# DEFENSE ATTACKS OFFICIALS

## Counsel for Land Kings Declare Government Imposed On by Biased Agents.

## SEE NO CRIME IN BUYING FILINGS

### Prosecution Maintains the Act of Paying Non-Settlers is the Most Flagrant Violation of Law.

The defense in the big land trial before Judge Munger of the federal court yesterday waived introduction of evidence and entered at once upon the argument of the case as its only rebuttal of the vast amount of evidence submitted by the government during the first twenty-five days of the trial. The attorneys for the defense set up in their argument that the prosecution was animated by self-seeking officials, superiors anxious to make a record by inflicting punishment upon these land men and subordinates bent on doing the will of their superiors. It maintained the government had been ill-advised by the men directing the fight against the big land men and maintained there was nothing illegal in acquiring land the way these men have, conceding they had paid entrymen to file upon it. The defense raised the plea that it was prejudice against the rich.

The government's contention was that the very act of paying men and women to file upon land which they never had the remotest idea of occupying was in itself a flagrant violation of law, unjustifiable by any conceivable means.

By 5 o'clock District Attorney Goss for the government and Attorney Brome for the defense had concluded their pleas. The two sides agreed on six hours of argument to the side.

**Only Walcott Released.**

Prior to the beginning of argument, Judge Munger overruled the motion of defense to strike out of the indictment the names of all the defendants and sustained his action of the day previous in releasing F. M. Walcott as the only defendant on the grounds that but one witness had testified to connect him with the conspiracy.

"In the cases of the other defendants," said the court, "the evidence is such that it must be passed on by the jury."

The jury was then called in, but as the attorneys had not yet assembled their papers and notes for the beginning of the arguments, the jury was then excused.

The attorneys filed with the court a memorada of the instructions they wished presented to the jury. R. S. Hall's contribution of instruction comprises a bundle of papers an inch or more thick. Judge Munger, in glancing at the mass of papers, dryly remarked:

"Mr. Hall, you must have lost some of these."

The jury was recalled and Judge Munger said: "Gentlemen, before entering upon the argument of this case perhaps I should say the jury will be directed to find a verdict of not guilty as to the defendant, Walcott, and of not guilty to count twenty-three and twenty-eight of the indictment."

**What These Counts Are.**

Counts twenty-three and twenty-eight are those in which the entrymen named as witnesses could not be found to testify.

By agreement of counsel the court limited the arguments to six hours to each side.

United States District Attorney Goss began the argument for the government at 10:20. His argument at the outset was an exposition of the homestead laws and the rules governing the entering of government lands and the inviolable requirements of the law as regards settlement and residence as a requirement of final proof, which he held had been violated by the defendants in this case in pursuance of the conspiracy alleged in the indictment.

Mr. Hall objected to the counsel for the government injecting into his arguments facts not borne out by the evidence. The court cautioned Mr. Goss to confine himself closely to the evidence.

Mr. Goss showed the close connection of the defendants, Richards and Comstock, with the initial stages of the alleged conspiracy. He referred to the employment of United States Commissioners Heath at Merriman and Cody and O'Keefe at Ellsworth on June 28, 1904, by Comstock and Richards to perfect the colonization of the entrymen on the initial day of the operation of the Kinkaid law. Practically all of Mr. Goss' argument was a review of the evidence confirming the circumstances of conspiracy.

**Fact Patent to All.**

"Any 15-year-old boy would know that these men were violating the law at the time," said Mr. Goss. "None of these old soldiers or other entrymen or entry women intended to live on the land and practically all of them admitted this fact on their direct evidence. All they came for was what they could get out of it, and they said so. The evidence further shows that they understood they were to dispose of the land to these defendants upon making final proof for various sums."

Frequent reference was made to the incriminating letters written by Bartlett Richards, Jameson and others in furtherance of the conspiracy scheme.

Mr. Goss was frequently interrupted by Mr. Hall, who charged him with knowingly misstating the evidence, which brought forth sharp rejoinders from Mr. Goss. Judge Munger would occasionally admonish counsel to direct his remarks to the jury and refrain from personalities.

**"Defense Gives No Evidence."**

Mr. Goss concluded his argument at 2:35 o'clock Tuesday afternoon with an elegant peroration, in which he dwelt upon the early settlement of the west by men who, while of humble circumstances, built here a great empire.

"Men who came here from the fiery furnace of war," said he, "men who turned their swords into plowshares and made these western plains blossom as the rose, were men of the most humble circumstances, who, availing themselves of a government's liberality, acquired homes on the free soil of these fertile plains, suffered the privations of hunger, famine and poverty, yet by indomitable courage built up homes by the honest endeavor of complying with a beneficent law."

**Argument for the Defense.**

H. C. Brome opened the argument for the defense. He began with a review of the testimony, analyzing it in a general way. Mr. Brome said, in part:

"This trial is but a test of the strength and power of the government. I believe in the enforcement of law as you find it. The government is not the men who hold official position, but is constituted by the great body of the people of whom you and I are component parts. Is the government strong enough to administer justice? Is the government strong enough to give these defendants an impartial trial before you twelve impartial men in the face of public prejudice and popular clamor? Men have been sent to prison who have violated no law. The prosecution has sent special agents up and down the land to discover if the law has been violated and to secure testimony in this case. They have had their hands in the public treasury and were drawing government salaries. They wrought to please their superiors by showing up a wholesale violation of the law. Admitting that these defendants have procured men to file on lands and paid their expenses, there has never been a time in the history of this country that these defendants and others had not the right to do so. The defendants had a right to lease the lands as did the entrymen to them. It is the law. The charges embodied in this indictment allege that these defendants conspired and combined to obtain unlawful title to public lands. It is up to the government to prove these allegations. The government has not done this, and under the evidence you must declare these men not guilty."

**Real Question at Issue.**

"The question at issue in this case is, did these men go into a conspiracy? No proof has been produced that they did. Will you convict these men, good, responsible, reputable citizens, just in response to public sentiment and popular judgment on this evidence. Nobody ever dreamed that these men have committed a crime unless it be such as want to see them punished. I believe in this matter that the government has somewhere, somehow, been very illy advised. It is true, as has been said by the attorney for the government, that this is a rich corporation. Shall sympathy and prejudice influence you against these men?

"Rich or poor, high or low, all men and motives should be measured by the same standards of justice and fairness."

Mr. Brome concluded his argument at 5 o'clock. An adjournment was taken to 9:30 this morning, when Judge A. W. Crites will resume the argument for the defense, followed by R. S. Hall, when Special District Attorney S. R. Rush will close for the government.



# TALK VS. REAL KNOWLEDGE

### How It Has Turned Out in the Life Insurance Record for the Year.

"Any poorly informed person's assumption of knowledge is always in full inverse ratio to his ignorance," said a gentleman conversant with insurance matters yesterday. "The less he understands of a subject the more he invariably believes he knows about it. A man of as broad business views as the late Marshall Field of Chicago, when asked shortly before his death what he thought of the life insurance situation, said frankly it was too comprehensive a subject for him to have yet fairly grasped. But there has hardly been a man of mediocre understanding and attainments not ready at any time the last two years to voice, write or print a—to himself—perfectly satisfactory showing of the whole matter.

"Such men have carried the idea that American life insurance was in some way faulty in principle, when in reality it is conducted exactly on the same basis and at the same general cost as in every other land. They have shown that it was insecure when it is actually the embodiment of security; that its investments are uncertain when rigid scrutiny has proved them to be among the soundest in existence. 'The companies are rotten' has been their shout, though scores of the best organizations in existence exist, prosper and earn the almost daily encomium of their satisfied policyholders. 'They'll never do any such large business as in the past,' has been a stereotyped cry, yet the returns of new insurance written in 1906 by many companies show that they are securing more policies than in any previous similar time in their history.

"If life insurance has been under a cloud, there must have been some remarkable rifts in the same through which the sunlight of success and public confidence has streamed, for companies easy to name have written nearly double the amount of insurance this year that they did during 1905.

"All this, of course, will not keep the wiseacres from their head wagging and know-it-all chatter, but the family protection obtainable only through life insurance is being steadily attained in a finely growing ratio, and that is the main thing, after all."



# EARLY TRIAL FOR ELLIOTT

### Hearing of Sonnenberg Robber May Be Held Before the Holidays.

Edward Elliott, who held up and robbed Joe Sonnenberg, the Douglas street pawnbroker, of $6,546 worth of watches and jewelry probably will have his trial in district court before the holidays. His case is scheduled to follow the Gray murder case, which will be finished Wednesday. A copy of the information was served on him yesterday in order that the twenty-four hours required by law to intervene between the serving of the information and the arraignment may be up by the time the Gray trial closes.



# BIGGEST CHRISTMAS TRADE

## Present Season Pronounced by Dealers Ahead of All Others.

## STORES ARE REAL HIVES OF INDUSTRY

### Every Available Clerk is at Work from Early in the Morning Until Late at Night.

Great hives of industry are the Omaha stores today as they enter upon the last rushing week of Christmas trade. It is the great week of the year and there is no room in the stores for drones. From 8 o'clock in the morning to 10 o'clock at night the rush is on but the machinery back of all this activity runs even through the night.

The stores have hired all the clerks that can be secured. There is additional help in the receiving department and the delivering department. The men who unpack goods and keep the counters supplied with the various articles have a busy time, and the men who deliver the goods to the homes of the customers work many hours after dark.

Merchants say the trade has never been so active in former years as this year. Neither has it been so well handled. This fact was due largely to the movement made early in the year to get people to do their shopping early, thus avoiding the inevitable rush of the days immediately preceding Christmas and facilitating the work for clerks and employes of the stores as well. Many people have bought all their Christmas presents already.

**Shows General Prosperity.**

The general prosperity of the country is reflected in many of the Christmas goods. It is noticeable that the grade is higher and the price correspondingly so. There is also a wonderful variety of novel goods. In the line of art goods, pictures and chinaware there is a seemingly endless variety of new striking things to make glad the Christmas day. Many of these goods are imported, showing the foreign stamp in design and execution. Some Dutch ware that attracts considerable attention has little mottoes burnt into it. One of these is "Du Zummat, Du gude ef you ken, but du Zummat." Translated this means "Do something. Do good if you can, but do something." The Dutch as printed here shows the great resemblance of that language to English. A piece of ware from Germany is a match box in the shape of a camel lying down. On the camel is printed in German, "The camel can work eight days without drinking. There are also camels who can drink eight days without working."

There are many toy novelties, automobiles of every design and size, trains of cars on tracks of wonderful intricacy, engines and locomotives. The "Roosevelt Bears" are something new, taking the place of the woolly sheep, which has held undisputed sway so long. The bears are of all sizes and several colors.

The men employes of the stores work this week from 8 o'clock in the morning until 10 at night and sometimes later. The women and girls work from 8 a. m. to 6 p. m., with one-half hour for noon, or from 10 a. m. to 10 p. m., with an hour for dinner and the same for supper.

# JUDICIAL BILL TROUBLES

(Continued from First Page.)

congressmen did not control in quite a number of cases that were then sent to the senate. Part of those at that time sent in failed of confirmation, as they did not reach the senate until a day or so before adjournment. Only two nominations so far have been made and it is understood these had the approval of Senator Gamble. Undoubtedly the contest will be kept up, but so far it would seem that Senator Gamble has had the best of it, as he did last June. It cannot be learned whether anything is being done in federal patronage in the state outside of the postoffices. On account of the division in the delegation this, however, seems unlikely for the present.

**Minor Matters at Capital.**

Congressman Kinkaid was notified today of the following pension allowances: Cephas Ross, Crawford, increase to $10, from October 14; John R. Chandler, Ansley, increase to $12, from November 7; William Gleason, Ansley, increase to $17, from November 7.

The bureau of pensions has notified Congressman Kennedy of the reissue of the pension of John B. Born of Omaha at a rate of $16 per month, from August 4, 1898.



Senator Gamble of South Dakota has nominated Nathaniel Eugene Whiting of Desmet a cadet at West Point; Sumner Orion Stearn of Madison and John Henry Balmat of Yankton, alternates.

Rural carriers appointed: Nebraska—Clarkson, routes 4 and 5, John Urbanek carrier, Joseph Urbanek substitute; Columbus, route 6, Charles Koenig carrier, Edward Butler substitute; Craig, route 4, Mathew M. Cherry carrier, Robert McPherson substitute; Leigh, route 1, William C. Brunswick carrier, George Henry substitute; Platte Center, route 2, William H. Dress carrier, Edward Clother substitute; Schuyler, route 3, William R. Davis carrier, Clifford R. Davis substitute; route 5, George W. Howe carrier, William C. Pelter substitute; Silver Creek, route 1, Joseph R. Merrill carrier, George Merrill substitute. Iowa—Donahue, route 1, Herman Fahrenkrog carrier, William C. Fahrenkrog substitute. South Dakota—Bristol, route 3, Jesse C. Morehouse carrier, Paul Dempsey substitute; Pierpont, route 1, Alfred B. Smedstad carrier, T. A. Grenhiem substitute.

Rural route No. 4 has been ordered established February 16 at Mount Vernon, Davidson county, South Dakota, serving 333 people and seventy-four families.

Albert S. Gorman has been appointed postmaster at Polk, Polk county, Iowa, vice G. W. McLean, resigned.

Edgar M. Bentley has been appointed postmaster at Colman, Moody county, South Dakota, vice F. J. Snyder, resigned.

# SCHOOL CORNERSTONE LAID

(Continued from Third Page.)

Miller, ten from Sumner and twenty-eight from Calloway, besides a number from Broken Bow, Lexington and Cozad. A midnight supper was served at the hotel, at which over 100 were seated. Oconto lodge starts out with a live membership of twenty. The following are a list of the officers installed: Noble grand, R. R. Crowe; vice grand, James Foe; treasurer, John W. Conley; secretary, George C. Webster; trustees, Charles Davey, John Pile and R. G. Roberts.

## PLATTE RIVER RECEDES SLIGHTLY

### Fear Bridge Will Go When the Gorge Breaks.

GRAND ISLAND, Neb., Dec. 18.—(Special.)—During the night and this morning the water in the Platte, in this vicinity, has gone down about a foot, being still, however, out of the river's banks. Reports from further west are to the effect that the water there is rising. The gorge is just half a mile below the St. Joseph & Grand Island and the county wagon bridges, and several miles above the Hall-Hamilton county wagon and the Burlington railroad bridges and the latter, particularly the wagon bridge, may be in some danger when the gorge is broken. Many of the farmers are yet unable to get to their hay lands and to provide properly for their stock.

**Bloomfield Has Public Library.**

BLOOMFIELD, Neb., Dec. 18.—(Special.)—Bloomfield now has a public library, but it is not of the Carnegie stamp. The two Woman's clubs of the town, in co-operation with Mr. W. H. Harm, have rented, furnished and supplied, with books and magazines, one of the large rooms in the new Pospeshil theater. A meeting was held last evening at the theater for the purpose of electing trustees and to arrange for the maintaining of the library. Mr. Harm, in a few well-chosen words, stated the object of the meeting and the necessity of providing for our young people, who have no home, access to a library, a place to spend their evenings. The organization was named the Bloomfield Public Library, and the following trustees were elected: W. H. Harm, L. C. Calkins and Will A. Patton. The remaining two trustees are to be chosen by the two Woman's clubs from among their members.

**Farmer Found Dead in Yard.**

GRAND ISLAND, Neb., Dec. 18.—(Special.)—John Brown, aged 70, an old settler and living alone in the southwestern part of this county, was found dead in his front yard by neighbors. On last Friday Mr. Hannan called at the place to see how the old gentleman was getting along and found the doors open, but no sign of Mr. Brown anywhere in the house or on the farm. Nor was he where, several days later, he was found by neighbors. Death was due, apparently, to natural causes, probably old age and heart trouble. He has no relatives here, but has one daughter living in Indiana and three in Wyoming.

**News of Nebraska.**

COLUMBUS—Mrs. P. J. Cunningham has returned from a visit to Virginia.

COLUMBUS—Women of the Presbyterian church raised about $200 by their bazar.

COLUMBUS—Rev. J. S. C. Wells of Norfolk held services at Grace Episcopal church Sunday.

COLUMBUS—Outage valued at $52 was reported for electric lights last month by the chief of police.

COLUMBUS—Wills of B. F. Munro and wife of New York are filed for probate here. They convey land to daughters.

COLUMBUS — Twenty-two probationers were admitted to full membership in the Methodist Episcopal church here Sunday.

BEATRICE—Yesterday was one of the coldest days of the season. The river is frozen over and boys are skating on Indian creek north of the city.

BEATRICE—Bishop Bonacum of Lincoln was in the city yesterday on business connected with the improvements already started here by the Catholic church.

COLUMBUS—Less than ten years ago Fred Bargeman bought eighty acres of land near here for $27 an acre and has just sold it for $100 an acre after taking $1,000 a year from it.

BEATRICE—A dispatch from Washington, D. C., states that Fred Barclay, a former Beatrice boy, has been admitted to practice law in the supreme court of the United States.

BLUE HILL—An important real estate transfer took place in this city last week when eighty lots belonging to R. H. Rohrers, now residing at St. Joseph, Mo., were sold to C. F. Gund of this city.

BEATRICE—Frank Dexter of Omaha arrived in the city yesterday to take charge of the United States recruiting station here to succeed D. R. Lee, who left today for St. Louis to join a theatrical company.

BEATRICE—There has been a great religious awakening in this city during the last two weeks as a result of the union revival meetings conducted by Dr. Jordan. Nearly 200 people have been converted.

BEATRICE—J. L. Stevens died yesterday at the home of T. P. Osman, four miles west of the city, where he has been living for some time. Death was due to consumption. He was 44 years of age and leaves a widow and two children.

ALBION—For the first time this season the ground is covered with snow. A light snow began falling this morning and continues with fair prospects of it lasting during the day. Most of the corn has been gathered, though quite a number of farmers are not yet ready for snow.

FREMONT—The Sure Hatch Incubator company has its plant completed and in full operation. It is now turning out 150 incubators and brooders a day and doing considerable shipping in carload lots. The company is having more or less trouble in getting lumber owing to the shortage of cars.

BEATRICE—Mrs. Etta Gunn died at her home in West Beatrice Sunday from pneumonia, aged 39 years. She is survived by her husband and a daughter. Funeral services were held yesterday from the La Salle Street Methodist Episcopal church, and interment was in Evergreen Home cemetery.

BEATRICE—Word has been received here from Washington, D. C., announcing the marriage of Ralph Lorain Sabin, eldest son of Judge and Mrs. R. W. Sabin, and Miss Anna Hilibert Speich, which occurred at the bride's home at Washington last week. The young couple will make their home at Hastings, Neb.

BLUE HILL—The Glenwood Telephone company of Webster county held a meeting in the city hall today to consider the purchase of a new switchboard, as the one at present is too small, and also in regard to moving the central office in an uptown building. Representatives of the Bell Telephone company were present and gave them a talk and asked them to connect with their company.

BEATRICE—The Beatrice Liederkranz elected these officers: Peter A. Kahnen, president; Paul Engler, vice president; Ernest Kuehl, recording secretary; Rudolph Engler, financial secretary; Edward Knoerig, treasurer; Louis Lamberti, librarian; Julius Rathke, George H. Smith, N. Hess, board of trustees. The society decided to become a member of the Nebraska Saengerbund, whose headquarters are at Grand Island.

FREMONT—In the county court today an application was made by the friends of William T. Nolan for the appointment of a guardian. Nolan has been absent and unheard from for several years. He owns some land in this county which is charged with the payment of some legacies and his creditors have obtained judgments against him. The land is worth enough to pay the claims and still leave a surplus. The proceeding is a rather unusual one and after hearing arguments by the attorneys for the different parties the court took it under advisement.