

THE OMAHA DAILY

VOL. XXXVII—NO. 6

OMAHA, TUESDAY MORNING, JUNE 25, 1907—TWELVE PAGES.

SINGLE COPY TWO CENTS.

DARROW STATES CASE

Attorney for W. D. Hayward Outlines Theory of Defense

Plot to Break Up Union

Conspiracy on Part of Mine Owners is Alleged.

REAL MOTIVE OF ORCHARD

Says He Killed Stuenberg Out of Desire for Vengeance.

NOW PLANS TO SAVE NECK

Hopes by Swearing Falsely Against Defendants at Instance of Pinkertons to Secure Pardon.

HOISE, June 24.—A great crowd gathered this morning in the room where W. D. Hayward is on trial, to hear the speech of Clarence S. Darrow, defining the purposes of the defense in combating the evidence put in by the state.

The formalities of opening the session at an end, Mr. Darrow at once took up his place directly in front of the twelve solemn-visaged men in the jury box and began in the slow, mellow drawl characteristic of him to state the theory and plan of the defense to be offered for his client.

Mr. Darrow reminded the jurors of the instructions given them by the court that they are to keep their minds entirely open as to the guilt or innocence of the accused man until all the evidence from both sides has been introduced.

"You have listened to the theory and the evidence of the state," Mr. Darrow proceeded. "Mr. Hawley has covered a wide ground in his opening for the state and we will have to meet him step by step. The defendant here is charged nominally with the murder of Governor Stuenberg, but there were other men in the case, and we will have to meet them step by step. The defendant here is charged nominally with the murder of Governor Stuenberg, but there were other men in the case, and we will have to meet them step by step. The defendant here is charged nominally with the murder of Governor Stuenberg, but there were other men in the case, and we will have to meet them step by step.

SUMMARY OF THE BEE

Tuesday, June 25, 1907.

1907	JUNE							1907
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	
2	3	4	5	6	7	8	1	
9	10	11	12	13	14	15	16	
17	18	19	20	21	22	23	24	
25	26	27	28	29	30	1	2	

WEATHER.—NEBRASKA—Partly cloudy and cool.

TEMPERATURE.

Omaha	66	64	64	64	65	66	66
Lincoln	68	67	66	66	66	67	67
St. Paul	70	69	68	68	68	69	69
Chicago	72	71	70	70	70	71	71
St. Louis	74	73	72	72	72	73	73
San Francisco	62	61	60	60	60	61	61
London	58	57	56	56	56	57	57
Paris	60	59	58	58	58	59	59
Bombay	84	83	82	82	82	83	83
Calcutta	86	85	84	84	84	85	85
Delhi	88	87	86	86	86	87	87

HEAVY LOSS IN TORNADOES

Several Killed and Many Injured at Medicine Lodge.

THREE STORMS IN SAME NIGHT

Tornadoes, Accompanied by Hail, Did Heavy Damage—One Man and Three Women Killed.

MEDICINE LODGE, Kan., June 24.—Three distinct tornadoes struck Medicine Lodge late last night, destroying twenty-five houses in the northern part of the town. Six persons were injured seriously and one is missing. As far as known no lives were lost.

Several persons are reported injured and much damage done to property in the path of the tornadoes in the surrounding country. The missing at Medicine Lodge: Mrs. Bell, an aged woman.

Injured at Medicine Lodge: Mrs. May L. Lyke, internally; may die. Mrs. J. R. McCoy, ribs broken, skull injured. Mrs. Mary Griffith, internally. Mrs. Morris, arm broken. Mr. and Mrs. J. Savary, bruised.

Three women are missing.

The first tornado struck Medicine Lodge, which has a population of about 1,500 persons, shortly after 1 o'clock Sunday evening, destroying telephone and telegraph wires, which shut off communication with the outside and causing other damage. Later two other tornadoes, one completing the damage done by the first. The third storm appeared shortly before midnight. All three came from the north-northwest and were accompanied by a terrific fall of rain and hail, which damaged crops.

MURDER TRIAL AT BRUSSELS

Carlos Waddington Goes Before Court on Charge of Killing Senator Balmaceda.

BRUSSELS, June 24.—The trial of Carlos Waddington, 16-year-old son of Senator Luis Waddington, former charge d'affaires of Chili at Brussels, on the charge of murdering Senator Balmaceda, secretary of the Chamber of Deputies 24 last, opened this morning. The court was crowded with society people and diplomats.

Balmaceda was engaged to be married to the daughter of Senator Waddington. The murder was committed on the evening of the official engagement dinner. A few days before the tragedy Balmaceda requested the Waddingtons to postpone the wedding ceremony, and on the morning of February 24 he called upon Mrs. Waddington and announced his declaration to withdraw from the marriage altogether. He admitted, it is charged, that he had behaved improperly towards Miss Waddington, but accused the young woman of having misbehaved before he met her. Later when young Carlos Waddington found his mother prostrated as a result of the interview with Balmaceda he drove to the home of the latter, who was his personal friend, and after a quarrel shot and killed her.

The contention of the Balmaceda family is that the Waddingtons had tried to force the marriage upon the young secretary of legation and that upon his refusal to marry they resolved to get rid of him. The Waddingtons submit as justification for Carlos' act that Balmaceda had refused to redress the wrong he had done Miss Waddington.

OMAHA GETS ST. JOE STOCK

Receives Heavy Consignments as Result of Latter's Action.

PACKERS UNIT ON POST-MORTEM

No Break in Either Side to the Controversy at Yards or Houses in South Omaha is Noted.

The only apparent change in the business of the South Omaha packers Monday in relation to the post-mortem inspection fight was the receipt of heavy consignments of cattle from territory heretofore exclusively St. Joseph's. This was attributed wholly and directly to the action of the Live Stock exchange at St. Joe in breaking away from exchanges in this and other cities and adopting the post-mortem inspection for dairy cows.

General Manager Murphy made good his declaration of unity to the live stock and Cudahy Packing company has not broken the agreement of the packers and decided to ignore the post-mortem rule. His buyers are continuing to operate under that rule. In this respect no change whatever was noted Monday at South Omaha.

Early trains Monday morning and especially that of the Burlington, contained many consignments of stock from territory heretofore dominated by St. Joseph. The public is fully alive to the situation, say the commission men, and will not patronize any packing center which will compromise on this issue. Hence the shipments from the southeastern corner of the state and southwestern Iowa, making a striking novelty in the South Omaha market. It is anticipated still larger consignments will be on hand with the opening of another day.

All sides at the exchange say they will stick to the battle to this end and that the present time is as opportune as any for making the trial.

Today's Stand Pat.

"So far as the Cudahy Packing company at South Omaha is concerned it will buy its cattle and other cattle Monday under the same regulations as it bought Saturday and it has not there or elsewhere, so far as we are authorized, made any change in its position on this matter of post-mortem inspection of dairy cows. We have not broken away from the other packers. We stand by the agreement."

This statement was made by The Hon. Robert J. Murphy, general manager of the Cudahy Packing company at South Omaha with reference to the story from Kansas City to the effect that that company would buy cattle at the Kawville yards Monday morning subject to the old conditions, regardless of the post-mortem inspection.

"We might agree to such a compromise as was effected at St. Joe," added Mr. Murphy.

"The exchanges and commission men in other cities condemn the action at St. Joe as a betrayal of their interests by the exchange there," he was reminded.

"Betrayal how?" he asked. "It's not a betrayal."

When it was suggested the commission men took the view that if they gave in on the rule as to dairy cows, it would be a matter of time until they would be forced to yield with reference to other cattle, Mr. Murphy said:

"They have no right to assume any such thing."

Asked what effect the controversy was having on the market, Mr. Murphy said it was making it decidedly irregular and added:

"It is hard for anyone to tell just where we are at. I think the result in South Omaha will be some such compromise as was effected at St. Joe."

LEE GRIER FOUND GUILTY

Jury Returns Verdict Against Former Police Court Clerk on Seven Counts.

Lee Grier, former clerk of police court, was found guilty by a jury in criminal court yesterday afternoon on seven counts charging misappropriation of funds and court costs collected by him and not turned into the city treasury. The jury returned a verdict of guilty on all counts with the exception of the sixth count, which is for a fine of \$2,000. Attorney John O. Yaiser announced he would appeal the case to the supreme court on the grounds the information did not state a crime.

The jury went out a few minutes after 11 o'clock and returned with the verdict at 3:30. Grier was remanded to the custody of the sheriff, but was later released until the motion for a new trial is argued.

Grier went on the witness stand in his own behalf Monday morning and testified on a defense to the charge of misappropriation of funds as police court clerk, testimony to the effect he had never received the money for which he had signed receipts and which he had not turned in. He said it frequently happened that circumstances surrounding a particular case would justify his issuing a receipt from jail without actually receiving the money. In other cases he said he would issue a receipt upon a guarantee from some business man that the money would be paid or upon a check. In many cases the guarantee would not be made good or the check would be turned down at the bank. He said he turned over all the money he actually received.

Much of Grier's testimony on this point was ruled out by the court after some heated passages between the court and Attorney John O. Yaiser for Grier.

"I was not drunk the day I went to sleep in court," said Grier in answer to a question from his attorney. "I had had no sleep three nights in succession, owing to the worry of this case. That day I went to my sister's for lunch and came back to the court room and went to sleep from exhaustion."

Arguments in the case were very short, taking up less than an hour. Deputy County Attorney Magney opened and closed for the defense. The case went to the jury shortly after noon.

NO DEAL WITH UNION

Telegraph Companies Again Refuse to Negotiate with Order.

LITTLE CHANGE IN SITUATION

Officials Say All Business is Handled Promptly.

PENSIONS WILL BE AFFECTED

Postal Employees May Forfeit Allowance for Long Service

NO OPERATORS ON TRAIN

Westbound Cars Reported to Contain Strikebreakers Are Not Filled with Telegraphers.

SAN FRANCISCO, June 24.—No word indicating an early settlement of the local telegraphers' strike came from the New York head office of the Western Union and Postal companies yesterday. Officials of both companies in this city say they have been instructed to have no dealings with the telegraphers' union looking toward a settlement, but that former employees will be accepted as individuals.

Unless the striking operators of the Postal company here and in Oakland return to work this morning the company says they will be looked upon as discharged employees and their places will be considered filled, according to the orders which have been received from First Vice President and General Manager Harry S. Kline of New York.

A new phase of the strike as it affects the Postal men who are out lies in the fact that after this morning they will lose standing in entitling them to pensions of 20 per cent of their salaries after fifteen years, in case of being incapacitated for work. The pension, which amounts to \$120 a year at first, is increased at the rate of 3 per cent each year for ten years. In case the strikers from the Postal company return after this morning they will be considered new employees and will have no time to their credit.

Members of the Telegraphers' union stated yesterday that they had instructed an operator at Omaha, N.Y., to ascertain whether it was true that two carloads of telegraphers were bound westward on an overland train to take the places of the local strikers. The operator reported that he had learned from the conductor of the train that the cars in question did not contain operators.

General Superintendent Storer of the Postal Telegraph company said today there was not a message half an hour here in the office and the company was satisfied with the situation.

Superintendent May of the Western Union said business was disposed of today quite promptly. He anticipates a steady increase in the office force until all the men required are at work.

MORE AGITATION IN JAPAN

Politicians Still Using 'Price' Incident as Weapon to Attack Ministry.

TOKIO, June 24.—Public excitement over the American question has almost passed away, but the agitation is still going on. It is mostly the work of politicians of the opposition who are employing this question as a weapon of attack upon the ministry.

Japanese Ask Co-Operation

Chambers of Commerce at Tokio Will Appeal to American Business Men.

TOKIO, June 24.—An informal meeting was held this morning by the delegates from the chambers of commerce of Tokio, Kobe, Kyoto and Yokohama. It would be the next day, indicating the grave danger facing the commercial relations of the United States and Japan owing to the anti-Japanese sentiment on the Pacific coast. The necessity of resorting to speedy measures to remove this obstacle to the development of trade relations was pointed out by the delegates. The meeting will be given official form and then wired to the principal chambers of commerce in the United States asking their co-operation.

CLEAR UP BRIDGER MYSTERY

Boy Supposed to Be Dead Said to Be Working on Ranch in Utah.

EVANSTON, Wyo., June 24.—(Special Telegram.)—Regarding the Fort Bridger mystery, the following telegram has been received by Sheriff Jones of this city:

LYNN, Utah, June 23.—James Van A. Carter is alive and working on a ranch five miles from here. (Signed) E. K. Roberts.

DAN R. HANNA REMARRIES

Justice of Peace Links Him to Divorced Wife of Hotel Clerk at Cleveland.

CLEVELAND, O., June 24.—Dan R. Hanna, son of the late Senator M. A. Hanna, was this afternoon married to Miss Mary Stuart, at the residence of the bride's mother in this city. The ceremony was performed by a justice of the peace. The only witnesses were the bride's mother and one or two other persons. Mr. Hanna has been married twice before, a divorce having been obtained by each of his former wives. The bride is the divorced wife of Frank Skelly, formerly a hotel clerk here. She had resumed her maiden name.

FERRIS TO TAKE TESTIMONY

Appointed to Preside at Hearing in St. Paul Standard Oil Case.

ST. PAUL, June 24.—Judges Sanborn, Vandewater and Adams in the United States circuit court today appointed Premier Justice Franklin Ferris of St. Louis, examiner to take testimony in the case of the United States against the Standard Oil Company. The taking of testimony will begin July 15.

DEVELOPERS AND CREW LOST

SANTIAGO, Chile, June 24.—The Pacific Steam Navigation company's coasting steamer Santiago, a vessel of 1,200 tons, trading between Panama and the south coast of South America, has been wrecked in a heavy squall, fifty miles north of Corral. One passenger and one officer are known to have been saved. The remainder of the passengers and crew are reported to have perished.

WOULD CURTAIL THE LORDS

Premier Campbell-Bannerman Moved Resolution Before Full House of Session.

LONDON, June 24.—Premier Campbell-Bannerman today moved his resolution curtailing the power of the House of Lords before the fullest house of the session. The galleries also were crowded, those present in that part of the House of Commons including many people here.

KING AND PREMIER CONFLICT

Refused to Consent to Severe Measures with Riot Organizers in Portugal.

LISBON, June 24.—King Carlos has refused to consent to the severe measures proposed by Premier Franco against the alleged rioters of the rioting of June 18. It is anticipated that his majesty's disapproval will hasten the resignation of the premier.

MILKED DISTRIBUTES DECORATIONS

PARIS, June 24.—President Fallieres was notified by telegraph this morning that the emperor of Japan had conferred upon him the Order of the Chrysanthemum in celebration of the signing of the Franco-Japanese agreement regarding the far east. Another Japanese order has been conferred on Foreign Minister Piichon.

Will Visit The Hague.

KIEL, Germany, June 24.—Mr. and Mrs. Andrew Carnegie started for The Hague at 9 o'clock this morning. Emperor Wilhelm during the day visited the Argentine warships in those waters.

WORKMAN KILLED IN DITCH

Fred Carlson Entombed and Body Recovered After Hard Work by Companions.

Fred Carlson of Twenty-second and Pierce streets was killed Monday afternoon about 2:30 by the caving in of a sewer ditch in which he was digging. The ditch was in the rear of 606 South Sixteenth street. It was being dug for an excavation to build two old buildings, where the dirt had been filled in and was very loose. His companions, Peter Rasmussen of 438 South Fifty-first street, and Peter Jorgensen, the gang foreman, were working some distance away. At 2:30, when the caving occurred, it was seen by George Givits, a boy named Jensen, who ran to an excavation on Sixteenth street where Gus Carlson was working and called for help. Carlson ran to the hole and began digging for the buried man, but was himself caught up to the hips in the second cave-in. Laborers were called in from the street and for three hours a force of men worked steadily. As fast as the hole was enlarged it caved in afresh and the diggers were compelled to go slowly to avoid striking the buried man with their shovels. Coroner Brailey was on the scene when the body was finally taken out at 5:30 and took charge of it. The hole was not yet deep.

Joseph Jensen, the contractor, and N. J. Gold, a laborer of 2523 Capitol avenue, were digging at the bottom when the body was found.

Carlson was married but had no children. He was working for Peter E. Iler, who owns the property on which the accident occurred.

BILL MURRAY SUCCEEDS FORT

Becomes Senior Assistant General Passenger Agent of Union Pacific, W. S. Basinger, Junior.

A second promotion within a short time has come to W. H. Murray of the Union Pacific. A short time ago he was promoted from the position of chief clerk in the passenger department to the newly created position of assistant general passenger agent of the Union Pacific railroad. It was announced that Murray would go with the New York Central a vacancy was left in the position of first assistant general passenger agent, and Monday afternoon E. L. Lomax, general passenger agent announced that position had been given to Mr. Murray.

Readers of The Bee will not be surprised at this announcement, as they learned upon Mr. Fort's resignation that Mr. Murray, in all probability, would be given the place.

William S. Basinger has been appointed assistant general passenger agent to succeed Mr. Murray. Mr. Basinger entered the service of the Union Pacific railroad in 1881 as clerk in the office of the general agent at Kansas City, and in 1897 was made general freight and passenger agent of the Leavenworth, Kansas & Western railroad. In 1906 he was appointed trainmaster of the eastern district of the Kansas division, Kansas City, from which position he comes to Omaha. Mr. Basinger is a young man of experience and ability, a hard worker, and his many friends, which his long service with the Union Pacific has made him, predict a successful career for him.

GLASS CASE TO COME NEXT

Fourteen Supervisors Who Confessed to Receiving Bribes Will Be Put on Trial.

SAN FRANCISCO, June 24.—Louis Glass, vice president of the Pacific States Telephone and Telegraph company, will be the next man under grand jury indictment brought to trial in the graft case. Tomorrow is likely that the work of impounding a jury to try him on a charge of having bribed the supervisors will begin.

The fourteen supervisors who have confessed to having received bribes from the telephone company will be passing on the names in the Glass case and the trial will afford the first opportunity the supervisors will have had of confessing their hoodlum to the public. When they previously confessed it was within the secret precincts of the grand jury room. In passing on the names in the Glass case it is being argued today, to set aside the indictments against him Judge Lawlor will also consider the testimony taken and the arguments to be presented as applying with equal force to the cases of the indicted officials of the United Railroad company and to Theodore V. Halsey, the outside man of the telephone company.

Murder Result of Jealousy, says Pittsburg, June 24.—Joseph Motonovich and Mrs. Edna Motonovich were shot and killed Monday night at their home in Pittsburg, a mining town near Elkhart, Pa. and then ended his own life by firing a bullet into his own heart. The only witness in the tragedy was the 20-year-old son of the woman, who was found crying in terror beside the body of his mother. The child was turned over to the care of neighbors. Jealousy is assigned as the cause of the deed.

VIRGINIA JUDGE ON TRIAL

Unwritten Law to Be Defense in Case that is Attracting Wide Attention.

HOUSTON, Va., June 24.—The trial of former Justice Loving of Nelson county, for the murder of Theodore Estes, son of Sheriff M. C. Estes of Nelson county, began in the circuit court here today. Judge William R. Barksdale will preside. Both the prosecution and the defense announced their readiness for the trial. The trial promises to eclipse in sensational interest the McCaus and the Strother-Bywaters case in Culpeper. It will put to rest again the much talked of "unwritten law."

Judge Loving, armed with a double-barreled shotgun, instantly killed Estes while engaged in a quarrel with him in Oak Ridge on April 2. The shooting was the sequel to a buggy ride taken on the evening prior to the homicide by Estes with Miss Elizabeth Loving, the 19-year-old daughter of Judge Loving. The girl, who had been drinking and dancing with Estes, it is alleged that her escort had been maltreating her. Acting under the impulse that his daughter had been drugged and assaulted, Judge Loving immediately went in search of Estes. After the shooting he said:

"I shot to kill. Every drop of blood in my body called for vengeance. I would have gone a hundred miles to kill him."

WOULD CURTAIL THE LORDS

Premier Campbell-Bannerman Moved Resolution Before Full House of Session.

LONDON, June 24.—Premier Campbell-Bannerman today moved his resolution curtailing the power of the House of Lords before the fullest house of the session. The galleries also were crowded, those present in that part of the House of Commons including many people here.

KING AND PREMIER CONFLICT

Refused to Consent to Severe Measures with Riot Organizers in Portugal.

LISBON, June 24.—King Carlos has refused to consent to the severe measures proposed by Premier Franco against the alleged rioters of the rioting of June 18. It is anticipated that his majesty's disapproval will hasten the resignation of the premier.

MILKED DISTRIBUTES DECORATIONS

PARIS, June 24.—President Fallieres was notified by telegraph this morning that the emperor of Japan had conferred upon him the Order of the Chrysanthemum in celebration of the signing of the Franco-Japanese agreement regarding the far east. Another Japanese order has been conferred on Foreign Minister Piichon.

Will Visit The Hague.

KIEL, Germany, June 24.—Mr. and Mrs. Andrew Carnegie started for The Hague at 9 o'clock this morning. Emperor Wilhelm during the day visited the Argentine warships in those waters.

TO CONSOLIDATE BREWERIES

Rumor that St. Louis Firms Have in Contemplation Organization of Big Trust.

ST. LOUIS, June 24.—A meeting is being held this afternoon behind closed doors in the office of Attorney E. C. Crow, former state attorney general, attended by representatives of a number of breweries. The purpose of the meeting can only be conjectured pending a statement, but a well-defined rumor is current that an \$8,000,000 brewery combination is being effected. James S. Bralley of Toledo, O., is here and it is stated he is a moving factor in forming the consolidation of nine St. Louis breweries.

Des Moines Man Killed.

CRESTON, Ia., June 24.—(Special Telegram.)—Charles W. Bartholomew of Des Moines, a teamster, visiting at Afton, was accidentally killed in a runaway south of Afton last evening. He and a companion were returning to the city driving recklessly. The wagon struck a fence post and both were hurled out. Bartholomew's neck was broken. His companion was uninjured. It was the third sudden death at Afton in a week. Bartholomew was 39 years old and had been recently divorced at Des Moines.

NEW YALE ANNUAL MEET.

NEW HAVEN, Conn., June 24.—At a meeting of the alumni advisory board of Yale, E. W. Judson of St. Louis, was elected a member of the board of Indian Commissioners to succeed Dr. Maurice Francis Egan who resigned to accept a diplomatic post. No emolument is attached. The president today appointed the following post-graduates: Howard L. Rann, Manchester, Ia.; William L. Cronk, Townsend, Mont.; and Henry Jones, Hialeah, Fla.

WASHINGTON, June 24.—The treasury department today purchased 100,000 ounces of silver for delivery at New Orleans at 97.30 cents per fine ounce.

(Continued on Second Page.)