

ROOT ON JAP ISSUE

Secretary of State Says There Was No Danger of War at Any Time.

TALKS TO INTERNATIONAL LAW SOCIETY

Real Questions Involved in Recent School Dispute Are Explained.

DRAGO DOCTRINE IS UNDER DISCUSSION

John W. Foster Says It Was Originated by Alexander Hamilton.

ADDRESS BY JUDGE ADVOCATE DAVIS

Immunity of Neutral Property at Sea and Rights of Belligerents Are Subject of Discussion.

WASHINGTON, April 19.—That there never was at any time any danger of war between the United States and Japan, growing out of the recent controversy regarding the segregation of the Japanese school children in the public schools in San Francisco was made clear by Secretary Root in an address on "The real questions involved in the Japanese school resolution," at the first annual meeting of the American Society of International Law here today.

The question of state rights, Secretary Root declared, was not involved. Much of the afternoon session was devoted to the discussion of the so-called Drago doctrine, which former Secretary Foster declared was first originated by Alexander Hamilton, more than 100 years ago.

The delegates were entertained at dinner last night by Charles Henry Butler. One hundred guests, prominent in Washington's official, diplomatic and social life, were present to meet the visiting lawyers.

Secretary Root talks.

The opening session was well attended. Secretary Root, who was the first speaker, said:

Gentlemen: In opening this meeting of the American Society of International Law, which is the first of a series of many meetings in unbroken succession to continue long after we personally have ceased to take part in them, I am glad to say that you are here to begin your labors for a more thorough understanding of this important and fascinating subject.

I shall desire you from the interesting program of instruction and discussion which has been arranged for this meeting only by trying to understand the meaning of service that the society may render, in a somewhat different way from that which has been rendered in the past.

After reading the preamble of the treaty with Japan, the constitution and school laws of California, Mr. Root said:

It is obvious that three distinct questions were raised by the claim originating with Japan and presented to the courts in San Francisco. The first and second were merely questions of treaty interpretation. The third, the right to attend the primary schools a right, liberty or privilege, that is, the question of the limitation of Japanese children to the primary school and their exclusion from the ordinary public schools.

Other important points.

The other question was whether, if the treaty had the meaning which the government of Japan asserted, it gave the government of the United States the constitutional power to make such a treaty agreement with a foreign state which should be superior to and controlling upon the laws of the state of California.

There was a very general misapprehension, it is assumed that in making and asserting the validity of the treaty of the United States was giving the right to compel the state of California to admit Japanese children to its public schools to Japanese children of its public schools to Japanese children of its public schools.

State Rights Not Involved.

It has been widely asserted and assumed that this treaty provision and its enforcement involved some violation of state rights. There was and is no question of state rights involved, unless it be the question which involves the adoption of the constitution.

The speaker then took cases in support of the power of the United States in making treaties and the binding effect of those treaties upon the states. He referred to the feeling in San Francisco and the conference in Washington, saying:

There was, however, a supposed or apparent clash of interests, and a supposed or assumed conflict of policy and purpose was necessary. Many thoughtless and some mischievous persons have spoken and written regarding these conferences and communications, and these were the perplexing and confusing of the public mind.

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SUMMARY OF THE BEE

Saturday, April 20, 1907.

Table with columns for days of the week and corresponding numbers for the year 1907.

THE WEATHER. FORECAST FOR NEBRASKA—Fair Saturday and Sunday; warmer Sunday. FORECAST FOR IOWA—Partly cloudy Saturday and Sunday. Temperature, Omaha yesterday: High, 64; low, 42.

DOMESTIC. Secretary Root in an address before the Society of International Law, discusses questions involved in Japanese school issue at San Francisco and says there was no danger of war at any time.

Cold weather and snow is reported generally from the Ohio valley to the Atlantic seaboard.

Friends of Harry Thaw indicate their belief that he will remain in jail this summer.

M. C. Burch declares there is no connection between the case against Western Federation of Miners officials and the fraud cases in Idaho.

NEBRASKA. Ross Hammond announces his candidacy for the collectorship of internal revenue.

L. N. Miller, a Wymore hotel man, is dangerously stabbed by two discharged employes.

FOREIGN. Sir Alfred Deakin, premier of Australia, in speech at London says colonies should be independent nations.

Reports of the famine in China show the necessity for greater relief.

Members in British Columbia have begun to return to work by the officers of the International Brotherhood.

LOCAL. Thomas M. Huntington, Ami B. Todd and Fred Hoyt are convicted in the federal court of conspiracy to defraud the government out of \$50,000 acres of land.

Real estate agents representing Union Pacific refuse to part with the property chosen for the site of the new headquarters building, giving the impression the structure will be erected.

Big task of furnishing the new Young Men's Christian association building is now in progress of performance and the formal opening of the building is set for the last week in May.

Ruling of State Railway commission that policemen and firemen cannot ride free on street cars is pronounced by Chief of Police Donahue as a serious blow to the Omaha police department.

Experts pronounce wheat positively safe from green bugs and fruit only partially damaged by recent severe weather.

COMMERCIAL AND INDUSTRIAL. Live stock markets. Grain markets. Stocks and bonds.

Dun's review of trade says spring business is retarded by unreasonable weather. Factories are still busy and building operations continue.

RECEIVER FOR OIL COMPANY. Federal Judge in Kansas Will Take Charge of Uncle Sam Concerns.

TOPEKA, Kan., April 19.—In announcing his decision to appoint a receiver in involuntary bankruptcy for the Uncle Sam Oil company today, Judge John C. Pollock in the United States district court took occasion to denounce the scheme of the company as outlined in its advertising as "impracticable."

INDEPENDENCE FOR COLONIES

Premier of Australia Makes Prediction that Causes Diplomats to Shudder.

LONDON, April 19.—Field Marshal Lord Roberts presided at a banquet given tonight by the Pilgrims' society in honor of the various colonial prime ministers who are at present in London to take part in the Colonial conference.

At the table with Lord Roberts sat Whitehall Reid, ambassador of the United States; Sir Edward Grey, the foreign secretary; Lord Strathcona, the Canadian high commissioner; Alfred Deakin, premier of Australia, and the duke of Devonshire.

The government was represented by a majority of the members of the cabinet, and in addition to many of the most prominent men at the bar, in the church and in the commercial world, sat down at the tables. Canada alone among the colonies was without a spokesman.

The speakers were Sir Edward Grey, Alfred Deakin, Sir Joseph Ward, premier of New Zealand; Alfred Littleton, T. W. Smart, commissioner of public works for Cape Colony, who spoke for Dr. Jameson, who is ill; the duke of Devonshire and Lord Roberts.

Sir Edward Grey referred to the mistake Great Britain had made in her colonial policy in a former country and he was sure this would not be repeated. Lord Roberts and Mr. Smart spoke of the reunion of the Anglo-Saxon nation and reminded their hearers that Americans were taking part in the celebration of the evening.

Independence for Colonies. Alfred Deakin dealt with international problems with straightforward words that undoubtedly will make the careful British diplomat shudder.

He said it was a fact that the colonial office was farther from the colonies than the colonies from the colonial office, and emphasized the claim that the colonies should be independent nations.

He promised that Australia next year would inaugurate a system whereby it would defend itself in the event of war without assistance from the mother country.

Then, referring obviously to the German occupation of the New Hebrides, the premier said he wished it to be noted that England had not taken the same course to secure a foothold close to Australia without consulting Australia.

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The estate, which is probably small enough as it is, will be conserved for the stockholders, and the receiver is appointed in their interests," Judge Pollock said.

"The creditors are business men and should have gone into the scheme with their eyes open. Any business man should have known that Tucker's scheme as outlined in his advertising was impracticable. Whatever is left shall be kept together for the stockholders, many of whom are poor and unable to lose the money they have invested."

Judge Pollock did not name the receiver tonight, as had been expected, but will probably do so tomorrow morning.

The receiver will be appointed under the bankruptcy law, the application having been based on the fact that H. E. Tucker, Jr., and the other officers of the company had made a general assignment of all the property of the company to three trustees, in his advertising, was impracticable.

The company has 10,000 stockholders, distributed over the country. A statement released April 19 last showed receipts from sale of stock of something over \$1,000,000.

COLD WEATHER IN THE EAST

Snow Falls Over Ohio Valley and Philadelphia Breaks Twenty-Six-Year Record.

CLEVELAND, O., April 19.—Snow fell last night and early today over nearly the entire state. The temperature registered from 2 to 20 above zero.

PHILADELPHIA, April 19.—Snow fell early today throughout the greater part of eastern Pennsylvania. The local weather bureau reports the month as the coldest April in twenty-six years.

NEW YORK, April 19.—A cold accompanied by a gentle but steady snow, gave anything but a pleasant aspect to the day. Snow began about 10 o'clock and continued to fall for several hours, but in the afternoon it disappeared as fast as it fell.

THE EXTREME variation in April weather in New York is shown by the fact that in the latter part of the month the thermometer recorded a maximum of 50 degrees. This is the highest temperature for an April day ever recorded in the New York weather bureau.

FLURRIES of snow in April, however, are not unusual, as shown by the fact that one is recorded as late as May 6, 1891.

DENVER, Colo., April 19.—The snow-storm that has prevailed in the mountains for two days has spread over Colorado, Wyoming and a portion of New Mexico, and the weather bureau predicts that it will continue for at least twenty-four hours.

SNOW began falling in Denver early today with a temperature of 36 degrees and a steady wind. As the snow advanced the temperature rose. Damp, fruit and early vegetables are OK.

OKLAHOMA CITY, Okl., April 19.—Reports from western Oklahoma say that snow is falling from Chickasha, I. T., to Amarillo, Tex., and north to the northern limit of Oklahoma.

SNOW was reported as falling so fast as to make it difficult to keep trains moving. A temperature of 38 degrees prevailed.

TOPEKA, Kan., April 19.—A heavy snow-storm is in progress tonight in the extreme western section of Kansas. At Leakin the ground is covered with two inches of snow and the rail continues. Telegraph wires are working badly, the Santa Fe having only one wire west of Dodge City. Temperatures are not low. In eastern Colorado the storm is especially severe.

BRIDE HUNDRED YEARS OLD

Couple Separated in Youth by Parents to Be Married in Tennessee in August.

ST. LOUIS, April 19.—Announcement was made today that on August 26 next, John B. Bunden, who on April 1 was 104 years old, will be united in marriage to Miss Rose McGuire, who is almost 100 years old.

The wedding will take place on Mr. Bunden's estate near Tateville, Tenn. He has been visiting relatives in St. Louis for several weeks and has just returned to Tennessee.

The announcement reveals a romance. Bunden and Miss McGuire were sweethearts in Tennessee in their youth. Her parents, of English descent, would not give consent for their marriage and finally the couple fled to the United States.

Along with Bunden went to California and acquired considerable wealth. He never married. From California he returned to Tennessee and bought his birthplace near Tateville.

He decided to hold a reunion of old friends on his estate this year and sent out numerous invitations. Not long ago he received a letter from Miss McGuire, who is still unmarried.

Correspondence followed and he renewed his offer of marriage and was accepted. The date of the wedding and the reunion of old friends on his estate is August 6, on the bride's birthday anniversary, when she will be 100 years old.

Bunden has long white hair and a flowing white beard. He does not smoke or drink liquor and apparently is hale and hearty. In June he will go to Preston, England, to escort his intended bride to the States.

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BURCH ON IDAHO AFFAIRS

Special Attorney for Government Denies Some Stories Sent from Boise.

DENVER, April 19.—Judge M. C. Burch, special assistant United States attorney general, who returned from Boise, Idaho, yesterday, in an interview with a representative of the Associated Press today denied that there is any connection between the land fraud investigation in Idaho and the prosecution of the officials of the Western Federation of Miners on the charge of complicity in the assassination of former Governor Frank Steiensenberg of Idaho.

"Sensational reports going the rounds of the western newspapers concerning the Idaho case should be very largely discounted," said Judge Burch. "The Idaho lands investigation in that state are not new. For nearly four years these investigations have been going on in northern Idaho and I was instrumental in sending both a special attorney and a special examiner of the Department of Justice there at the start. It requires some time to pry off the lid which ordinarily covers such transactions, and such was the case there, but nearly a year ago some of the guilty parties were indicted and convicted."

In southern Idaho the alleged frauds were committed by the officers of the Departments of Justice and of the Interior have never urged forward nor retarded their operations by reason of the pending offenses alleged against the three officials of the miners' federation in that state, and statements to such effect are without foundation.

Why Reuk Was Called. "The visit of District Attorney Reuk to Washington is a mere ordinary occurrence. It being customary to call district attorneys there for report and consultation with department officials concerning affairs in their districts, especially when any litigation is pending, it is not unusual for the attorney to be called for the purpose of the outlay of more than ordinary funds."

"The attorney general is always in control of any matter, civil or criminal, and would not think of overruling the action of a grand jury by review of its action before the indictment and the trial of the parties indicted, nor to forestall a proper inquiry into the probable guilt or innocence of parties accused and not yet indicted. The courts are so entirely above and beyond the reach of the influence of the Department of Justice or any executive officer of the government that it is extremely difficult to federal judges either as to their dignity or power to intimidate, as has been done, that there is any necessity to go to Washington and explain what they have or have not done in obedience to call or request of any executive officer of the government."

As to Senator Borah. "It is equally unfair to draw any conclusion on the other hand against Senator Borah. It was commonly understood he was in the Steiensenberg murder case as special attorney for the prosecution before he was elected to the senate. It is, I think, a fair statement to say that in a general way he has acted in a general way in his capacity as attorney for the Barber Lumber company, which company is alleged in connection with others to have been engaged in illegally obtaining lumber lands near Boise. But that does not preclude, nor is it in itself the slightest evidence, he had any part in procuring lands or conspiring to do so."

It has been, to my knowledge, and I have ever reason to believe it will be the policy of the Department of Justice in Idaho to have strict control over the land and its administration there absolutely free from entanglement, either with the prosecution or defense of Moyer, Haywood and Pettibone, and to avoid any possible interference, in any manner, by political influence on one side or disposition to aid the accused on the other, and if the subject is even considered by the attorney general or other executive officials I am satisfied it will be strictly along the line of how best to punish the offenders of the federal laws and recover lands wrongfully obtained from the government, and not in any wise, while going to the aid of the subject in the trial of the alleged offenders against the state of Idaho."

Suits to Recover Land. BOISE, Idaho, April 19.—The government today filed a suit in the United States circuit court against the Barber Lumber company to set aside 25 patents, involving 40,000 acres of timber land in Boise county, worth over \$9,000. Fraud in securing title to the lands is alleged.

Reuk at Washington. WASHINGTON, April 19.—Norman N. Reuk, United States attorney for the district of Idaho, arrived in Washington today. He called at the Department of Justice, but did not see the attorney general. Although no statement has been made at the department as to Mr. Reuk's mission in Washington, it is the belief of the officials that he is here to discuss with the attorney general matters connected with the indictment of United States Senator Borah.

ALLEGED CONSPIRACY FOUND

Pennsylvania Anarchists Said to Have Plotted Death of President Roosevelt.

NEWARK, N. J., April 19.—An alleged plot on the part of Pennsylvania anarchists, who are said to have headquarters at Hazleton, to assassinate President Roosevelt is being investigated by the United States marshal here.

Information which led to the investigation was given to the officers by Chief of Police Adams a few days ago just before he shot and killed himself. The chief told the secret service officials that he obtained his information from Jan Baratta, who recently came here from Audubon, Pa., and who claims to be a member of the band of conspirators. He said they had gone back on him and it was with a desire to be revenged upon them that he exposed the plot. He gave Chief Adams the names of several persons who he said were implicated in the plot and further said that Colquhoun, who assassinated President McKinley, had been a member of the band. Chief Flynn of the New York district of the United States secret service has had several men at work on the case ever since the information was given him by Chief Adams. They have interviewed Baratta and he told them practically the same story.

OIL COMPANY OBJECTS TO RATE

Charges Out of Reason City Alleged to Be Discriminatory in Character.

(From a Staff Correspondent.) WASHINGTON, April 19.—(Special Telegram.) The Interstate Commerce commission today received a petition from R. B. Willard and G. H. Ruth, doing business under the name of the Marshall Oil company, against the rates charged by the Chicago & Northwestern, Chicago, Milwaukee & St. Paul and Chicago Great Western Railway companies. The complainants allege unjust discrimination in rates between certain points in the conduct of their business of shipments of petroleum and its products over the lines of these railroads from Mason City through the states of Iowa and Minnesota. The headquarters of the complainant company is at Marshalltown, Ia. The complaint of the Marshall Oil company will be served upon the several railroads mentioned by the Interstate Commerce commission with the request to answer in writing within twenty days.

Leutenant Colonel William W. Gray, deputy surgeon general, is assigned duty in the Department of the Gulf and ordered to Omaha for duty as chief surgeon of the Department of the Missouri, relieving Lieutenant Colonel John M. Banister, deputy surgeon general, who will rejoin his proper station.

The Commercial National bank of Kearney, Neb., has been appointed to begin business with \$100,000 capital. T. B. Garrison, Jr., is president; A. E. Waldron, vice president, and T. B. Garrison, Jr., cashier.

Henry J. Schwartz has been appointed regular and Jacob A. Schwartz substitute carrier for route 5 at Marion, S. D.

Benjamin C. Sullivan, Charles S. Sullivan, George H. Conrad, vice Oren Alexander, resigned, Wyoming.—Altamont, Uinta county, Leslie H. McClelland, vice F. T. Graham, resigned.

A postoffice has been established at Moffitt, Deuel county, Neb., with Edith L. Moffitt as postmaster.

NEW RULE FOR LAND ENTRIES

Secretary Garfield and Commissioner Ballinger Take Steps to Give All Fair Chance.

WASHINGTON, April 19.—An order was issued today by Secretary Garfield, and another by Commissioner Ballinger of the general land office, each intended to put a stop to practices which are regarded as evasions of the general land laws. The order of Secretary Garfield provides that hereafter, whenever land is re-opened for settlement after having been temporarily withdrawn for proposed pre-emptive or other purposes, no entries shall be permitted until after the fact of the restoration of the land to the public domain has been printed for sixty days in a newspaper of widest circulation nearest the land in question. The secretary says it has come to his notice that heretofore when lands have been restored to the public domain, interested parties have been "tipped" by wire from Washington on the day the order is issued and persons have located on the more desirable portions of the restored lands, thus obtaining an advantage over others whose first information is not received until the formal information reaches the local land office.

Commissioner Ballinger's order is directed to an alleged abuse of the law allowing the purchase from the government by auction sale of "isolated tracts" of land. The commission believes this privilege has been abused, particularly as one applicant has secured thirty-three applications to purchase different "isolated tracts." The order cancels all such pending applications and makes a further requirement that all applications hereafter to have such tracts sold at auction must be accompanied with an affidavit, stating that the intended purchaser wishes the land for honest purposes and not for speculation.

Mr. Gurley at once gave notice that he would file a motion for a new trial for each of the defendants. Under the rules of the federal court the defendants will be given ten days in which to file a motion for a new trial and a bill of exceptions, and they must file their motion and bond until this motion is disposed of, which is \$5,000 in each instance.

The verdict of conviction was in a measure a surprise to the defendants. They had expected a disagreement, or at least an acquittal for Fred Hoyt, whose participation in the transactions as implied by the indictment was not proved, and each said this was their verdict.

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NO VACATION FOR THAW

Generally Believed that Slayer of White Will Spend Summer in Jail.

NEW YORK, April 19.—No movement to attempt to secure the release of Harry K. Thaw on bail has been made and none is likely for some time.

Dan O'Reilly and Clifford W. Hartridge, the two lawyers still in his employ, say that no immediate steps will be taken regarding bail.

That Thaw and the members of his family are resigned to the fact that Thaw must spend another summer in the Tombs is apparently indicated by the departure from the city of nearly every member of the family. Mrs. William Thaw, the mother, and the Countess of Yarmouth are now in Pittsburgh, and Mr. and Mrs. Edward Thaw have sailed for Europe.

Of all the family that gathered about the slayer of Stanford White during his fight for freedom recently, only his wife, Mrs. Evelyn Thaw, remains at the hotel Loraine. She visits the prisoner daily and declares she will continue so to do as long as he is in jail.

SEVERE WINDSTORM AT SEA

Great Waves Break Over Decks of La Provence, but No Rain Falls.

NEW YORK, April 19.—From midnight Tuesday night until 5 o'clock Wednesday morning the steamer La Provence, which arrived in port tonight, passed through a storm which the officers of the ship say has rarely been exceeded in violence on the Atlantic.

At dinner time on Tuesday the barometer began to fall rapidly, and as midnight approached the ship reached an area where the air was so heavily charged with electricity that the compass became useless. Suddenly a terrific storm swept down on the ship. Great waves broke over the liner's decks, but no rain fell, the night being perfectly clear. After five hours the storm abated as suddenly as it had come. No one was injured, but the passengers were badly frightened.

Captain Alox of the liner believes the strange storm was the result of the same forces which caused the earthquake shocks in Mexico.

WHITTEMORE GOES TO IOWA

Belleuve College Professor Will Join State Young Men's Christian Association.

LAND MEN GUILTY

Huntington, Todd and Hoyt Convicted of Defrauding the Government.

VERDICT ON ALL OF THIRTY-THREE COUNTS

Jury Reaches Decision After Seventeen Hours of Constant Deliberation.

ALL THREE FILE MOTIONS FOR NEW TRIAL

Result of Trial Surprised Defendants, Who Expected Dismissment.

COMPLETES LIST OF INDICTED CATTLEMEN

Evidence in Last Hearing Culminates Big Fight by Government Beginning with Richards and Comstock Case.

"Guilty as charged in the indictment," is the verdict of the jury in the case of the United States against Thomas M. Huntington, Fred Hoyt and Ami B. Todd, who have been on trial for the last eleven days on the charge of conspiracy to defraud the United States out of title, use and possession of about 50,000 acres of land in Sheridan and Cherry counties, Nebraska, by means of false, fraudulent and fictitious entries and for subornation of perjury. A motion for a new trial was made.

The jury went out at 5 o'clock Thursday evening and came in with its verdict at 10 o'clock Friday morning. The trial of the case before Judge T. C. Munger was almost identical with that of the case against Bartlett Richards, Will G. Comstock, Charles C. Jameson and Aquilla Triplett, who were convicted in the former trial. Lasting thirty days, the trial of W. H. Munger was almost identical to the indictment, which began November 18, 1904 and ended in a conviction on December 18, 1904.

James K. Reid Escapes. The present trial began April 8 and constituted the second group of defendants, namely, Thomas M. Huntington, Fred Hoyt, Ami B. Todd and James K. Reid. It was shown, however, that the trial of Reid here was scarcely sufficient evidence to implicate James K. Reid in the matter and his name was eliminated in the present trial. Huntington, Todd and Hoyt being the only defendants. It was also agreed between the contending attorneys that the trial of thirty-three of the thirty-eight counts of the indictment, as the five eliminated counts were such as to preclude proof being given regarding them. These were, however, immaterial as the same general charges were implied in the remaining thirty-three counts, and the government asked a conviction only on these thirty-three counts, and a verdict of guilty was returned on each of them as to each defendant. The eliminated counts were the eighth, twenty-third, twenty-eighth, thirty-sixth and thirty-eighth.

When the jury came in all the defendants with their attorneys were present, as were Special Assistant District Attorney General S. R. Rush and District Attorney G. W. Gurley, of counsel for the defense, asked that the indictment be set aside, and each said this was their verdict.

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