

Made by Defense at Conclusion Of Argument by Attorneys For the Govrenment.

CLAIMED WAS NO EVIDENCE.

pefendant's Counsel Would Have Made No Statement but for Misrepresentation by Prosecution,

Bolse, Ida., Oct. 1 .- Federal Judge Edward Whitson, presiding at the mal of United States Senator W. E. Barah, will decide tomorrow morning at 10 o'clock whether or not the are shall be taken from the jury and a verdict of acquittal ordered by the At the conclusion of the govenment's case today the defense entered a motion for acquittal on the ground that no evidence tending to meet Senator Borah with a land tond conspiracy had been adduced. The motion was argued at length by special Prosecutors Rush and Burch, and by James H. Hawley for the de-tense. Senator Borah's counsel walval the opening argument on the mo-use and Mr. Hawley declared he would not have spoken at all had it as seemed to him that the governscounsel had either intentional-onwittingly misinterpreted much a testimony before the court. The was not present during the argu-

It was not present during the argument it. It. Rush, in opening the argument the government, said that there exitting been tangible evidence compliancy on the part of a few sons at least, and in this view work at least, and in this view work at least, and in this view e Whitson said he coincided. evidence against Senator Borah circumstantial, Mr. Rush ad-red, but tended to show that the endant acted in concert with the ar alleged conspirators to the ex-tat least of receiving in his of-the deeds resulting from fraud having these deeds recorded at he light of one who receives stolen he light of one who receives stolen perty and required an explana-

Burch also urged that there

en. Mr. Burch also urged that there ere enough suspicious circumstances oput the defendant upon his an-wer, and argued that an attorney ad no privilege above the ordinary lizen of the United States. The whole scheme of securing the ends. Mr. Burch declared, recked in fraud, which the defendant, as attorney, must have had knowl-ipe of. Whether the government all presented a strong case, he con-uded, was not the question, but the ere facts tending to establish a erry of possible guilt. Mr. Hawley, replying, charged op-sing counsel with an entire misap-ehension of the law. He said they cre proceeding on the theory that defendant must prove himself in-zent rather than the governaent gauld prove him guilty. Every psumption in the evidence must be havor of the defendant. Every act desental alluded was shown to be opes and above board and in pursu-ane of honesty of purpose, Every of honesty of purpose. Every also by the defendant was the r action of an attorney pro-the interests of his client and sceptible of no other interpre-Mr. Hawley claimed that the ce of the government's own ffect that Set

the witness, L. G. Chapman, general manager of the Barber Lamber com-pany, who on yesterday refused to produce certain records on the ground that they might tend to incriminate him.

him. "There is a tendency newadays," said Judge Whitson, "to wipe out constitutional guarantees, but it is a movement I have no sympathy with. It may be that the Constitution is wrong and that a criminal should be compelled to testify against himself, but so long as the Constitution is what it is, I intend to uphold it. The contention of the witness is sustain-ed."

Chapman once before was upheld by the federal courts in refusing to produce the books. Former Gov. John T. Morrison of

Former Gov. John T. Morrison of Idaho, was a witness today. He said Borah came to him while gover-for and made inquiry as to certain limber lands the state expected to claim in a specified section. He wanted to know if the state could not select its lands elsewhere, or reduce the amount it expected to claim. Gov. Morrison was not cross-examined.

NEW FOREIGN POSTAL RATE.

Washington, Oct. 1.—The new for-fign postal rate, adopted at the last universal postal convention, in Rome, became effective today. Foreign post-age is now 5 cents for the first ounce and 8 cents for each additional ounce. The rew rate applies to all countries except Canada, Mexico and Cuba, in which the domestic rate continues.

SANTA FE TRIAL.

Evidence Adduced Mostly Technical And Documentary.

And Documentary. Los Angeles, Cal., Oct. 1.—Evidence for the most part of technical and docu-mentary character was introduced by the governent today when the trial of the Santa Fe railroad, on a charge of violating the Elkins law, was re-sumed before a jury in the United States district court. The prosecution introduced many freight documents in the effort to prove that the Grand Can-yon Lime & Cement company of Ari-zona received 66 "corrections" of weight and charges, and depended upon the preponderance of such "correction" cars to show that the company was the recipient of as many rebates.

cars to show that the company was the recipient of as many rebates. Attorneys for the San Fe are stand-ing upon the "regular form" of these cards and claim they were sent to agents in southern California, whore the lime shipments were received, mere-ly as "inquiries" as to the "weight of each car." each car.

each car." Thomas W. Pate, local freight agent; Axel Larson, head freight clerk in the Santa Fe auditor's office, and F. S. Gregson, chief clerk to the Santa Fe freight agent, were examined by the prosecution today. All refused to specify that the tariff of 46,000 pounds minimum and \$70 a carload was the one in actual force at the time recited, but when asked if the "Interpretation" made by the govern-ment upon the freight bills introduced and the "correction" deductions were correct, each witness admitted as much. correct, each witness admitted as much.

Quinsy, Sprains and SwePings Cured.

"In November, 180, I caught cold and had the quinsy. My throat was swollen so I could hardly breathe. I applied Chum-berlain's Pain Balm and it gave me relief in a short time. In two days I was all right," says Mrs. L. Cousins, Otterburn, Mich. Chamberlain's Pain Balm is a lini-ment and is especially valuable for sprains and swellings. For sale by all druggists.

Buggy and team harness, waterproof blankets, Z. C. M. I. hardware dept.

Call Bell Exchange 100 to reach State Fair Grounds by Telephone.

METROPOLITAN ST. RY. PUT IN RECEIVERS' HANDS.

New York, Oct. 1.—The Metropoli-tan street rallway was placed in the hands of receivers today on motion of its own attorneys that it be made a party defendant to the receivership re-cently ordered against the New York City Rallway company. The latter is lessee of the lines of the Meropo-litan company under a more receiver of the Is issued of the lines of the Meropo-litan company under a guarantee of the issue to pay 7 per cent dividends on the Metropolitan stock. The Metropo-litan did not earn this dividend and the New York City Rallway company lost in excess of \$6,500,000 through the lease. lease. State Atty.-Gen, Jackson began an action today calling for the dissolu-tion of the New York City Railway company and for the appointment of a water Borah was concluded, Judge Chison announced his decision as to



Vegetable Compound Succeeds.

One of the greatest triumphs of Lydia E. Pinkham's Vegetable Com-pound is the conquering of woman's dread enemy Tumor. Dear Mrs. Finkham :--"I was told by my physician that I had a fibroid tumor and that I would have to be operated upon. I wrote to you for advice, which I followed care-fully and took Lydia E. Pinkham's Vegetable Compound. I am not only cured of the tumor but other female troubles and can do all my own work other eich years of suffering." The growth of a tumor is so in-sidious that frequently its presence is wholly unsuspected until it is well advanced. advanced. So called "wandering pains" may come from its early stages or the presence of danger may be made manifest by excessive monthly periods accompanied by unusual pain, from the abdomen through the groin and thirds.

after eigh years of suffering." Mrs. S. J. Barber, of Scott, N. Y. writes :

Dear Mrs. Pinkham: "Sometime ago I wrote you for advice about a tumor which the doctors thigh. If you have mysterious pains, if thought would have to be removed. Instead I took Lydia E. Pinkham's there are indications of inflammation or displacements, secure a bottle of Lydin E. Pinkham's Vegetable Comegetable Compound and to-day am a pound, made from native roots and herbs, right away and begin its use. The following letters should con-vince every suffering woman of its virtue, and that it actually does well woman.

Mrs. M. M. Funk, Vandergrift, Pa., writes:

Dear Mrs. Pinkham :---"I had a tumor and Lydia E. Pinkham's Vegetable Compound removed it for me after two doctors had given Mrs. May Fry, of 836 W. Colfax Ave , South Bend, Ind., writes : ne up. I was sick four years before I began to take the Compound. I now recommend Lydia E Pinkham's Veget-able Compound far and near." "I take great pleasure in writ-ing to thank you for what Lydia E. Pinkham's Vegetable Compound has done for me 1 also took the Blood Purifier in alternate doses with the

Such testimony as above is con-vincing evidence that Lydia E. Pink-ham's Vegetable Compound stands without a peer as a remedy for Tumor Compound. Your medicine removed a cyst tumor of four years' growth, which three of the best physicians declared I had. They had said that only an operation could help me. I am very thankful that I followed a friend's Growths as well as other distressing ills of women, and such symptoms as Bearing-down Sensations, Displace-ments, Irregularities and Backache, etc. Women should remember that it is Lydia E. Pinkham's Vegetable Compound that is curing so many women Don't forget to insist upon it when some druggist asks you to accept something else which he calls "just as good." Mrs. E. F. Hayes, of 26 Ruggles St., Boston, Mass., writes :

Mrs. Pinkham's Invitation to Women.

Women suffering from any form Women suffering from any form of female weakness are invited to write Mrs. Pinkham, Lynn, Mass., for advice. She is the Mrs. Pinkham who has been advising sick women free of charge for more than twenty years, and before that she assisted her mother-in-law, Lydia E. Pink-ham in advising. Thus she is especially well qualified to guide sick women back to health.

Mrs. Perry Byers, of Mt. Pleasant, Iowa, writes : fourt, while previous receivership ac-

advice and took your medicine. It has

made me a strong and well woman and I shall recommend it as long as I live."

"I have been under different doctors'

or, my abdomen was swollen and

treatment for a long time without relief. They told me I had a fibroid

I suffered with great pain. I wrote to you for advice, you replied and I followed your directions carefully and today I am a well women. Lydia E. Pinkham's Vegetable Compound ex-pelled the tumor and strengthened my whole system."

conquer tumors.

Dear Mrs. Pinkham :---

Dear Mrs. Pinkham :--

whole system.'

Justice Nord granted an order for the companies to show cause why the special actions should not be granted and also granted an order for officers of the company to show cause whether they should not render an accounting. The attorney-general alleges that the management of the two companies have either wasted about \$3,500,000 or have not accounted for a sum amount-ing to \$4,356.85. This charge was made by the attorney-general in connection with an entry on the company's books for 1903, amounting to \$4,264.87. of the company to show cause whether they should not render an accounting. The attorney-general alleges that the management of the two companies have either wasted about \$3,500,000 or have not accounted for a sum amount-ing to \$4,335,657. This charge was made by the attorney-general in connection with an entry-on the company's books for 1903, amounting to \$4,394,897 for laying new rails. The attorney-general charges that this sum, amounting to about \$103,000 per mile, is more than \$80,000 per mile in excess of what would be a reason-able and fair cost for such work. It is further charged that the defend-ants reported to the state railway com-missioner June 30, 1901, that the following year, the balance from the lesser companies as of June 30, 1901, was stated to be \$5,245,598. The defendants have never account-ed for the difference of \$3,000,000," says the petition of the attorney-general. Further charges are made by the at-torney-general, among them one that the company claimed that \$502,900 per mile was exacted for changing tracks on the Thirty-fourth street line,

may be more harmful than capital

may be more harmful than capital stock, because upon debts interest must be paid, and stock dividends need not be paid unless they are earned. "I urge the passage of laws similar to those of Massachusetts in other states, not in a spirit of hostility to capital and capitalists, but in the interests of the public and the investors in securi-ties."

sting for the curtaliment of corporate

aggrandizement and the protection of public rights,"

public rights," A general discussion followed the reading of the papers. Upon motion of E. T. Young, attor-neys-general of Minnesota, the attor-neys-general authorized a memorial to Congress from the various states on the question of harmony between the fed-cral and state governments relative to the question of jurisdiction in the courts. A committee was appointed to memorialize Congress.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bears the Bignature of Char H. Flitcher.

Your children will be

well prepared for

fall weather if you



Borah always announced that he seting as attorney, and that his was to protect his client, the

was to protect his client, the cr Lamber company, from se-g claims tainted by fraud. the conclusion of the argument, a Whitson announced that he is take the matter under advise-and render his decision tomor-mentions.



so prepares the system for the

ordeal that she passes through

the event safely and with but

little suffering, as numbers

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have testified and said, "it is worth its weight in gold." \$1.00 per bottle of druggists. Book containing

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ordeal through which the ex-

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2 Cans for 25c

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allays nausea, nervousness, and all unpleasant feelings, and

Feel languid, weak, run-down? Hendache? Stomach "off"?—Just a plain case of lazy liver. Burdock Blood Bitters tones liver and stomach, pro-motes digestion, purifies the blood.

Buggy and team harness, waterproof blankets, Z. C. M. I. hardware dept,



Calendar Year Was 110,995.

Calendar Year Was 110,995. Washington, Oct. 1.—Of the greatest interest to the friends of the national guard throughout the country is the an-nual report of Adjt-Gen. Almsworth, dealing with the militia. The strength of the organized militia at the end of the last calendar year, as reported by the state adjutant-generals, is placed at 110,995, out of a total of 13,821,896 males available for military duty; but the reports of the United States in-specting officers place the total organ-ized milita at 105,213. The actual deficiencies in arms, uni-forms and equipments are much less than in previous years. The report showed little improvement in regard to target practise. Summing up the report of the inspect-ing officers to him the adjutant-general says

says "It is estimated that about 75 per cent of the members of the militia would respond to a call for troops to repel invision or to suppress insurrec-government."

CANADIAN STRIKE A FAILURE.

New York. Oct. I.—The general of-ficers of the Western Union Telegraph company were today advised that at a meeting held in Toronto on Sunday the few operators remaining on strike de-clared the strike a failure in Canada and agreed to apply for reinstatement. MURDERED WOMAN FOUND. New York, Oct. 1,-The body of

New York, Oct. 1.—The body of a young woman, believed to have come from Boston, was found today in a furnished room at 431 East One Hun-dred and Eighteenth street, with a stab wound in her breast und her face so badly betten as to be almost un-recognizable. The police are asarch-ing for a young man who, they said, rented the room last Friday and was last seen this morning. FOR MAYOR OF CINCINNATI.

Cincinnati, O., Oct. L-Mayor Edward L. Dempsey was renominated today by the Democratic city convention. ----

Cheapest accident insurance-Dr. Thomas' Eclectric Oil. Stops the pain and heals the wound. All druggists sell it.

ATTORNEYS-GENERAL NATIONAL CONFERENCE.

St. Louis, Oct. 1.--The national con-ference of attorneys-general held its final session here today. Atty-Geo. Dana Maione of Massuchusetts read a paper on "Capitalization of Public Service Corporations." He said, in parti

parti "A commission, not the legislature, is the proper authority to determine what amount of securities should be authorized, and care should be taken that no former indebtedness should be authorized without full value received, as indebtedness other than stock issues

get their shoes and hosiery at the children's shoe and stocking store. We are agents for Fay stockings. No 60 So. Main St., 1/4 blk. north of Schramm's drug store, "Where the Cars Stop." EXCURSIONS Santa Fe FROM UTAH



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