

DONOVAN GETS OFF.

Justice Wenger Holds That He Is Not Guilty.

THE JURY FAILED TO AGREE.

The Captain Will In All Probability
Design Within the Next Few
Days—His Reasons.

The Donovan trial is over. The climax was reached this afternoon when Justice Weems held that the

prosecution had failed to make out a case and ordered the defendant's discharge. It was whispered that the captain would have resigned last night if the verdict of the jury became known. But something had happened. What?

proposition stood three to one and the contemplated retirement in private life

was postponed for a period which it is now estimated will be of but brief duration.

Speaking upon that subject this afternoon Judge powersaid: "Yes, it is true that Captain Donovan has unde-

consideration, the question of resign-
ing. It is the desire of the wife that
she should be so. She knows that she

him and the circumstances connected with this case, violence might be done to him when he would be powerless to prevent it. Anyway there is nothing or practically nothing for him to do.

...walk the streets at night. If
...has been deprived of his power to the
...extent that he can do no other

good and therefore should not draw pay from the public for services that he does not render. His resignation will, of course, be addressed to the chief, if sent in, with the request that it be promptly forwarded to the commission for a

100% DISCOUNT

The case struck a snag last night as an extra session of the court after an intensive argument by counsel, when the jury, which was composed of C. H. Parsons, John C. Cutler, B. F. Bane and James H. Brown, announced that they were unable to agree on a verdict. They were for criminal and one for

conviction. It is rumored that Mr. Cutler was the juror who did not see eye to eye with the majority.

ORIGINAL INTIMATED.

When 10 o'clock arrived this morning the captain and his friends were

on hand and shortly afterwards Judge Powers put in an appearance. He was asked by a News representative as to

"It will never go to trial again," responded the judge, and the reason for his conclusion was disclosed in the following court colloquy which took place a few moments later:

Prosecuting Attorney White told: "Prosecuting Attorney White more has just telephoned me that he would like to have the case stand over."

for the day on account of being engaged in the supreme court. A trial unless there was more testimony forthcoming he should be compelled to ask for a dismissal so he felt that he would not be able to secure a conviction on the evidence thus far adduced.

...it is not imperative that Mr. White
...learned may be ready to take action
...sometime today."

Judge Murray appeared to be very agreeably surprised over the turn I took this and said, "Let us have the case set down for ten o'clock tomorrow morning."

The Court—Very well, I will fix it at 11 o'clock, or 11:30, as it will not take long to dispose of it.

Judge Powers—There will be no necessity to do that—make it 10 and will endeavor to be present. Though in stating that hour I would like to have it understood that Mr. Whittemore may come in to court today and have the case disposed of.

will be set for tomorrow at 10 o'clock with that understanding.

Squaring upon the stroke of 2 o'clock this afternoon Mr. Whittmore caught the offhand ear of the clerk and said: "The jury in this case was unable to agree and has been discharged."

the morning that unless more evidence was produced against the defendant I would recommend a dismissal.

with the witnesses and find that the have nothing new. The case was presented as fully as possible and with as much vigor as I could command under the circumstances, but without avail and I gave to a dismissal. Judge Powers, however, made a final

means, and therefore I am willing to
submit the case to the court and have
it pass whatever judgment it may

Judge Powers—I agree with course that the presentation presented in case as strongly as possible. I am perfectly willing that it should now be submitted in your honor. Perhaps in the future

some other parcel for a livehouse than that of a police officer's must be discarded of this case.

The Court—in this matter a jury was called in originally. It was composed of business men who were above reproach in the community. I do not

to settle to say they acted as their judge
ment dictated that which they be-
lieved to be the right. They could

agreed in justice to them I was
to say that the charge was delivered to
them for the court. Had there been
would no doubt have been easier for
them to agree on a verdict. The

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