky's fate. Ask Russia, not Japan, if the hour of peace has arrived."

It is to Russia not to Japan that the initiative toward peace is to be looked for.

On returning to the legation from the White House, Minister Takahira declined to discuss in any particular his conference with the president. Regarding the possible effect of the outcome of the battle on peace negotiations, the minister said:

"After this sweeping victory Russia alone can be held responsible for a prolongation of the war."

EFFECT OF FIGHT ON THE MARKETS
Belief It Will Bring Peace Causes Strength.

NEW YORK, May 29.—Stocks had a buoyant opening today in sympathetic response to the London market. The Russian naval feat was interpreted there as making for early peace. Three classes of Japanese government issues are dealt in on the New York Stock exchange. Bankers' certificates for the 4 1/2 per cent bonds opened 1/4 higher than Saturday and then reacted 1/4 on realizing. Certificates for the 5 1/2 per cent bonds rose 1/2 over the far eastern news, hoping that the battle might prove decisive and lead to peace. Consols went up 1/4 and Japanese bonds rose from 3 to 3 1/4 points. In Russian no business was transacted. Nominally prices were unchanged. Americans were 1 to 1 1/2 points

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