

RECALLS HIS STORY

Witness in Land Case Repudiates Sworn Statement Signed by Him.

DECLARES HE DID NOT READ DOCUMENT

Affixes Signature to Typewritten Paper Presented by Nameless Young Man.

ATTEMPT TO DISCREDIT WITNESSES

Affidavit Part of General Plan to Weaken Case.

DEMAND FOR "TWIN MILLS" SECTION

Several Witnesses Testify It Was Pointed Out to Them by Agents as One They Had Filled On.

"I wish to explain this affidavit by saying that I did not take up the land in good faith, that is, with the intention of living on it.

This statement was made on indirect examination in federal court Monday morning by William H. Campbell of Missouri Valley, a witness in the big land trial. It fell with a dull thud on the ears of the defense, whose attorneys had submitted in evidence an affidavit by the same Mr. Campbell, which, the witness declared he did not enter into good faith and with the intention of...

This affidavit was written by a typewriter and on this point Mr. Campbell said: "The affidavit was presented to me by a young man at Missouri Valley. I do not know his name."

The attorneys for the government made strenuous objections to the admission of the affidavit as evidence, but the court overruled them and let the affidavit go in. The defense has entered more vigorously upon the general attempt of discrediting the testimony of witnesses for the government and this was one move in this general plan.

The affidavit further stated that the affiant never saw Tom Huntington to talk to him. The document bears date of August 17, 1906, and was sworn to before A. J. Dolan, a justice of the peace at St. John's township, Harrison county, Iowa.

Tells Same Old Story. In his general testimony the witness told practically the same story that has been repeated by all the soldiers who had been solicited to file on the lands by the Hulis at the Iowa end of the land and Huntington, Hoyt and Cornstock at the Gordon end of the line. The same general procedure of making a visit to the lands, expense free, and all filing fees paid for by Huntington or Hoyt, were gone over in tireless detail.

William H. Tuttle of Woodbine, another old soldier, told practically the same story of having been solicited to make the filing by L. D. Hunt, the visit to Gordon, interview with Huntington, visit to the ranch, subsequent filing at Valentine, all expense free, and of the filing fee of \$5 for the \$50 per year and his receipt of \$5 for the first installment of the lease money after his second visit to the land. Neither did he take up the land for the purpose of making a home on it, but rather to make what he could out of the land after he had made good proof. The witness was inclined to much forgetfulness and his almost invariable reply to questions in the cross-examination was "I don't remember."

R. S. Hall asked the court if there was not some way to compel this witness to answer.

Cannot Make Him Remember. The court—If he cannot remember, the court knows of no way to compel him to remember.

The witness was repeatedly asked if he had talked with anyone about what he was to testify to since being about the federal building. He stated that he had only talked to a few comrades in a general way and asked the court if he should be compelled to make a more explicit answer.

Mr. Hall wanted to know, "Why did you ask the court if you should be compelled to answer?"

The witness did not reply, merely saying he had not talked to any one in particular, and with no one at all as to what he should testify to.

John E. Creiger, an old soldier from Logan, Ia., told briefly why he took up the land in Nebraska. He said: "I was told by Hall that an old soldier could take up 60 acres of land without having to live on it and that some cattle company would put improvements on it and pay the expenses of filing and cultivation and final proof, and that we could sell it after we had proved up. I signed a lease for the land in Huntington's over the bank of Gordon, and six months afterward I was paid \$5 for the six months' grazing on the land. The money was in the form of a check and I had it cashed at the bank just under Huntington's office."

Witness told of the usual visit to the lands said to those who filed on with a party of four Iowa comrades, and their subsequent return home. He had not been on the land since, nor did he take it with the purpose of establishing a home on it.

Twin Mills Section in Demand. During the early part of last week one John F. O'Neill, a "friendly" entryman living at Gordon, testified to having put his filing on a section on which was located the "Twin Mills," a particularly choice section. This was one of the mid-night filings made at Merriam before Commissioner Hunt. The evident purpose of all of these "friendly filings" was to secure the choice lands against the general filings and entries to be made during the big rush. The "Twin Mills" seem from the evidence produced Monday afternoon, to be the general filing made by soldiers who were centered, and in two or three instances the soldiers were made to believe that the "Twin Mills" section was the section upon which they had filed. Harrison Young, an old soldier from Woodbine, Ia., testified Monday afternoon that he first visited to his claim this particular section was shown him by the party that drove him west and others out to look at his land, as his special claim, and he was much elated over the fact that he had got a whole section with two wind mills on it.

Young, apparently, got the fourth person that had been located on that same section, though upon subsequent showing of the land six months after his first visit, he was pointed out a piece of land as his special section about four miles away from the "Twin Mills."

This same story of being shown different locations was told by practically all the old soldier entrymen Monday afternoon.

CULTURE TUBES WERE MIXED

Philippine Prisoners Inoculated to Produce Cholera Develop Symptoms of Plague.

MANILA, Dec. 3.—An investigation, made at BUNDA, where prisoners who had been inoculated with cholera serum, recently died, has disclosed traces of plague germs in the dead bodies. No formal report on the result of the investigation has been made and the government has reached no decision in the matter. It is asserted that tubes containing plague germs and others filled with cholera serum, which are so much alike that it is almost impossible to distinguish them apart, were mixed in the laboratory by a visitor who examined the plague germs and by mistake placed them in a rack with the serum tubes. This is said to have occurred during the temporary absence of Dr. R. P. Strong of the bureau of science, who has been conducting experiments and inoculation of persons with cholera serum to test its efficacy.

The natives, ignorant of the danger of the situation, but the native newspapers are indignant and bitter. It is not believed that criminal charges will be preferred, but it is possible that Dr. Strong may resign.

VATICAN FRIENDLY TO POLES

Not Able at This Time to Aid Them in Contest with Germany.

ROME, Dec. 3.—The pope today received Kopp, bishop of Breslau, in a private farewell audience. The cardinal will leave here tomorrow, going direct to Berlin, where he will see Chancellor von Bismarck and Emperor William and will participate in the Vatican conferences on the Polish situation. As the question now stands, the Vatican thoroughly sympathizes with the Poles, but cannot espouse their cause against Germany, as the latter's policy is not directed against the Catholic religion, religious teaching in German being insisted upon by the Prussian authorities only in the case of children who know that language. Therefore the conflict ceases to be religious and becomes political.

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THE CUBAN DECREE COMES TODAY

Governor Magoon Will Declare Seats of Congressmen Elected in 1905 Vacant.

HAVANA, Dec. 3.—The decree to be issued by the executive authority of the president of the United States by which the seats of all members of the second session of the Cuban congress elected in 1906 will be declared vacant is to be promulgated in the Official Gazette tomorrow.

While the liberals are rejoicing over the disfigurement of the moderates, the latter appointment is being expressed at the failure of the decree to confirm the confident expectations of the liberals that new elections would be held next June. Senator Davis probably will issue a manifesto tomorrow denouncing the attitude of the moderates.

Miquelon Being Abandoned.

SIDNEY, N. S. Dec. 3.—Alarmed by the rapid decrease in the population of St. Pierre, Miquelon, the French government has reduced the customs tariff for the island in order to stimulate business interests. For the last two months the population of Miquelon, the last remaining possession of France in America, has been steadily decreasing by migration to the Canadian west and northwest. The reason for the abandonment of the island is the poor condition of the fisheries for the last few years.

Resentry for Persia.

TEHRAN, Persia, Dec. 3.—The report that Mohammed Ali Mirza, the heir apparent and governor of Azerbaijan, had been summoned from Tabriz to Teheran to assume the regency during the illness of his father, the shah, is confirmed. The establishment of a Persian national bank and the issue of an internal loan, with the object of emancipating the country from dependence upon foreign financiers, appears to be assured.

New "Dreadnaught" Started.

PORTSMOUTH, England, Dec. 3.—The keel plates of another Dreadnaught were laid by Admiral Sir Archibald Douglas, the commander-in-chief at Portsmouth, this morning. The new dreadnaught will be larger and more powerful than the first Dreadnaught, and, as much of the preliminary work has already been done it is expected that its construction will progress rapidly.

Joseph Chamberlain Better.

LONDON, Dec. 3.—In view of the recent sensational rumors regarding the condition of the health of Joseph Chamberlain, the ex-colonial secretary, a bulletin was issued from his residence, Highbury, Moor-Green, Birmingham, stating that Chamberlain will be able to resume a steady improvement, that he is able to take daily walks and drives and that his eyes have so much improved that he is now allowed to read.

Looking for Thrustener.

MILAN, Italy, Dec. 3.—A careful search has been made at Bergamo, about forty miles from here, with the view of discovering the sender of a threatening letter to King Victor Emmanuel, referring to a plot formed by what the writer termed the "Holy Alliance" to assassinate the king, but up to the present the efforts of the police have been fruitless.

Chinese Divide Boycott Fund.

HONG KONG, Dec. 3.—A large meeting has been held at Canton to consider the disposal of accumulated funds subscribed to maintain the recent boycott on American goods. A resolution was adopted at the meeting to station industrial agents in the case of Dominator Guinness and to send a delegation in view of being independent of foreign supplies.

British Lieutenant on Trial.

PORTSMOUTH, Eng., Dec. 3.—The trial by court-martial of Lieutenant Colard, R. N., charged with inflicting unauthorized punishment and using abusive language to a stoker in 1905 and with improper use of the order "on the knees" November last, which caused mutinous outbreaks amongst stokers, began here today.

Philippine Slenderer Remanded.

MANILA, Dec. 3.—The supreme court has denied the application of writ of error in the case of Dominator Guinness and remanded it to the lower court for execution of sentence. The agitator will be sent to Bilibid prison tomorrow. He was convicted for having slandered Governor Cabel.

RAILROAD SHOPS SCORCHED

Union Pacific Losses Records and Valuable Patterns in Fire

FIREMEN PREVENT SPREAD OF FLAMES

Blaze, Supposed to Have Started from Electric Wire in Roof, Continued to Second Floor of Building.

Fire broke out in the record room on the second floor of the new pattern factory in the Union Pacific shops about 2:30 Monday afternoon and caused damage to the extent of \$10,000 before it was extinguished by the combined efforts of the entire city department and the Durant Fire company at the shops. Records of the auditing and accounting departments were totally destroyed, and it is estimated that many valuable patterns were rendered useless by being soaked with water. The patterns were on the first floor of the building and were not reached by the flames, but were drenched with streams of water from twenty lines of hose. The patterns represent the work of years and the damage in this respect cannot be estimated. One hundred men were placed at work after the fire was put out, carefully wiping the patterns with towels, and it is hoped that in this way the damage will be decreased.

The first alarm was sounded about 2:30, but the fire had gained such headway that a second alarm was sent in about 3 p. m. Four hose companies and a truck responded to the first alarm and were immediately placed at work under the personal direction of Chief Sailer. The second alarm brought six more hose companies and two trucks to the scene, some of which came from the outskirts of the city. The fire was gotten under control in about one hour, but was one of the most stubborn and difficult that the firemen have been called upon to fight for some time.

The flames were first discovered by John Nichols, custodian of the record room, who smelled the odor of smoke. With the assistance of other employees he removed those in the building were laid and directed the prompt measures taken the flames could not be checked and soon enveloped the entire north end of the building.

Fire Starts Near Electric Wire. The record room is situated at the north end of the building on the second floor, and Mr. Nichols was first seen near the roof, where the electric light wires near the building. Superintendent of Motive Power McKee was in the building when the fire started and assisted in playing the hose on the burning record room. The record room was separated from the south half of the building by a thin partition, but the flames soon burst through the partition and enveloped the entire second floor in smoke and flames.

The records were kept in large wooden files, with narrow aisles between the files, which reached from the floor to the ceiling, and the papers, which were the accumulation of many years, burned like tinder. The records were not of any particular value, except for statistical purposes, and the papers were of the current records and those of recent years being kept in fire-proof vaults in the general offices.

Greatest Damage to Patterns. Superintendent McKee said: "While the loss to the building will be considerable, the greatest damage has been done to the patterns stored on the first floor. Many of these patterns, which are of great value, and all of them are practically worth their weight in gold. They are made with infinite care and of the most expensive materials. We hope to save most of them tonight, when a hundred men will be placed at wiping them off and removing them from the building."

"I am thankful that the patterns for the motor cars were not in the building but were in use in the construction of the cars in the shops."

The fire attracted a large crowd by reason of the dense smoke which was controlled by the Tobacco trust, so-called, in western Kentucky, were cancelled today as a result of the burning of two steamships by a mob which entered Princeton last Friday night. The policies were cancelled by telegram from Louisville, most of them being in force in the city.

The excitement caused by the mob's action is still intense, interest being heightened by the inquiry begun today by State Fire Marshal Ayres. Several witnesses were examined, among them being prominent citizens. All had encountered members of the mob but with one exception they testified that they failed to recognize any of the raiders. The exception was the case of William Winters, a section man employed by the Illinois Central railroad, and who is already under arrest charged with participating in the raid.

The fact that one witness had previously declared he recognized members of the mob testified to the contrary today is taken as an indication that the chances of securing convictions are slight.

HARTJE REPLIES TO WIFE

Millionaire Says Demand for \$30,000 for Expenses of Divorce Suit is Too High.

PITTSBURGH, Dec. 3.—Augustus Hartje, one of the principals in a recent sensational divorce case, filed a reply to the common pleas court today to the petition for alimony and expenses made by his wife, Mary Scott Hartje, ten days ago. Mr. Hartje set up the claim that her husband had an income of \$15,000 a year and that her defense to his charges had cost her \$30,000. She therefore asked for a sum to cover these expenses.

In his reply Mr. Hartje entered a general denial of the statements made by his wife and characterized them as wickedly and maliciously false. All charges of corrupting witnesses or entering into any conspiracy to produce false testimony are likewise denied.

Hartje demands a itemized bill of his wife's expenses and says that much of it was unreasonably high and unlawfully contracted.

TESTIMONY IN THAW CASE

Testimony of Two Men Now in California is Wanted by Defendant.

NEW YORK, Dec. 3.—A motion of counsel for Harry K. Thaw that a commission be appointed to take the testimony of witnesses out of the state was granted by Judge Newburger in the supreme court today. It will be an interrogatory commission and testimony will be taken of witnesses for both the prosecution and defense.

The motion was made by Clifford W. Hartridge, one of Thaw's counsel, who suggested an open commission and named as the witnesses whose testimony is desired, Thomas McCabe and Tyrone Seal, both of whom, he said, are in California.

SENSATION IN GILLETTE CASE

Attorney for Defense Charges Doctors Who Testified with Posjory.

HERKIMER, N. Y., Dec. 3.—Never perhaps in the history of Herkimer county justice had the closing scenes of a murder trial been characterized by such bitter attacks of counsel as developed in the summing up of the Gillette case today. Replete as the trial has been with surprises and sensation, none was prepared for the sharp exchange with which the day closed. Judge Devendorf had expected to give the case to the jury today, but after District Attorney Ward had spoken for fifteen minutes the case was adjourned until tomorrow morning. The prosecutor will conclude and the judge's charge made tomorrow. It is expected.

Former Senator A. M. Mills, a close personal and political friend of the prosecutor, moved the appeal to the jury to acquit Chester E. Gillette of the murder of Grace Brown, at Big Moose lake, July 11. He had occupied nearly the whole of the session and it was late in the day when he dramatically declared that the five physicians who had sworn there was a blood clot on Grace Brown's brain had sworn to a falsehood; that they had gotten together and agreed on a common story for the witness stand and deliberately withheld testimony favorable to his client.

As Senator Mills concluded, District Attorney Ward jumped to his feet and, interrupting the judge, who had decided on an adjournment, launched into a scathing denunciation of Senator Mills and the methods he had taken to sway the jury over the defense. As he spoke the jury retreated to the rear of the courtroom and the prosecutor shook in the face of the counsel for the defense.

When Mr. Mills stands here and tells you as he just has that those five doctors, who were sworn to the truth, and your friends who enter your homes perhaps every day, are liars and burglars he tells you that which is not true.

SCHOOL BOARD MAY WIN

San Francisco Heaps Secretary Metcalf Will Deny Adversely to Japanese Pupils.

SAN FRANCISCO, Dec. 3.—The Call says today that School Director D. H. Oliver stated yesterday that Secretary Metcalf, before his departure for Washington, told the school directors that he believed they were clearly within their rights in establishing a separate school for Japanese pupils. This would tend to correct the impression that Secretary Metcalf had decided to favor the Japanese in his report to the president. The secretary's report, it may be assumed, will conform to his assurance to the school board.

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Senators in Conference. Senators Millard and Burkett were in conference today over a multiplicity of matters, particularly in relation to the bill creating a new judicial district in Nebraska and commonly known as the Burkett bill. They had also up a successor to E. B. Owens, register of the land office at North Platte, whose term expires tomorrow.

Postmaster at South Omaha. Congressman Kennedy, who arrived in town early this morning, will have to settle the South Omaha postmaster position in the near future. Postmaster Ritter having died. Among those who are pronounced candidates for the place are E. L. Howe, former city treasurer of South Omaha; Wesley Lavery, member of the School board; Wesley P. Adkins, who was a candidate for mayor at the last city election; Lewis Ritter, former deputy and now acting postmaster, and L. C. Gibson, at present state senator from that city.

Bill for Sale of Indian Lands. Representative Burke today introduced a bill to authorize the sale of the surplus or unallotted Indian lands in Tripp county, South Dakota. These lands are to be disposed of through presidential proclamation at prices ranging from \$5 to \$25 per acre. The bill appropriates \$100,000 to pay the Indians for sections 16 and 36 in each township, which are to be reserved to the state of South Dakota at government expense for school purposes. These school lands are to be sold at a uniform price of \$2.50 per acre.

Appropriations for the West. Secretary Shaw today transmitted to congress the annual needs of the several branches of the government for the fiscal year ending June 30, 1908 and which will be embodied in several appropriation bills. The following sums are needed to carry out the purposes of congress, expressed through the act of August 10, 1906, for the construction of the Indian schools in the Winnebago, \$44,182; treaty with the Indian schools in the Sac and Fox reservation in Iowa, \$25,800; to pay Indian agents in South Dakota, at Cheyenne river, Crow creek, Lower Brule, Pine Ridge, Rosebud, Sioux Falls, and Yankton in all \$1,550,000; support of the following schools in South Dakota: Chamberlain, \$47,000; Flandreau, \$83,425; Pierre, \$42,500; Rapid City, \$5,000; support of Sioux of different tribes, including Santee, Sioux of Nebraska, \$307,000; education of the Sioux of Nebraska, \$25,000; fulfilling treaty with the Sioux-Yankton tribes, \$45,000; asylum for insane Indians at Canton, \$25,500; allotments for the Sioux reservation in South Dakota, at Cheyenne river, Crow creek, Lower Brule, Pine Ridge, Rosebud, Sioux Falls, and Yankton in all \$1,550,000; support of the following schools in South Dakota: Chamberlain, \$47,000; 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