

PATTERSON CASE NEARING ITS END

Judge Allen Instructs Jury, Following Testimony of Last Witness in Trial.

ACCUSED WOMAN'S FACE PALLED

Defense's Witness Acknowledges She Gave Wrong Name.

MOTHER RECALLED TO STAND

Testifies that She Paid Son's Expenses During Sickness.

BENSON BEGINS HIS ADDRESS

Prosecutor Opens His Speech with Quotation Adapted from Kipling's 'Vampire'—Defendant's History Analyzed.

DENVER, Nov. 28.—The last witness in the trial of Gertrude Gibson Patterson, charged with the murder of her husband, Charles A. Patterson, was heard this forenoon. Judge Allen then instructed the jury and Special Prosecutor Horace G. Benson began his closing argument for the state.

In his instructions Judge Allen gave an exposition of the laws defining murder in the first and second degrees, and voluntary and involuntary manslaughter.

During the reading of the instructions, Mrs. Patterson's face was waxen in its pallor. This appearance deepened as Prosecutor Benson laying stress on every bit of testimony which he believed told against the defendant in measured tones addressed the jury.

Defendant Shows Sign of Strain. When Mrs. Patterson entered the court room her face was pale and deep circles under the eyes gave evidence of a sleepless night.

Mrs. C. A. Jones, who testified yesterday that she had witnessed an assault by Patterson on his wife, was recalled by the state and compelled to admit that Jones was not really her husband's name, nor her own.

Mrs. Mary K. Patterson, mother of the slain man, being recalled, testified that she had paid all his expenses attendant upon her son's illness, excepting those for two weeks.

Benson's Opening Address. "A fool there was, and he made his prayer (even as you and I); To a rag and a bone and a hank of hair— We called her the woman who did not care;

But the fool, he called her his lady fair—and she shot him in the back," was the way Attorney Benson opened his address.

The prosecutor then took up the early life of the defendant in an attempt to convince the jury that it was no unprovoked 16-year-old child, but an experienced woman, who won the devotion of Emil W. Strous in Chicago. Benson declared that the evidence shows that Gertrude Gibson was 21 or 22 years of age when she met the Chicago clothing manufacturer and five or six years older than Charles A. Patterson.

Passengers Save Town from Fire. WICHITA, Kan., Nov. 28.—Only the aid of passengers and trainmen on a Chicago, Rock Island & Pacific train, No. 11, early today saved the town of Elbing in Butler county, north of here, from being wiped out by fire.

The train was held fifteen minutes while the passengers and trainmen joined the Elbing bucket brigade and the people from Whitewater, a neighboring town, who had come to help stop the flames. The west side of the main street was destroyed, six buildings being burned.

Ten Thousand Taken in at Michigan Game. LINCOLN, Neb., Nov. 28.—(Special.)—According to a statement made by Manager Eager of athletics at the State university, the total receipts of the Michigan game exceeded \$10,000 and the Michigan team's share of that amount was about \$5,000. The original guarantee called for \$4,000, so that amount was exceeded by a comfortable margin.

The Weather. FOR NEBRASKA—Generally fair; rising temperature.

FOR IOWA—Generally fair; warmer in west portion.

Temperature at Omaha Yesterday.

Normal temperature..... 52

Deficiency on the day..... 12

Total excess since March 1..... 386

Normal precipitation..... 38.1

Excess for the day..... .00

Total rainfall since March 1..... 12.29 inches

Deficiency since March 1..... 25.81 inches

Deficiency for cor. period, 1910-11, 4.43 inches

Excess for cor. period, 1909..... 3.45 inches

Reports from Stations at 7 P. M.

Station and State Temp. High. Rain.

Omaha, clear..... 48 58

Lincoln, clear..... 48 58

Des Moines, clear..... 48 58

Dodge City, clear..... 48 58

Lawrence, clear..... 48 58

North Platte, clear..... 48 58

Omaha, clear..... 48 58

Fauna, clear..... 48 58

Rapid City, clear..... 48 58

Salt Lake City, clear..... 48 58

St. Louis, clear..... 48 58

Sheridan, clear..... 48 58

Sioux City, clear..... 48 58

Valentine, clear..... 48 58

W indicates trace of precipitation.

— indicates below zero.

L. A. WELSH, Local Forecaster.

Nothin' to Do Till Tomorrow, So Land Lubber Joins Navy

Rene Streaten, chief of the outer guard and pass assistant surgeon, stationed in the naval recruiting station in the federal building, was frightened out of a year's holiday yesterday afternoon when Estee, slain of Lexington appeared before him and asked if the navy "needed any ballast."

Streaten took one look at the applicant's 223 pounds of beef and decided that if he was shipped, the navy would most assuredly have some very good material to keep the ship on even keel.

Bain, although the largest man ever "shipped" by the local recruiting station, is only years of age, but he is over six feet tall, and fairly well proportioned. He was taken on as apprentice seaman and will be sent to the training ship off San Francisco some time today.

"I got tired of living in Lexington with 'nothing to do till tomorrow,' so I thought I would like a whirl at the rolling deep," boomed Bain from the depths of a very solid-looking chest. That he passed the examination goes without saying, and it was only when one of the office "salts" tried to scare the new recruit by telling him of the sailor horse-play old Bain saw any nervousness. Then he calmly rolled up his sleeve and exhibited a knobby bunch of muscles that looked like an anchor chain, and nonchalantly asked if they "had any fighters in the navy."

Bain says he was some wrestler in Lexington, and if he can find some one anywhere near his weight on board ship, he will see that the boat he is assigned to does not have any dull moments.

Four Seamen Swept from Deck of Liner by a High Wave

NEW YORK, Nov. 28.—A tremendous sea, which hammered the bow and swept the decks of the Fabra line steamship Santa Anna caused the death of four seamen and the serious injury of three others. News of the disaster was brought to port when the liner arrived today from Marseilles and Naples.

The ship's passage as a whole was stormy and unpleasant, but it was not until November 23 that the heaviest sea encountered. Described by Captain Paey as the "most terrific" ever encountered, "a great mass of water rose like a wall before the vessel, then fell with crushing force on the decks and, sweeping over every part of the ship, carried seamen Durand, Sartl, Callati and Quarelli overboard like corks. Three others were stretched out unconscious on the decks. The impact of the wall of water had nearly stopped the ship. Engines were reversed quickly. Life buoys were thrown out promptly and, as the vessel neared the spot where the four seamen had been swept into the sea they were seen floating on the buoys. The sea was so violent, however, that three of them soon relinquished their hold and sank. Quarelli succeeded in grasping a life line and was hauled aboard.

The attention was directed to the injured it was found that two seamen, Folxa and Roumen—and Paetzl, the ship's boy, had been badly hurt. Folxa's spine was broken and he died two days later. The others were operated on and probably will recover.

Denver Hotel Clerk Shot by Man Said to Be from Omaha

DENVER, Nov. 28.—When C. S. Yonley, night clerk of the Great Northern hotel, nearly today declined to throw up his hands and turn the contents of the safe over to George Yant, who gives Omaha as his home, the latter shot the clerk through the lungs, inflicting probably fatal wounds. Yant told the police that his act was inspired by lack of money and failure to secure employment.

There is no George Yant in Omaha, however, there is Maurice Yant, an electrician residing here. He has a brother George and the last that he heard from him he was in Fort Wayne, Ind., where he was employed as an ironworker. He is doubtful about his brother ever having come west and while he knows nothing certain about his present whereabouts, he thinks it is doubtful if he has left Fort Wayne.

Murder of Five is Followed by Suicide. NEW YORK, Nov. 28.—Ignappa Ploepia, an Italian stockbroker, killed his wife, his mother, his sister and his two children, then shot himself to death in the room back of his store at Lodi, N. J., a small town near Hackensack, today.

Ploepia had quarreled with his family and had been away for a week. He returned today and went into the store. A customer who entered soon after found the six corpses. The man used a revolver and each cartridge counted for a life.

Ploepia's body lay nearest the door. Between him and the living room at the back lay the body of his wife. In the next room were the other two women and in the bedroom the two children, aged 1 and 5.

MRS. DUDLEY NOT TOLD OF HER HUSBAND'S DEATH. BALTIMORE, Nov. 28.—Because of her illness Mrs. Dudley, widow of Irving B. Dudley, United States ambassador to Brazil, has not yet been informed of the death of her husband, which occurred suddenly yesterday. Mrs. Dudley is a patient in the same hospital where Mr. Dudley died.

MRS. O'SHAUGHNESSEY FOUND NOT GUILTY. NEW YORK, Nov. 28.—Mrs. Francis O'Shaughnessey, who shot her husband "to save his soul," was acquitted on a charge of murder today by the jury after it had deliberated two hours. The defense was a combination of insanity and the "unwritten law."

MANCHU TROOPS OCCUPY WUCHANG

Second City Near Hankow Capitulates to the Imperial Army Under General Chang.

SURRENDER IS PROVISIONAL

Action Taken by Rebel Leaders to Save City from Destruction.

HEAVY SLAUGHTER AT NANKING

Report that Nearly Four Thousand Are Slain.

U. S. MARINES SENT TO FEKING

Company Sent from Shanghai on Gunboat Saratoga—French and Japanese Garrisoners Are Increased.

PEKING, Nov. 28.—Lieutenant General Fong Kwo Chang, commander of the imperial troops at Hankow, telegraphed today that he had occupied the whole of the city of Han Yang at 4 o'clock yesterday.

Wu Chang capitulated to the imperial troops today, the revolutionary leaders expressing a desire to negotiate for a compromise and suggesting some slight situations in the government program.

The government is endeavoring to secure an immediate cessation of hostilities at Nanking, where the fall of the city is imminent.

There is much jubilation in official circles over the sudden success of Lieutenant General Fong Kwo Chang. The merchants are overjoyed at the prospect of a resumption of business and the re-establishment of order with the removal of the terrible menace to the lives of foreigners in the interior of the country.

The surrender of Wu Chang by the rebels today was provisional and with a view to saving the city from destruction. The revolutionaries at Hankow have asked for a three days' armistice in which an attempt will be made to secure the consent of the other provinces to the acceptance of the imperial government's terms, including the preservation of the Manchu dynasty.

The government has received reports announcing that the fighting preceding the capture of the city of Han Yang lasted seventy consecutive hours. The carnage was heavy.

The government has asked the American Presbyterian missionary, Dr. Charles Lewis, at Pao Ting Fu, to improvise hospitals for the wounded who are being brought back. The fighting preceding the capture of the city of Han Yang lasted seventy consecutive hours. The carnage was heavy.

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Take One



From the Washington Star.

BANKER ATTACKS ROOSEVELT

Wharton Barker Asserts Colonel Made Bargain with Railroads.

HE ASSAILS "MONEY TRUST"

Philadelphia Man Says Story of Deal with Financial Giant is Verified by Message of Former President.

WASHINGTON, Nov. 28.—Wharton Barker, a retired banker of Philadelphia, sprung a sensation on the senate committee on interstate commerce today when he alleged that a New York financier sold him, in 1904, that the financial interests would support Theodore Roosevelt for president "because the latter had made a bargain" with them "on the railroad question."

Mr. Barker's statement came in the midst of a vigorous attack on the "money trust" in which he alleged also that President Roosevelt had been given the details of the impending panic of 1907 several months before it happened, but took no action to prevent it. He declared that the Aldrich currency plan was the handiwork, not of former Senator Aldrich, but of a Mr. Warburton of the banking firm of Kuhn, Loeb & Co. of New York and that a fund of \$1,000,000 had been started to insure its adoption.

"Three or four weeks before the election in 1904," Mr. Barker said, "I was walking down Broadway when I met one of the most distinguished money kings in New York, a man now dead. He said to me: 'We are going to elect Roosevelt.' I expressed surprise and asked if he had given up the support of Parker. He said yes; that he had frightened Roosevelt so that he had made a bargain with them."

Members of the committee looked somewhat incredulous and Mr. Barker added: "I wish Mr. Roosevelt were here." "I wish he were," Senator Townsend said; "it would be interesting."

Tells of Alleged Bargain. Mr. Barker said the financial giant, whom he declined to name, told him that "Roosevelt had made a bargain on the railroad question." Mr. Barker continued: "He is to hold all he wants to, he told me, but by and by a railroad bill will be brought in by recommendation of the president cutting off rebates and free passes, which suits us who own the railroads, permitting the railroads to make pooling arrangements and providing for maximum rates."

The railroad man added, Mr. Barker said, that under the latter authority it would be impossible to add from \$500,000,000 to \$100,000,000 to the total freight charges paid by the American public.

"I told him I didn't believe Roosevelt had made any such agreement," Mr. Barker said, "but when the annual message of 1905 went to congress he recommended most of those things. I wrote to President Roosevelt and told him what I heard and that I had thought the man lied, but now I must believe he had not. It was the only letter of mine Mr. Roosevelt ever failed to answer."

Members of the committee asked Mr. Barker to give the name of the financial man who had told him that Roosevelt was to be elected.

"Harriman Named. "I cannot do it," Mr. Barker said, "but subsequently somebody was alleged to have stolen some correspondence between Mr. Harriman and the president telling of \$250,000 put up for election expenses in the city of New York."

Referring to the panic of 1907, Mr. Barker said a man who was present at a conference at J. P. Morgan's house in May

(Continued on Second Page.)

Berlin Papers Take Pessimistic View of Grey's Speech

BERLIN, Nov. 28.—The afternoon papers which publish the speeches of Sir Edward Grey and Mr. Asquith are rather pessimistic as to the chances that they will improve Anglo-German relations, without admitting that it is necessary, that they will make them worse.

According to the Local Anzeiger the speeches show that "English policy continues to follow the same old course. Sir Edward Grey does not make any further attack on Germany, but he has not diminished the unfriendly effect of the actions which occurred in the summer."

Shakers Who Helped Sister Out of Life Held to Grand Jury

TAMPA, Fla., Nov. 28.—How Ebert Gillette and Elizabeth Sears, members of the Shaker colony near Kalamazoo, assisted a co-religionist, "out of life" was taken up by a grand jury today that may hold the pair for manslaughter.

Both Gillette and Miss Sears admit they gave chloroform to Sade Marchant to expedite her death, because, they claim, she was in the final stage of tuberculosis. A medical examination disclosed, it is declared, that Sister Marchant was not as near death as Gillette and Sister Sears reported.

Italians Lose 120 in Recent Battle

TRIPOLI, Nov. 28.—The Italian military authorities announce that the casualties among the Italian forces engaged in the battle at Fort Meiri and Henni on November 26, when the Italians attacked and forced the Arabs to retire with a loss of more than 600 men and 300 prisoners, totaled 120 of them whom sixteen were killed.

BERLIN, Nov. 28.—The German Red Cross society proposes to assist both the Italian and the Turkish armies engaged in operations in Tripoli provided that assurances are received that the help will be accepted.

Illinois Republican Editors Are for Taft

SPRINGFIELD, Ill., Nov. 28.—The Illinois Republican Editorial association today adopted a resolution "approving the candidacy of President Taft for re-nomination and endorsing his administration." A copy of the resolutions was ordered sent to President Taft.

GERMAN THEOLOGIAN NEVER WEARS A HAT

KANSAS CITY, Nov. 28.—Appearing on the snow-covered street with his head protected from the elements only by a stock of iron gray hair-made Dr. Casper Rene Gregory, a theologian of the University of Leipzig, the center of attraction in a busy downtown district here today. Dr. Gregory was here to lecture on the New Testament before the Fine Arts Institute.

"I have not worn a hat for years," he said today.

"The plan is of the highest advantage to my health. I always keep my head cool. That is most important. I am very absent-minded and not worry about losing my hat."

BED ON OPERATING TABLE

Testimony Bluffs Doctor Chose This Place Frequently.

OFTEN DIFFICULT TO ROUSE Evidence of Nurse Who Attended Him When He Was in St. Bernard's Hospital Because of His Mental Condition.

(From a Staff Correspondent.) DEN MOINES, Ia., Nov. 28.—(Special Telegram.)—Before Dr. Harry Kelly was committed to an inebriate asylum he had contracted the habit of sleeping on his operating table in his office, and while his patients were waiting for him in an outer room he was awakened with difficulty by the dentist who occupied the suite of rooms with him. In fact, on at least three occasions Dentist Brandt tried to rouse Kelly by ringing the phone, but could not do so, and then went into his private office through a window and had to shake Kelly before he could be awakened. Once he found him with a bottle labeled chloroform, but it did not contain chloroform.

The defense has secured a small photograph taken for newspaper use of Kelly as he appeared in jail here after his arrest and this will be used to show how different he looked then and now.

County Attorney Capell of Council Bluffs told of advising the commitment of Dr. Kelly to the Knoxville institution, and said that when he saw him in court that day he was so changed in appearance that at first he did not recognize him.

How He Paid Bills. A bill collector named Dunn told of the trouble he had with Kelly collecting a bill and his receiving pay in a worthless check; also that Kelly wanted to show him a letter, but could not find it, and when he wanted to go away Kelly shut the door and refused to let him get away.

Edward Asplwall, who was head of the Eagles' order last January, told of his having taken action to depose Kelly as physician for the lodge because of his drinking. He had previously warned Kelly and the latter had promised to refrain from drinking.

Sister Mary Joseph, nurse at St. Bernard's hospital, described Dr. Kelly while he was at that hospital for treatment and said he was in very bad condition.

Shaw on Railroad Mission. Leslie M. Shaw, former governor, spent the day in Des Moines, in consultation with various persons regarding the details of transfer of the title to the Atlantic & Northern railroad to its new owners. Governor Shaw registered at the Denison, Ia., instead of from Philadelphia, where he has lived for a number of years. It is understood that the purpose of his trip is to arrange legal details to have the railroad turned over to a board of trustees for George W. Adams, who was highest bidder, and to get it in shape so that it may be disposed of to company that will complete and operate the line.

Fake Food Inspectors. Fake dairy and feed inspectors are becoming so numerous in Iowa that Commissioner Barney today notified all merchants, restaurant and cafe proprietors to pay no attention to any inspector unless he can show a license card signed by Commissioner Barney and sealed with the seal of the department.

Reports are reaching Commissioner Barney from all section of the state that men claiming to be inspectors from the state feed and dairy department are gaining access to the trade secrets and other valuable information of merchants and proprietors of eating places.

ATTEMPT MADE TO BRIBE TALESMAN

Bert Franklin, Detective Employed by McNamara Defense, Faces Serious Charge.

TWO OTHER MEN ARE ARRESTED

They Are George Lockwood, Prospective Juror, and "Cap" White.

DETECTIVES SEE MONEY PAID

Franklin Gave \$500 to Lockwood and \$3,500 to White.

PROSECUTOR HAS THE MONEY

Men Still Had Bills in Their Hands When Marched Into His Office—Franklin Says He Can Explain All.

LOS ANGELES, Cal., Nov. 28.—Detectives of the state attorney's office headed by Samuel L. Brown, chief of investigation, arrested three men on a street corner today, charging attempted bribery in the McNamara murder trial.

The men arrested are: Bert Franklin, a former United States deputy marshal, now employed by the McNamara defense in looking up the antecedents of prospective jurors.

George N. Lockwood, a venireman, summoned to appear before Judge Walter Bordwell today for preliminary examination.

"Cap" White, a character of whom not much is known.

The men were taken to the office of the district attorney and then to jail. Counsel for the defense said they knew nothing of the case.

The arrests were made at the intersection of Los Angeles and Third streets.

See Money Pass. "I saw Franklin give Lockwood \$500, which was on his person when he was arrested," said Brown. White had \$3,500 on his person. "I saw the money pass from Franklin to Lockwood. I know that it was in connection with the McNamara case."

Brown refused to say how he knew it. "I don't know anything about it," said Attorney Clarence S. Darrow, chief of counsel for the defense.

Leopoldo Davis of counsel for the defense said that the marshal had been working for his side looking up the records of men summoned in various venire lists.