

STATE CLOSES CASE

Evidence Against Hayward is All Before the Jury.

DEFENSE MOVES ACQUITTAL

Court is Asked to Order a Verdict of Not Guilty.

MOTION PROMPTLY OVERRULED

It is Argued by Richardson, Darrow and Borah.

ADJOURNMENT UNTIL MONDAY

Defense Will Make Its Opening Statement and Begin Presentation of Testimony—Final Witnesses for State.

BOHRE, Idaho, June 21.—When the state today closed its case against William D. Hayward, charged with the murder of former Governor Frank Steunenberg, the defense made an unsuccessful attempt to secure from the court an order directing the jury to acquit the prisoner. Judge Wood's ruling, which requires the defense to meet with evidence the case that the state has presented, was made at 5:15 o'clock, and it was then arranged that Hayward's counsel should make their opening statement and present their first testimony on Monday next.

Richardson Opens for Defense. The motion for an instruction to the jury to acquit was by agreement presented at the afternoon session, and the jury was sent back to their jury house out of hearing of the argument.

Attorney E. F. Richardson made the principal argument in support of the motion in a long, carefully prepared and eloquent address. He took for his guide the Idaho statute which forbids conviction upon the uncorroborated testimony of an accomplice, and quoting many authorities in support of his contention that there must be convincing corroboration entirely independent of the testimony of the accomplice and made an analysis of all the testimony offered. He declared that none of the testimony could stand without the support of other testimony, and that the statute specifically forbade its acceptance under those circumstances.

Senator Borah spoke for the state, arguing with like force and eloquence that Hayward's connection has been independently shown and that Orchard's testimony has been corroborated by independent circumstances and evidence. He also submitted a general argument to show that the state had established the existence of a general conspiracy in which Hayward was a participant, and in which he had strongly developed the alleged connection of Pettibone and Simpkins.

Clarence Darrow, who closed, pleaded that there was not a shred of evidence in the case capable of standing without "the rotten thread of Orchard's story" to sustain it and that the plain provision of the Idaho statute made the duty of the court clear. He ridiculed the idea of a general conspiracy and contended that if the most liberal allowance were made for the entire showing of the state that it would not make out a case against the prisoner worthy of submission to the jury.

Testimony in Detail. Two important pieces of testimony were offered this morning. Charles S. Kingsley, a handwriting expert, testified that the writing on the waivers of the money order telegrams sent from Pettibone's store in December, in the names of "J. Wolf" and "P. Bone" to "H. Green" in San Francisco, was done by the same hand that penned Pettibone's letter to John L. Stearns.

A stipulation by the defense admitting the fact that Hayward telegraphed money to Steve Adams at Ogden in 1905, and a ruling by the court denying the dissenting opinion in the Meyer habeas corpus case in Colorado, cleared the direct way of the prosecution and opened the way to the plea and case of the defense.

When the trial was resumed at 9:30 a. m. not more than 100 occupied seats outside the bar, and of these at least forty were witnesses. Hayward's seat for the first time was the only member of his family present.

Judge Wood first delivered a lengthy opinion overruling a demurrer in one of the cases before the regular term of court.

Evidence of the Defrauds. On being directed to proceed Senator Borah announced that the state had received telegraphic information from the First National bank of Denver fixing the date on one of the drafts which have been introduced as evidence and upon which the state had been punched out by the file in the bank. This was the date on which the bank wires that it bears the date of December 11, 1905. It was drawn in favor of J. L. Simpkins by Hayward. The letter produced in court from Pettibone to Morgan, of Orchard, received by Orchard while in jail at Caldwell, stated that "that" had been sent to "Jack" Orchard, and that he had asked for \$500.

The defense admitted prima facie that the date was December 11 and the date was recorded as evidence.

W. V. McCartney, the former clerk in the telegraph office at Denver, testified that he did not write the waiver of identity on the back of the telegraphic money order sent from Denver to Orchard, when in the Bradley mission in San Francisco.

Hand Writing Expert on Stand. C. A. Kingsley, an expert in Boise, was called. He qualified as an expert in handwriting. He was asked to compare Pettibone's handwriting with the handwriting of the money order.

SUMMARY OF THE BEE

Saturday, June 22, 1907.

Table with columns for dates 1907 and 1907, and rows for days of the week (Sun, Mon, Tue, Wed, Thu, Fri, Sat).

THE WEATHER. FORECAST FOR NEBRASKA—Possibly local showers, with a maximum temperature at Omaha yesterday:

Table with columns for Hour, Deg., and Day (Mon, Tue, Wed, Thu, Fri, Sat).

State finishes its case in the Hayward trial and the defense files a motion contending that the evidence does not in any way connect the defendant with the murder of former Governor Steunenberg.

Ambassador Aoki will remain in Washington, the Japanese learning that an opportunist policy is in vogue at the present time.

Telegraphers of the Western Union and Postal companies in San Francisco and Oakland determined to strike because of local grievances.

National wholesale liquor dealers raise funds to fight the anti-alcohol sentiment, fearing some declarations will creep into the platform of the leading parties.

Grover Cleveland is much better and will be able to leave his bed today.

Wabash railroad issues \$200,000,000 mortgage covering all its property as a step in refunding its obligations.

Probability that Mayor Schmitz will receive a more searching investigation into his right to be released on bail.

Mrs. Dan R. Hanna secures divorce from son of the late United States Senator M. A. Hanna.

Travelers' Protective association elects officers at Jamestown.

Martial law declared practically over entire Russia and wholesale arrests are being made.

Troops of French regiment at Bezier mutiny, but later surrender in face of superior force.

Railroads' suit to have case against State Board of Assessment and to restrain them from ignoring 2-cent fare law transferred to the federal court.

Disolution by federal court of temporary injunction in case of Tri-State Land company against farmers of Scott's Bluff county, throws down bars for free-for-all fight for irrigation facilities.

Tract of 1,000 acres, comprising Seymour park, recently bought by a syndicate, is to be used for the establishment of an industrial city.

Legatee of John A. Creighton believes in the will of late Mrs. Mary Lucretia Creighton they have found the key to the interpretation of the mooted thirteenth clause.

City Engineer Rosewater declares the practice of throwing grass in sewers is damaging and must stop.

Dr. Connell, health commissioner, launches his annual crusade against weeds in Omaha.

Hiram Chase, Omaha Indian, by decision of Judge Sutton, gets title over Waldo E. Whitcomb to office of county attorney of Thurston county and will prosecute L. R. Higgins, Cripple Creek, Colo.

Program for the convention of sportsmen from Nebraska and Iowa shows Senator Dolliver and officials from Washington will attend the meetings.

Former Senator Millard says the state debt is \$10,000,000 and that the County Board of Equalization is his personal property tax that is the result of an old grudge.

Mayor Dahlman's dog muzzle proclamation at last goes into effect.

Society-Wednesday anniversary, honoring young girls, marriages and club dinners serve to brighten the interest.

General Ballou with artillery and other troops is proceeding to Bezier in order to compel the unconditional surrender of the mutineers, who are now said to number 60 men.

Court-Martial at Kiev Orders Forty-Eight Mutineers to Be Shot.

KIEV, June 21.—The court martial convened to try the mutinous sappers at the summer camp at Ranievka, is said to have acted with promptness and severity. It is reported that forty-eight mutineers have already been condemned and shot.

SCHMITZ MAY BE RELEASED. Application on Ground that He Has Incurable Disease to Have Full Hearing.

SAN FRANCISCO, June 21.—Application of Mayor E. E. Schmitz for release on bail today taken under advisement by the appellate court. Some decision by the court is looked for today. Judge Hall is out of town, but Judges Cooper and Kerrigan have taken the mayor's application under advisement, and it is unlikely that he will be granted. The court will not necessarily rule that the mayor will be admitted to bail, but that his allegation that he is suffering from an incurable disease, which may be rendered fatal by confinement, entitles him to a fuller hearing to determine its merits. The trial of Louis Glass has been definitely set for Judge Lawlor for July 1.

BLANKS WINS THE HANDICAP. Great American Shooting Event Goes to Tennessee Man with Score of Seventeen.

CHICAGO, June 21.—The great American handicap in the shooting tournament was won today by J. J. Blanks of Treasenv, Tenn., with a score of 17 out of a possible 20. M. J. Mayroff of Fort Hays, Colo., was second, with 15, and Chaucey M. Powers of Decatur, Ill., was third, with 14. These three were tied yesterday for first place, each scoring 14. The shoot-off today was at twenty targets.

FRENCH TROOPS IN MUTINY

Portion of Regiment Joins Wine Growers at Bezier.

GENERAL PLEADS WITH HIS MEN

Soldiers Have Not Resorted to Violence, but Ammunition Was Seized—Clemenceau Calls Cabinet.

BULLETIN.

BEZIER, France, June 21.—A loud arrival here this afternoon after an interview with the mutineers of the Seventeenth Infantry, the latter decided to return to their regiment.

PARIS, June 21.—A battalion of the Seventeenth Infantry regiment stationed at Bezier, has deserted with their arms and ammunition and joined the insurgent wine growers at Bezier, the headquarters of the regiment. The mutineers, who mostly were recruits among the wine growers, number about 400 men. They marched into Bezier, which has about 50,000 inhabitants, with drums beating and colors flying and are now camped in the principal square of that city with stacked arms. The deserters tried to enlist the sympathies of the remainder of the regiment, stationed at Bezier, but failing to do so they promised to eject them from their barracks.

Early this afternoon the sub-prefect of Bezier notified Premier Clemenceau that the mutineers had offered to return to Agde on the condition that they were not punished. A little later they returned to utilize all the government's forces if necessary in order to suppress the uprising.

M. Clemenceau curtly replied that he refused to parley with deserters or consider any proposition but unconditional surrender, adding that he was determined to utilize all the government's forces if necessary in order to suppress the uprising.

Details of the mutiny show that a battalion of the Seventeenth Infantry regiment, sent from Bezier to Agde on account of the soldiers' sympathy with the local wine growers, mutinied there this morning, rained the magazine, filled their pouches with cartridges and with fixed bayonets and flags flying, marched out of Agde and entered Bezier. When notified of the mutiny, General Croisade, commanding the sixty-first brigade near the mutineers at Villeneuve and attempted to persuade them to return to duty.

General Pleads With Soldiers. "Soldiers," he commanded, "kill me or obey me—"

The soldiers replied that they had no desire to kill the general, but were determined to enter Bezier.

A detachment of gendarmes tried to bar the road, but after the mutineers had fired a volley in the air they were permitted to pass.

The news of this momentous defection of troops, together with reports of other mutinies at various points in the revolting provinces reached the government this morning and caused the gravest anxiety to the cabinet.

At the ministry of the interior at noon inquirers were informed that the reports from Narbonne and Montpellier showed that both cities were comparatively quiet.

It was announced that the government's "Law Must Reign" interior Minister Briand indignantly denied the rumors that he had resigned. He said he was not such a coward as to desert his colleagues in the present circumstances.

Demands Vote of Confidence. The government was interpolated in the Chamber of Deputies today on the measures which it proposed to take in order to restore order in the south. Premier Clemenceau, in the course of his reply, said that over 100 soldiers were wounded in the fighting with riotous soldiers at Narbonne. He then fully confirmed the dispatches of the Associated Press in regard to the mutiny of a battalion of the Seventeenth Infantry at Agde and its march to Bezier, and said he could not lend to any proposition for the conditional surrender of the mutineers. The premier concluded by demanding a vote of confidence.

The opposition deputies fiercely attacked the government, saying the traitors acted like Cossacks; that the troops fired without provocation and without notice; that women and children had been slaughtered; and that the release of M. Ferraul, ex-mayor of Narbonne, alone would restore order. Otherwise, according to one of the speakers, "the bloody rioting of today will be the revolution of tomorrow."

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SAPPERS PAYING PENALTY. Court-Martial at Kiev Orders Forty-Eight Mutineers to Be Shot.

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WABASH FILES BIG MORTGAGE

Two Hundred Million Dollar Paper Covers Property to Refund Obligations.

ST. CHARLES, Mo., June 21.—The Wabash Railroad company filed a mortgage for \$200,000,000 in favor of the Bowling Green Trust company in the county clerk's office here yesterday.

The mortgage is to secure \$15,000,000 in 4 per cent interest, and \$100,000,000 in 5 per cent interest, and also all other mortgages held by the railroad company.

FORK, June 21.—Stockholders of the Louisville and San Francisco Railroad company will be asked at a meeting which will be called for August 27 for an issue of \$15,000,000 general ten and twenty-year 5 per cent gold bonds, according to information made here today.

The total amount \$20,000,000 will be reserved to retire and refund bonds and notes maturing during the next forty-five years. It is proposed to use the remainder for additions, improvements, etc. Only \$10,000,000 can be issued during the two years for improvements. These probably will be issued this fall. The balance for improvements may be issued only after June 1, 1909, in small blocks yearly. The stockholders also will be asked to authorize an increase of \$100,000,000 in common stock. This is merely a formality, however, as under the Missouri laws the authorized debt cannot exceed the authorized stock.

For improvements and betterment \$27,157,000 are provided, none to issue until after June 1, 1909. Of these sums only \$2,500,000 can then issue yearly until 1911, thereafter, \$5,000,000 yearly can issue. Five million dollars may issue after 1909 to fund future equipment trusts to the extent of 60 per cent of the face value of such equipment. Also \$5,000,000 may accrue after June 1, 1909, at the rate of not over \$1,000,000 per annum for new lines. The bonds are refundable at the option of the company on any interest prior to May 1, 1912, at 104 and 105, and also on May 1, 1925, and thereafter at par and interest.

PEOPLE SHOULD SLOW DOWN. Vice President of National City Bank Makes Address to Bankers at Jamestown.

JAMESTOWN, June 21.—Frank A. Vandervip, vice president of the National City Bank of New York City, spoke before the Virginia Bankers' association at the Jamestown exposition today. Mr. Vandervip said in part:

There are a thousand influences that should lead toward continued prosperity and renewed accomplishments throughout the world. The chief of these is the influence of the people of the country who will turn into one of these roads, solely as the result of their own initiative and energy.

Legislative representatives are wise and patient or are hasty and inconsiderate. If the conflict which is now being waged is worked out in a spirit of fairness and intelligence, if the vastness of the problem is recognized, if the involved relationships encountered are taken into account and if the far-reaching effects of paternal regulations when applied to great and complex enterprises are understood, and if an intelligent understanding of the complex nature of the problem is maintained, then I believe we will see the way toward a better and brighter future.

The movement that invests property, convinced that the problem is to have fair play, will start on that road again with all measured pace.

It is not to be expected that there will be a return to the old days of laissez-faire, but there will be a return to a more intelligent and fairer regulation of industry. The government should be fair and intelligent in its regulation of industry.

Ministry Was Taken Back. It is quite certain that the Salonji ministry for a time somewhat taken back at the ebullience of popular indignation evidenced in the publications in the opposition newspapers in Japan and it even is evident there was a slight weakening and a slight despatch to make some concessions. But soon after the agitation reached its height the Japanese business interests began to feel a very strong pressure from abroad conveying a clear warning that a quarrel with America would leave Japan friendless and certainly would discourage the investment of foreign capital in Japanese enterprises.

With this favorable influence the Salonji ministry found little difficulty in securing the adherence of the great parties of Japan to its policy and the announcement made from Tokio through the Associated Press relative to Ambassador Aoki's tenure is regarded as convincing evidence that Count Okuma's onslaught has failed and that the settled policy of Japan from now on will be to discountenance "Jingo" agitation as directed against America and to endeavor to strengthen the friendly relations between the two countries.

Secretary East left Washington today for his summer home near Utica, N. Y., and Ambassador Aoki intends to remain at Buenavista, Md., during the heated term, so that it is not expected that there will be any important diplomatic exchanges between the governments at Tokio and Washington in the near future.

Aoki Not Popular. TOKYO, June 21.—While there is an unanimity of opinion here that Ambassador Aoki is unfitted for his present post at Washington and it is certain that attempts have been made to remove him, he has a very powerful political support, and moreover, being the senior of Viscount Hayashi, the foreign minister in the diplomatic service, it would be difficult to get rid of him for the latter to recall him. Unless strong proof can be furnished that Ambassador Aoki is persona non grata at Washington it is not likely that Hayashi will take the initiative in removing him from the position. There are rumors, however, to the effect that the Japanese ambassador is very unpopular, not only with the Japanese, but among the Americans generally, and should this prove true, his removal might be deemed necessary, despite the strong influences now supporting him here.

TRAVELING MEN AT MITCHELL. Industrial Parade Participated in by Great Crowd of Uniformed Marchers.

MITCHELL, S. D., June 21.—(Special Telegram.)—The first day of the third annual convention of the South Dakota Traveling Men's association was successful from every point of view. The weather could not have been better, and the crowds were very large as a consequence. Three special trains over the Milwaukee road were run to accommodate the crowds. The industrial parade was held at 11 o'clock and was a magnificent display of the business interests. Over 100 traveling men were in line, wearing white caps and carrying red, white and blue umbrellas. This afternoon Senator La Follette delivered an address at the Corn Palace to a crowd of 1,500 people. This evening Governor Crawford spoke at an open air meeting.

PAPERS GO ON UNFAIR LIST. Miners Will Seek to Make Chicago Bulletin Hear Report of Trial.

DENVER, June 21.—Duncan McDonald and Frank Farrington, messengers from the United Mine Workers of Illinois, addressed the convention of the Western Federation of Miners at Chicago. The opinion expressed by Mr. McDonald that the arrangement of the federation officials at Boise had done more to consolidate and organize the wage workers of the country than any combination of circumstances in the history of the world. The only matter before the labor unions should establish great daily papers and that unfair reports of the Boise trial will result in three Chicago papers being placed on the unfair list. A vote of thanks was given the visitors by the convention. The only matter before the convention this morning was the proposed discussion of the proposed amendment to the constitution which was proposed yesterday. The speeches today were much more temperate in tone than those made yesterday. No vote has been reached when the morning session adjourned.

ASKING FOR AN ADVANCE. Heirs of Mrs. Eddy Seek Friends with Which to Carry on Suit.

CONCORD, N. H., June 21.—Fred W. Baker of Epsom, N. H., a second cousin of Mrs. Eddy, today filed a suit for the withdrawal as one of the "next friends" in the suit for an accounting of Mrs. Eddy's property. He withdraws on the ground that the heirs nearer of kin than him to Mrs. Eddy are acting and that his presence among them is unnecessary. Counsel for the "next friends" today filed a request that the court make requisition upon the trustees of Mrs. Eddy's estate for funds to carry on the suit brought by the "next friends."

HOMESEEEKERS AT BILLINGS. Drawing for Land in Huntley Irrigation Project Brings Many to Billings.

BILLINGS, Mont., June 21.—Homeseekers are flocking into this city in anticipation of the drawing for lands in the Huntley irrigation project on June 26. Yesterday more than 1,000 homeseekers arrived. The hotels and rooming houses are crowded to overflowing and the newcomers are being forced to erect tents. Secretary of the Interior James R. Gardfield will probably oversee the drawing. He will be accompanied by Billings by a number of officials from the reclamation service, the forestry and land office departments.

PORTLAND'S ROSE CARNIVAL. Hundreds of Flower-Decked Autos Parade Streets of Oregon's Big City.

PORTLAND, Ore., June 21.—Portland's first rose carnival and fiesta is in full swing today. Yesterday 1,250 school children produced the finest parade ever attempted on the north Pacific coast. Portland's famous forestry building, the largest in the world, was decorated with not less than 1,000,000 roses. The program for today had as its feature a parade of hundreds of rose decorated automobiles and floats.

AOKI STAYS IN WASHINGTON

Japanese Ambassador Wins Out in His Fight at Home.

REAL SITUATION MADE APPARENT

Jap Pride Was Hurt at First, but Monetary Consideration Made Opportunist Policy Advisable.

WASHINGTON, June 21.—The announcement by Viscount Hayashi, the Japanese minister for foreign affairs in a Tokio dispatch published today that Ambassador Aoki is to be retained at Washington is regarded here as clearly establishing the fact that the present Japanese ministry, headed by Marquis Satonji, has assured itself of the support of both the unionist and conservative parties in its present attitude toward America. For a time there was some doubt in Washington even in the minds of the officials at the Japanese embassy as to the power behind the demand of Count Okuma for the substitution for Aoki at Washington of a "strong" man, by which term it was understood he meant a Japanese committed in advance to the policy of demanding from America full rights of citizenship, of residence and of immigration for Japanese.

Aoki had realized the impossibility of securing all of these rights at this time because of the inability of the national government to dominate state legislation. His reports to his own government to that effect, with the plain intimation that it was advisable to seek, instead of unlimited rights, only those that might reasonably be expected to be conceded at this time—an opportunist policy—at first caused a disagreeable impression in Japan, the successful outcome of the recent war, with the natural inflation of Japanese pride, tending to make the ambassador's policy of doubtful popularity.

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T. P. A. CONCLUDES SESSION

Officers Elected, Among Whom is C. W. Close of Omaha, Hold-over Director.

NORFOLK, Va., June 21.—With a session lasting until 5 o'clock this morning the Travelers' Protective Association of America concluded its eighteenth annual conference after selecting Milwaukee as the next meeting place.

W. Johnson of Knoxville, Tenn., was elected president and Louis T. Letamere of St. Louis secretary-treasurer. Harry T. Moore of San Francisco was elected vice-president and Rev. Homer T. Wilson of San Antonio, Tex., chaplain. The directors elected are: George W. Smith and Fred L. Schlarsh, St. Louis; John T. Rock, Waterloo, Ia.; Henry Ormsby Gray, Louisville, Ky.; E. R. Barkdale, Portsmouth, Va.; for two years; F. M. Follick, Bloomington, Ill.; Major Drew, South Carolina, and William Fisher, St. Louis, one year each. Will E. Jackson of St. Louis and C. Close of Omaha are the hold-over directors. F. W. Crandall of St. Louis was chosen chairman of the railroad committee. The national directors will meet in St. Louis July 6 for reorganization.

WADE CONSULTS WITH TAFT. Representative of Jesuit Fathers of Philippines Meets Secretary of War at St. Louis.

ST. LOUIS, Mo., June 21.—Secretary of War Taft arrived this morning from Kansas City en route to Washington. During his stay of two hours Festus J. Wade was in conference with him relative to the dispute between the Philippine government and the Jesuit fathers concerning the ownership of \$5,000,000 worth of property in the Philippine islands. Festus J. Wade, who is president of the Mercantile Trust company, represents Archbishop Hart of Manila in endeavoring to secure settlement of the dispute. Secretary Taft stated, after his conference with Mr. Wade, that he would not render a decision until after his return to Washington.

MRS. HANNA SECURES DECREE. Legally Separated from Dan R. Hanna, Son of the Late Senator.

CLEVELAND, June 21.—Mrs. Daisy Gordon Hanna was granted a divorce from Dan R. Hanna, son of the late Senator M. A. Hanna, by Judge C. C. Smith today. She has custody of the only child. The amount of alimony had been privately agreed upon. The grounds for the suit were gross neglect and cruelty. Mrs. Hanna was formerly the wife of Walter De S. Maud, an English army officer, from whom she obtained a divorce. Mrs. Hanna's first wife, May Harrington Hanna, obtained a divorce from him in 1896.