

Every day some things, often things of real importance, may be learned only through reading the ads.

10 PAGES—LAST EDITION.

JOHANN HOCK, WIFE MURDERER, HANGED

Slept Well Last Night and Awoke in an Apparently Jovial Mood.

EFFORT MADE TO SAVE HIM.

His Attorneys Petitioned U. S. Judge Landis for Habeas Corpus, Which Was Denied.

Protested His Innocence—Clergyman Who Attended Him Said He Admitted He Had Been a Bigamist.

Chicago, Feb. 23.—Johann Hock, convicted of the murder of his wife, Marie Welcker-Hock, was hanged in the county jail today at 1:34 o'clock. Three times respited, Hock insisted to the last that he be granted all the delay that the law conceded him. Under the wording of his sentence, the criminal was to hang between the hours of 10 a. m. and 2 p. m. When the last resource of his attorneys—an appeal to the federal court of a violation of the fourteenth amendment to the Constitution which forbids that a man shall be deprived of his life without due process of law—had been denied, Hock abandoned all hope of saving his life but still insisted that he be allowed to live as nearly to 2 o'clock as possible.

"IT'S ALL OFF."

When Jailer Whitman, who has long been a friend of Hock, appeared in his cell and remarked "It's all off, John, nothing more can be done for you," Hock replied "That's all right, that's all right, but I want to have all that is coming to me in point of time. I'll go to take me before that time, I'll fight."

"It wouldn't do you any good to fight," replied Jailer Whitman.

"I know that," replied Hock, "but I want all that is coming to me. I'll go all right at 1:30."

ON THE SCAFFOLD.

It was exactly 1:32 o'clock when Hock, preceded by Deputy Sheriff Peters and attended by Jailer John L. Whitman, Rev. Schleier and Rev. J. R. Burklund, stepped upon the scaffold, and two minutes later he was a corpse. He walked upon the scaffold quietly, and stood directly under the noose with head together and head erect like a soldier on parade. He was pale, but composed and full of courage.

Rev. Burklund was steadily reciting the prayers for the dying when Deputy Sheriff Peters asked Hock to step back upon the trap. He took two steps quickly, glanced down to see if he was in the proper place and then turned his face to the deputy sheriff.

"Do you want to say something?" asked Deputy Sheriff Peters.

"Yes," said Hock.

Mr. Burklund was still reciting the prayer and Jailer Whitman held out his hand to silence him. The clergyman, however, kept on with the prayer, and one of the guards, who was in the room, came immediately and Hock, as soon as he could speak without interruption, said in a strong German accent:

HOCH'S LAST WORDS.

"Father, forgive them, they know not what they do. I must die an innocent man. Good bye."

He chopped the last words off in a short incisive manner and before his voice was silenced the drop fell.

Dr. Francis W. McNamara, the jail physician, who was at Hock's side the instant he fell and declared that he had been instantaneous, the neck being broken. The body late in the afternoon was delivered to a local undertaker who had engaged to inter it at his own expense.

Rev. J. R. Burklund, one of Hock's spiritual advisers, had a talk with the prisoner shortly before he was led to the scaffold and said later that Hock had confessed.

"Did he confess to the murder?" he was asked.

The clergyman hesitated and then answered:

"Well, he said that he had been a bigamist and a very wicked man."

He declined to say a word as to whether or not Hock had confessed the crime.

HOCH SLEPT WELL.

Hock slept well all night and when he awoke this morning he was apparently in a jovial mood. He turned to guard James Cummings, who was in the room with him and wished him "good morning." Cummings immediately summoned Night Jailer O'Neil, who came at once to the room and said: "Good morning, John; how are you this morning?"

"I feel fine," said Hock. "I had a good night and was not disturbed. I'm feeling fine."

Hock then gave his order for breakfast and while awaiting its arrival, was given several papers to read.

"Look here, O'Neil," he called out. "See what one of the papers says about me."

He then read to O'Neil the article which said that he had given up all hope and was in a state of collapse.

"That thing says I have lost hope," remarked Hock, "but I have not. I will keep my nerve to the last."

As the morning passed on and the time set for the execution approached, Hock abated nothing of his good nature. As one of the guards passed before his cell, he called him to the door and, holding out a 5-cent piece, said:

"Here, Tony, go and get a glass of beer."

"It's getting close to the time, isn't it?" continued Hock. "Well, I'm ready, you people won't have any trouble with me. When the minute comes I'll go like a brave man. What's more, I'll go like an innocent man. I never committed the crime and I'm not afraid to go."

Despite his brave words it was evident that Hock was under a severe strain. He appeared nervous, but his strong will stood him in good stead, and he held himself under marvelous control.

FEDERAL INTERVENTION ASKED.

A short time before the hour set for execution a petition was filed in the United States circuit court by Hock's attorneys asking federal intervention to save Hock. The petition said that the state authorities were endeavoring to execute Hock in violation of the fourteenth amendment of the Constitution and without due process of law. After filing the petition the attorneys left the federal building immediately intending, it was said, to go to the criminal court building to try to get a stay of execution pending action by the federal courts.

As a result of the legal complications Jailer Whitman announced that the execution would be delayed until application for a writ of habeas corpus could be passed upon by some judge in the federal court.

EXECUTION DELAYED.

After a consultation with State's Atty. Healy, the jail officials decided to delay the execution if necessary until 2 p. m., the last hour named in the court sentence providing for the hanging. The section of the fourteenth amendment, on which Hock's latest petition was based, is as follows:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

POINTS RAISED.

Briefly the points raised in Hock's petition which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws, are as follows:

That the judgment of the state court was void because given by a court not of competent jurisdiction.

That the sentence was in violation of the fourteenth amendment in that Emil Fischer-Hock, wife of the defendant, testified.

That Hock was compelled and did give evidence against himself.

That Hock was extradited on a charge of bigamy and was forthwith charged with murder.

Before Federal Judge Kenesaw M. Landis, Hock's attorneys contended that a writ of habeas corpus should issue forthwith if the court found that the petition was presented in proper form.

Judge Landis suggested that it was also requisite that probable cause for the writ be shown.

PETITION DENIED.

After brief consideration, Judge Landis said:

"The petition is denied. The proper remedy for counsel was a writ of error from the state supreme court. The counsel failed to take advantage of that move. The writ is fatally defective and cannot be made good."

Hock's attorneys asked an appeal from Judge Landis' decision. Judge Landis replied:

"I will enter such an order as I will enable you to have this case reviewed by the supreme court in the absence of your client. I will not now complicate matters by further delay. I would be much easier for me to grant this man 10 days' time in which to have this case reviewed by the United States supreme court, but respect for orderly procedure compels me to do what I have done. That is my order."

And the court threw the petition to one side.

PREPARING FOR EXECUTION.

Preparations for the hanging were immediately begun, following Judge Landis' refusal to issue a writ of habeas corpus but Hock's attorneys strenuously continued efforts to secure further delay.

While the death march was starting in the jail, the attorneys were just leaving the federal building to get Hock's signature to an appeal bond. After Judge Landis had apparently closed the case, Hock's attorneys hastily prepared an appeal bond and again advanced to the court and renewed the decision to appeal.

"Under the circumstances I do not think you have any right to appeal," said the court.

"Any citizen has the right to appeal," said Atty. Edward Maher.

In view of the fact that this matter was delayed until within an hour of the execution, I don't think so," replied the court.

"Thereupon the three attorneys representing Hock all began to talk at once.

"Well," said the court, "prepare your record and bring it in; I will be here all day."

The attorneys hurried in a cab to the criminal court building to get Hock's signature to the bond just as word came that the death march had begun.

The attorneys arrived at the jail with the appeal bond just in time again to temporarily stop the preparations for the execution.

There was a hasty conference of jail officials and then Assistant Sheriff Peters consulted by telephone with Judge Landis.

JUDGE REFUSES TO ACT.

Judge Landis said:

"I have refused to do anything in the Hock matter. You need not delay the execution on my account. Just as Asst. Sheriff Peters, started to leave the federal building.

Atty. Maher, with tears in his eyes, begged Judge Landis to stay the execution until the appeal was perfected. Meanwhile State's Atty. Healy advised Sheriff Peters to give Hock's attorneys 15 minutes to perfect the appeal before the death march should begin.

HISTORY OF JOHANN HOCK CASE.

Hock, is believed to have come originally from Norwiler, a small town in Germany not far from Bingen-on-the-Rhine. His father, Jacob Schmitt, is said to still reside there. A wife, supposed to be the first wife of Hock, is also living in the same place.

HIS FIRST WIFE.

Hock has always been reticent regarding his career in this country, and his first wife married in the United States is believed to have been Mrs. Martha Steinbacher, to whom he was married in 1895. After living with Hock for four months she died, the cause of death being given as nephritis.

MARY RANKIN.

In November, 1895, he married Mary Rankin in this city, and left her the day after the wedding because she refused to give him money.

MARTHA HERTZFELD.

In April, 1896, Hock married Martha Hertzfeld, and left her for four months after obtaining from her \$500.

MARY HOCK.

His next wife is said to have been Mary Hock of Wheeling, W. Va. She died of nephritis after three months. Hock has always denied this marriage and declared that he merely assumed the woman's name.

CLARA BARTELL.

In the fall of 1898, Hock married

Clara Bartell, of Cincinnati, and she died within three months of the marriage.

JULIA DOSE.

In January, 1897, he was married to Julia Dose in Hamilton, Ohio, and abandoned her after obtaining \$700.

ANNA GOEHRKE.

In April, 1898, Hock was arrested in this city for selling mortgaged furniture, and served two years in the house of correction. In November, 1891, he was married to Mrs. Anna Goehrke of Chicago, but abandoned her after failing to obtain money from her.

MARY BECKER.

April 8, 1902, he married in St. Louis, Mrs. Mary Becker, who died early in 1902. Her relatives have claimed that she was poisoned.

MARIA WELCKER.

Dec. 19, 1904, Hock was married to Maria Welcker, a widow of this city, the woman whose murder he was condemned. Dec. 29, the woman became ill and Jan. 12 she died, the cause of death being stated by a physician's certificate as nephritis.

EMILIE FISCHER.

Five days later Hock married Mrs. Emilie Fischer, a sister of Mrs. Welcker-Hock. He obtained \$500 from her and disappeared. Jan. 19 the last Mrs. Hock reported to the police the disappearance of her husband. Suspicion was aroused by her story, and the body of Mrs. Fischer-Hock was exhumed, and 7.6 grains of arsenic were found in the stomach. Search was made for Hock and he was finally discovered in New York, where his landlady, Mrs. Kimbrell, reported that he believed her boarder to be Hock, because he had proposed marriage to her on the day of his arrival in her house. He was arrested and later brought to Chicago.

MARRIED THIRTEEN TIMES.

Hock after being placed in jail here, admitted that he had been married 13 times, but always denied that he had caused the death of any of his wives. He was placed on trial April 19, and on May 20 the jury returned a verdict finding him guilty of murder, and fixing the punishment at death. On June 3 sentence was passed on him, the date of the execution being set for June 23. Gov. Deeney granted him a reprieve until July 28. Within one hour of the time set for his execution, Hock was given a second reprieve until Aug. 25. Before this date arrived however, the supreme court of the state granted a supersedeas to prevent the execution of his case by the court, and the court handed down a decision affirming the verdict in the lower court, and fixing the date of execution for Feb. 23.

LAST EFFORT FOR NEW TRIAL.

The last effort made by Hock to secure a new trial ended on Feb. 21, when Gov. Deeney refused to grant a pardon or to interfere in his behalf. Hock was alleged before the board by Mrs. Emilie Fischer-Hock that she had been hounded by the police that she had been hounded by the police during the trial, and that much of the evidence which she had given against Hock was not true. A physician also declared that the death of Mrs. Welcker-Hock had been caused by kidney disease and not by poisoning. On cross-examination, however, he admitted that he had not made a postmortem examination of the body of Mrs. Welcker-Hock, while the physician who had conducted such an examination declared that death was caused by arsenic.

A DESPERATE NEGRO.

Caught Robbing House, Slashed Three Persons With Knife, Two May Die.

Topeka, Kan., Feb. 23.—After cutting and slashing three white persons, two of whom probably will die, Cyrus Haygood of Kansas City, a negro believed to be insane in committing the crime, was taken to the hospital this morning and begged for his protection. He had been chased by friends of his victim.

During the night Haygood was surprised while attempting to rob the boardhouse kept by Mrs. E. E. Coons. He made an effort to escape, but was slashed across the face, neck and arms with a knife, and cut several gashes in his back. Haygood attacked David Brewer, a newspaper carrier, whom he evidently mistook for a policeman. Brewer's throat was so badly cut that he cannot talk. Mrs. Coons and Brewer may die.

FRANK MARSH FOULLY

MURDERED IN PITTSBURG.

Pittsburg, Kan., Feb. 23.—Frank Marsh, a well known real estate dealer of this city, was murdered last night in a cold-blooded manner by unknown persons at a point between Pittsburg and Chicago. Marsh was traveling in a buggy, accompanied by Tony Valencia, an Italian, Valencia, who was a passenger in the buggy, was attacked by a number of foreigners, and rendered unconscious by a blow on the head with the butt end of a revolver. He was then shot through the chest and face and bound to a post. Marsh is alleged to have been concerned in several questionable land deals involving Italian coal miners in this district. He was under a ten-year sentence to the Missouri penitentiary for forgery and was out on bond pending an appeal of his case to the supreme court. Several arrests are likely.

Valencia is being held for investigation.

ATTORNEYS FOR CHOCTAW

NATION ARE HOSTILE.

South McAlester, I. T., Feb. 23.—In an action brought yesterday before Judge T. C. Humphrey of the Central district against Peter J. Hudson, auditor, and Geo. W. Scott, treasurer of the Choctaw nation, an injunction was issued forbidding the issuance of or payment of any warrants to Mansfield, McMurray and McGinnis, who are attorneys for the Choctaw nation. The two firms mentioned have been employed as attorneys for the Choctaw nation in connection with the sale of profitable contracts with the Choctaw nation. The action is brought by the United States at the instigation of the Choctaw nation, and is based upon an alleged intent to pay out money under authority of acts of the Choctaw council, which have not been approved by the president of the United States. The action is brought under instructions from the department of justice at Washington.

ALGECIRAS CONFERENCE.

A Strong Spirit of Conciliation Appeared to Prevail Today.

Washington, Feb. 23.—Ambassador White today called the state department from Algeciras that the conference had adjourned until Saturday next after discussing at some length the question of an international bank.

A very strong spirit of conciliation appeared to prevail. The understanding here is that there is no immediate prospect of a hostile issue between France and Germany on this subject.

MIGRATORY DIVORCE LAW.

Congress On Uniformity Would Have States Adopt Massachusetts Idea.

IT IS EXTREMELY STRINGENT.

If Parties Go to Other State and Get Decree Is of No Force in Bay State.

Washington, Feb. 23.—Before finally adjourning last night the congress on uniform divorce laws for the several states adopted the following resolution, which seeks to make even more stringent the laws pertaining to the "migratory" character of divorcees:

"Each state should adopt a statute embodying the principle contained in the Massachusetts act which is as follows:

"If an inhabitant of this commonwealth goes into another state or country to obtain a divorce for a cause which occurred here while the parties resided here or for a cause which would not authorize a divorce by the laws of this commonwealth, a divorce so obtained shall be of no force or effect in this commonwealth."

In reporting this resolution Chairman Smith of the resolutions committee, explained that its purpose was to guard against migratory divorcees who would still obtain divorces in some state or states declined to adopt the uniform divorce code to be prepared.

A resolution was also adopted providing that "fraud or collusion in obtaining or attempting to obtain divorces should be made statutory crimes by the criminal code."

The report of the committee on resolutions upon the subject of marriage licenses and marriages was covered by a resolution which declared "that while the congress does not regard the consideration of the marriage law as within the purview of the call under which it assembles, it desires to express its earnest hope that some suitable effort will be made by some other body to secure uniform marriage laws and especially uniform marriage license laws; and it would respectfully recommend the matter to the consideration of the commissioners on uniformity of state laws."

It was further recommended that the annual collection and publication of statistics on divorce would greatly assist in combating the divorce evil. At present but 11 states compile such statistics.

Members favoring amendments to the Hepburn bill declared that Senator Cullom's instructions did not justify carrying his vote except on specific motions.

"Well, then," said Senator Dooliver, "I move that the Hepburn bill be reported favorably without amendment."

That a speaker of the house should ask to have Senator Cullom's vote cast in the affirmative.

The Democratic members desired time for conference and the recess was taken. Senators Tillman, McLaughlin, Foster and Newlands then withdrew for a consultation.

During the recess Senator Dooliver said that he would force a vote on his motion by 2 o'clock. He expressed confidence that all of the Democrats would vote for the motion, and that his Senator Clapp and Senator Cullom's votes would make a majority for the house bill.

Senator Carmack left the city a week ago, without giving any of his colleagues his proxy.

MR. WU TING FANG CRISIS IN CHINA.

Her Statesmen and People Feel

She Needs Reform But Differ as to Means.

Peking, Feb. 23.—Wu Ting Fang, former Chinese minister to the United States, when interviewed for the first time today on the existing situation in China, spoke in support of the boycott. Wu Ting Fang is now living quietly in Peking, devoting his time to codifying the laws of China, one of the numerous reforms under way. He suffered for a long time from deafness from the effects of the explosion of the bomb near him at the railway station last September, but has now recovered. Speaking of present conditions Wu Ting Fang said:

"China is at a crisis and is passing through a transition stage. Her statesmen and people feel that China needs reform, but there are great differences of opinion regarding the means. There are several classes of reformers. There are those who speak foreign languages, and who have been abroad and who have had experience on both sides of the question.

"They favor sensible and useful reforms, but not too radical, so as to make China first able to stand upon her own feet. The number of these sensible reformers is few. I am one of them.

"The ruling classes also know that something should be done but they are at their wits' end to know what to do.

"The third class is composed of young students who are too rash. They need training and experience.

"Financial reforms should be carried out in the first place, but without foreign aid, and capital and labor should be impossible to do so under present conditions.

"I was working out a scheme which had to be abandoned because it was necessary to call on foreign advice. The new scheme is a stop-gap.

"One thing upon which the majority of Chinese are agreed is that China has been deprived of many rights by concessions and territorial grants, and by the way her people have been treated by foreigners in China and foreign countries.

"Many Chinese who have gone abroad to America, Australia and the Philippines write home complaining of arbitrary discriminations made against the Chinese which dare not be attempted against other foreigners. Therefore everyone is angry and hence the boycott of American goods, illustrating the feeling against the unjust exclusion laws. It has spread over all China and is solely in retaliation against unjust discrimination and is not anti-foreign. The Chinese people and officials are on good terms with all foreigners and have no hostile feelings towards them. The Chinese merchants have the best feeling towards foreign merchants.

"The majority of the people in the interior are indifferent to all foreigners traveling in the interior who write that they are well treated with no signs of hostility against them.

"These rumors of anti-foreign feeling are not well founded. Sensible men advise boycotters and agitators to be reasonable and only to boycott goods and not to treat persons unkindly, but to continue their friendly as before.

"Unfortunately disturbances in several

places are now arising from the boycott, but this is no sign of an outbreak against foreigners."

AS GEN. SIAFFER SEES IT.

El Paso, Tex., Feb. 23.—Gen. Wm. R. Shafter, who commanded the United States army in Cuba during the Spanish-American war, passed through here yesterday en route from a hunt in Mexico to California. Discussing the Chinese situation and the possibility of intervention by the United States he said:

"If there was an uprising in China this country could not get sufficient forces in the field to make a showing. There are many troops in the Philippines, but they would not be available for a clash with the Chinese. The danger, if there is any, is to the Americans situated far inland. If they were attacked it would be all over before the United States could send troops to the spot. So far as the naval forces are concerned, it is different. The navy is well equipped. At Manila, along the coast of Japan and China and at other convenient points in the orient, the United States has ships which could be brought to bear on China and enough to meet all possible needs.

"Do you believe that China has a grievance against the United States?" the general was asked.

"Grievance? Of course she has," he declared. "For years the Chinese have been subjected to every possible indignity by our officials. It has been scandalous. Theodore Roosevelt recognizes it and has issued instructions which ought to bring about some improvement. The boycott is useless. We have seen in this country how little power there is in it. A man will buy where he wishes. After the indignities which China has suffered, it is not likely, in my opinion, to cause an uprising. They would not dare make an attack upon the diplomatic service and the only danger would be inland. The Americans near the coast and in the largest cities are safe enough. Farther inland, no military force could be brought to bear in time to avert threatened bloodshed."

HEPBURN BILL WILL

BE FAVORABLY REPORTED.

Washington, Feb. 23.—After the Democratic members of the interstate commerce commission had conferred, it was reported that they would vote to report the Hepburn bill without amendment, but different members would reserve the right to support amendments when the bill was considered in the senate.

Another point that is to be settled in committee is the personality of the man who shall report the bill. Naturally it is supposed that Senator Dooliver will be selected, but there is opposition to according him that honor.

The main point, however, is that the Hepburn bill is to be reported.

The precipitant reason was brought about by a motion of Senator Dooliver to report the Hepburn bill without amendment. He had prepared a telegram from Senator Cullom, giving instructions to cast his vote against any votes that were not adopted unanimously by the committee.

Members favoring amendments to the Hepburn bill declared that Senator Cullom's instructions did not justify carrying his vote except on specific motions.

"Well, then," said Senator Dooliver, "I move that the Hepburn bill be reported favorably without amendment."

That a speaker of the house should ask to have Senator Cullom's vote cast in the affirmative.

DRYDOCK DEWEY

SIGHTED OFF THE CANARIES.

Las Palmas, Canary Islands, Feb. 23.—The United States dry dock Dewey has just been sighted off this port.

SITUATION AT YEMEN.

Extraordinary Meeting of Ministers Called to Consult With Sultan Over It.

Constantinople, Feb. 23.—An extraordinary meeting of the council of ministers has been summoned to consult with the sultan at the palace and deal with the situation at Yemen, Turkish Arabia. The hitherto localized revolt in Yemen against Turkish rule has been fanned into a more widespread rebellion by a warlike proclamation of Shiek Mahomed Youssef, a number of whom have joined the rebel shiek and the encounters with Turkish troops, which have taken place at Aden, Sanaa and other points, are becoming more serious. There are reports of the objection of the troops to go to Yemen, and reinforcements, which were on their way there, mutinied on board the transport in the Red sea early this week and refused to do any duty until they received their arrears of pay.

JOHN R. STANTON DEAD.

New York, Feb. 23.—John R. Stanton, a mining expert and director in several of the copper mines of the West, died at his home in this city today of pneumonia, aged 72 years.

BILLS FOR UNIVERSAL

SUFFRAGE IN AUSTRIA.

Vienna, Feb. 23.—Five bills embodying a scheme for universal suffrage and other electoral reforms were introduced in the lower house of the Austrian parliament today by the premier, Baron von Frankentheim. The premier was subjected to noisy interruptions by parliamentarians who were opposed to the plan, but the majority of the deputies heartily applauded his speech.

The bills provide for the election of 45 deputies to the lower house, every Austrian 21 years old and domiciled in a constituency for at least a year will be entitled to vote and every one possessed of Austrian citizenship for at least three years will be eligible to election to the lower house. Plural voting is prohibited and a division of electoral districts is decried. The bills also provide for the election of 20 representatives, the Slavs 20, the Italians 10 and the Rumanians 10.

The bill amending the standing orders of the house provides for the suspension of disorderly members for a period not exceeding one week.

GOT A MARRIAGE LICENSE.

Lieut. Edward Scharrer and Miss Wilhelm Busch.

Los Angeles, Feb. 23.—It developed today that a marriage license was issued yesterday to Lieut. Edward Scharrer and Miss Wilhelm Busch of St. Louis. The couple were closed in house of Washington yesterday, but Lieut. Scharrer looked up Chief Deputy Clerk O.

and secured the license. The lieutenant gave his age as 23, and that of Miss Busch as 21. It is not known when the wedding will occur.

Mr. Busch and family are now staying at their winter home in Pasadena.

HABEAS CORPUS PETITION

FOR G. A. PETTIBONE.

Boise, Ida., Feb. 23.—Atty. E. F. Richardson, representing the officers of the Western Federation of Miners, who are detained in the state penitentiary here, charged with the murder of former Gov. Frank Steunenberg, today presented to the full bench of the Idaho supreme court a petition for a writ of habeas corpus for G. A. Pettibone, former member of the Federation's executive board. The petition alleges conspiracy on the part of Gov. Frank Gooding and Atty. Hawley and Vandusen, who are employed in the prosecution, to deprive the prisoner of his liberty without due process of law. The petition also charges violation of the Constitution of the United States and the state of Idaho. The court is expected to render a decision on the petition this evening. If the petition shall be granted a similar application will be made in behalf of the prisoners, Moyer, Haywood, St. John and Adams.

Atty. Richardson, M. Nugent and Moore went to the state penitentiary this morning, and asked to see these prisoners and Harry Orchard. They saw all of the men except Orchard, who sent word that he did not care to see them. It was stated that Orchard was sick, but no physician has been called for him, and it is inferred that this was a ruse to keep the lawyers away from Orchard. Atty. Richardson entered a vigorous protest against the prisoners being confined under the rules governing convicts.

The prisoners will be taken to Caldwell, where a grand jury will meet to investigate the assassination of Steunenberg.

It is stated that important evidence has been secured by detectives who have learned the cipher code used by the Western Federation of Miners in telegrams and letters.

HARRY ORCHARD.

Identified as Man Tried and Acquitted For Dynamiting Section Houses.

Portland, Or., Feb. 23.—A special dispatch to the Evening Telegram from Baker City, Or., says:

A photograph of Harry Orchard, under arrest in Idaho charged with the assassination of ex-Gov. Frank Steunenberg, has been identified here as the likeness of a man who, under the name of Porter, was acquitted in 1901 on the charge of dynamiting Chinese section houses.

Adam Crossman, a capitalist of Cave, said Orchard and Porter are the same. Crossman captured Porter and a companion during the reign of terror to the Chinese in many places were blown up with dynamite and the Chinese driven out.

The prisoners contended they were tramps who had been sleeping near, and in fact, the man who was ever heard of them until Porter turned up in Caldwell under the name of Orchard.

PROVO PUBLIC BUILDING.

Senate Committee Reports Favorably Senator Smoot's Bill.

(Special to the "News.")

Washington, D. C., Feb. 23.—The senate committee on public buildings today favorably reported Senator Smoot's bill providing for a public building at Provo. Senator Smoot's bill as originally drawn called for an appropriation of \$75,000 for the purchase of a site and the erection of a building at Provo. Every hour of the day an investigation, reported to the committee that a suitable building, including the cost of the site, could be secured for \$60,000. The original Smoot bill was cut to \$60,000 and in this shape will doubtless pass.

BASEBALL AT VARSITY.

Ralph Smith to Captain Team—Edward Jones Manager.

Baseball will hereafter be a regular college sport at the University of Utah. Today at 12 o'clock a meeting was held at which this was decided, and a captain and manager were elected from among the 35 team candidates who responded to the call. Ralph Smith, a member of the class of '09, was elected, while for manager Edward Jones, '08, was chosen.

The baseball squad is composed of men who are members of the track team, so that no conflict of interest will occur. They will work out in the gymnasium and as soon as arrangements are made, and expense is able to turn out a good team. There are graduates of the High school, the L. D. S. U., and a number of other schools whose baseball have been played on the squad.

MUST SHOW ARMSTRONG.

Judge Wants to Know Why Executors Are Delinquent in Making Reports.

Acting under the authority of an order by Judge Armstrong, County Clerk Eldredge is issuing citations to all delinquent executors, administrators and guardians in estate cases who have failed to file their inventory of their respective estates within three months from their appointment as provided in sections 541 and 461 of the Revised Statutes of 1898 to appear before the court and show cause why they have not filed the same.

There are several hundred delinquents and the dates for them to appear before the court extend over a considerable space of time. The cost of the citation and service will be taxed against the delinquent, so that it will be to the interest of every executor, administrator or guardian who has not done so to file the inventory immediately before being cited into court.

JUDGE RIVES FUNERAL.

Will Be Held Tomorrow Afternoon at St. Paul's Episcopal Church.

The funeral of the late Judge Rives will be held tomorrow at 2 p. m. from St. Paul's Episcopal church, corner of Fourth South and Main street, with interment at Mt. Olivet. The deceased was a Confederate soldier, and the high esteem in which he is held here in the eastern part of the state is evidenced by several Union army veterans the idea of burying the Judge in G. A. R. grounds at Mt. Olivet. However, it was decided that he will have a lot of their own where he will be buried.

"BOLSTERING UP" OF CONTINENTAL.

One of the Charges Ventilated in Tyree-Wylie Case Before Judge Diehl.

EXAMINATION WAS "SPICY."

Powers Rubs it in to Insurance Witness for Adam-Like, Blaming a Certain "Woman."

Regular Tobacco Sauce Colloquy Between Counsel for Continental Manager and State Lawyers.

"I want to say that I propose to try this case as a lawyer, and not get myself interviewed in the newspapers, after court has adjourned."

So declared Judge O. W. Powers during the trial of the Tyree-Wylie case, which is on before Judge Diehl in the criminal division of the city court.

Instantly Asst. County Atty. Job Layson was on his feet. "If Judge Powers means to insinuate that I have done any such thing, I wish positively to deny having done so," said Mr. Layson, warmly.