

## ASKED ACQUITTAL IN CHADWICK CASE.

Defense Wanted Court to Take It  
Out of the Hands of  
The Jury.

### JUDGE OVERRULED MOTION.

Andrew Carnegie is Now Definitely  
Out of the Trial But May Be  
Called Again.

Cleveland, O., March 9.—Andrew Carnegie is now definitely out of the trial of Mrs. Chadwick. If she should be acquitted this time Mr. Carnegie might appear at a subsequent trial, but as far as the existing case is concerned his pay is waiting for him and he is at liberty to go home. United States Marshal Chandler today made out a check for \$44.40 to Mr. Carnegie's order, and it is held in the marshal's office pending Mr. Carnegie's call for it. He does not call it will be mailed to him.

The defense today made a desperate effort to have the case taken from the jury and a verdict of acquittal rendered by the court. After arguments lasting throughout the greater part of the day, Judge Taylor, just prior to the afternoon adjournment, overruled the motion. The defense also attacked two counts of the indictment and asked that certain parts of the testimony of Mrs. Chadwick be stricken from the record. An admission from the judge that he did not regard the two counts as "good" was the extent of the satisfaction secured by the defense.

The acquittal of the defendant was charged her with conspiring to commit an offense against the United States in that she conspired with Beckwith and Oberlin Smith. It was claimed by the attorneys for the defense that Mrs. Chadwick, not being an officer of the bank, could not certify checks, and that she could not be charged under the law with conspiring to commit an offense in conjunction with others which she had not the power to commit alone. "How do you regard the Scott case?" asked the judge.

This referred to a decision recently handed down by the United States court of appeals in Cincinnati, where it was held that a customer who conspired with the official of a bank to procure the making of a certain entry on the books of a bank designed to cover up a shortage in the funds of the bank, was, although having no hand in the making of the entry, as guilty of conspiracy as was the man who made it. Judge Wines contended that the cases were different.

Dist. Atty. Sullivan, in arguing for the government, spoke very briefly. He read the decision in the Scott case, and said that he rested his case upon it. He said the indictment in the Scott case and in the Chadwick case were similar and that the cases corresponded in other respects.

Atty. Dawley, in closing for the defense, asked that the letters submitted yesterday, in which Mrs. Chadwick had asked to make arrangements for the extradition of checks when she had no money in the bank, be stricken from the case. In regard to the letters, he insisted they were not competent, because, although Mrs. Chadwick had written them, there was no evidence in the case to show that she had ever mailed them; nothing to show that they had been received by Beckwith or Spear, or had influenced them in any way.

The letters, Judge Taylor said, were competent evidence. There was nothing in the case to show that they had ever been received by Spear or Beckwith, but they were, however, schemes made by the prisoner, and he would allow them to remain, declaring that he would, in his charge, instruct the jury concerning them.

It is probable that the case will be given to the jury tomorrow evening. That matter rests with the length of the arguments to be made by the lawyers, and they were not able to say this afternoon just how much time they would require. If the arguments are not finished tomorrow the case will go over until Monday.

### Norwegian Cabinet Crisis.

Copenhagen, March 9.—The cabinet crisis in Norway has been settled by the formation of a coalition ministry of which Middelboen is the premier. Lovland, a former minister, will hold the position of the state council sitting at Stockholm. The other members are Gen. Olsen and Messrs. Lehnkuhl, Vogt, Hagerup, Bull, Virjo, Arctander, Wexelsen and Knudsen. The distribution of portfolios has not yet been announced.

### McMillin to Succeed Bate.

Nashville, Tenn., March 9.—The Tennessee legislature will elect a successor to the late Senator Bate on March 21, probably Gov. Benton McMillin. The governor, who was Gen. Bate's most active opponent during the last campaign, withdrew in favor of Senator Bate with the understanding that McMillin would become the candidate.

### Nevada Saloons Wide Open.

Reno, Nev., March 9.—Every saloon in Nevada is wide open tonight and will remain open for the next two years at least, for Gov. Sparks today signed the measure repealing the 12 o'clock law. The bill passed both houses a few days ago, after a hard fight. The reform element of the state bitterly op-

## NAMES BEST DOCTOR

MR. BAYSSON PUBLISHES RESULTS OF VALUABLE EXPERIENCE.

A Former Pronounced Dyspeptic  
He Now Rejoices in Perfect  
Freedom From Mis-  
eries of Indigestion.

Thousands of sufferers know that the reason why they are irritable and depressed and nervous and sleepless is because their food does not digest, but how to get rid of the difficulty in the puzzling question. The doctor often requires a good deal of time to get into helpful relations with the case and is expensive and disappointing, while most advertised remedies relieve just for the moment.

Good digestion really calls for strong digestive organs, and strength comes from a supply of good rich blood. For this reason, Dr. Baysson took Dr. Williams' Pink Pills for the cure of indigestion, and writes as follows regarding his experience.

"They have been my best doctor. I was suffering from dyspepsia. The pains in my stomach after meals were almost unbearable. My sleep was very irregular and my complexion was sallow, and unusual things in the case of a man of twenty-five. As the result of using eight boxes of Dr. Williams' Pink Pills, about the merits of which I learned from friends in France, I have escaped all these troubles, and am able again to enjoy life in eating."

A very simple story, but if it had not been for Dr. Williams' Pink Pills, it might have been a tragic one. When discomfort begins with eating, fills up the intervals between meals with pain, and prevents sleep at night, there certainly cannot be much pleasure in living. As every part of the body must under such circumstances be ill-nourished, a final general breaking down must be merely a question of time.

Mr. Joseph Baysson is a native of the celebrated health resort, Aix-les-Bains, France, but is now an American and resides at No. 249 Larkin street, San Francisco, Cal. He is one of a great number who can testify to the remarkable efficacy of Dr. Williams' Pink Pills in the treatment of obstinate disorders of the stomach.

Proper diet is, of course, a great aid in forwarding recovery once begun, and a little book, "What to Eat and How to Eat," may be obtained by any one who makes a request for it by writing to the Dr. Williams' Medical Co., Schenectady, N. Y. This valuable little book contains an important chapter on the simplest means for the cure of constipation.

Before, however, the plainest food can be digested, the digestive organs must be strengthened. It is just at this point that Dr. Williams' Pink Pills are worth many times their trifling cost. They contain elements that pass at once into the blood, and stimulate and strengthen the digestive organs to do their work.

If, therefore, you would get rid of nausea, pain or burning in the stomach, vertigo, nervousness, insomnia, or any of the other miseries of a dyspeptic, get rid of the weakness of the digestive organs by the use of Dr. Williams' Pink Pills. They are sold by druggists everywhere.

posed the measure. The act will result in the advantage of the saloon keepers of Tonopah, Goldfield and other mining camps, as well as Reno.

Another important measure vetoed by the governor was one taxing national banks in Nevada. The national banks, even before the bill was introduced, refused to pay taxes. The governor's action today practically relieves them from taxation.

### CONGRESSMAN WILLIAMSON.

Not Ready to Make Statement  
Regarding His Indictments.

Portland, Or., March 9.—Congressman J. N. Williamson arrived in this city today from Washington. The congressman complained slightly of a cold, remarked on the weather and grew grave when the question of land frauds was broached. He has been twice indicted by the federal grand jury in connection with land frauds in this state. He said:

"I came to Portland to put up my bond, as I considered that I was expected to follow the usual mode of procedure in cases of this kind. When I entered the office of the clerk of the United States court I was told that it was not necessary for me to give any bond. I do not know to whom I am indebted for this kindness."

"I am not ready to make any statement whatever in regard to the charges preferred against me by the federal grand jury."

"No, I repeat, I have absolutely nothing to say about the charges. Later on I will probably make some statement in regard to them, but until I have had time to go into the matter fully I prefer to have as little said about these charges as possible."

### PANAMA CANAL.

Question of a Sea Level One Not  
Yet Determined.

Washington, March 9.—There is authority for the statement that the question as to whether the Panama canal shall be made a sea level waterway or constructed on the lock system, is one that need not be determined at the outset of the work. In fact, it is stated that work could progress for five years or more before this matter would necessarily be decided and without in any way retarding the progress of construction or causing any delay.

### SAN DOMINGO TREATY.

Secy. Hay Makes Statement Re-  
garding Negotiations.

Washington, March 9.—The secretary of state, in conversing with press representatives today, made a statement as to the facts regarding the negotiations with San Domingo.

He denied that the department of state had known of the existence of the agreement of Jan. 21 prior to the announcement in the public press that such an instrument had been signed at Santo Domingo City.

This agreement was signed at that time for the purpose of meeting the requirements of certain political conditions at Santo Domingo to avert further disorder and bloodshed.

The action of our representative in this respect was approved. No purpose of putting either the agreement of Jan. 21 or the protocol now before the senate into practical operation without

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submitting it to the senate for approval was ever entertained, considered or discussed.

### BENNETT WILL CASE.

Connecticut Supreme Court De-  
cides Against Bryan.

Hartford, Conn., March 9.—The supreme court of Connecticut today handed down a decision in the Philo S. Bennett will case, in which William J. Bryan has figured as a possible beneficiary to the extent of \$50,000, as provided in a "sealed letter" left by Mr. Bennett and found in error. The decision upholds the superior court, which rendered judgment to the effect that the clause in Mr. Bennett's will containing the paragraph in regard to the \$50,000 trust was invalid. It is inoperative, and that the said fund is a part of the residuary estate. Mr. Bryan appealed from this decision and the result is as previously stated.

The supreme court having held that the "sealed letter" was no part of the will, the only question to decide on was its contents as a testamentary document. Clause 12 of the will leaves \$50,000 to Mrs. Bennett in trust with no purpose, while the sealed letter says that the money is left to William J. Bryan. The supreme court holds that the superior court is right in deciding that the clause is inoperative. In its decision the supreme court today says in part:

"No effect can be given this 'sealed letter' as a part of a will, even if evidence was offered to prove that it was in existence and known to the testator at the time the will was executed. To treat this letter as an operative declaration of intent would be, in effect, to hold that testamentary disposition of property could be made by an instrument not executed in conformity with the statutes regulating such transfers of property."

The opinion goes into the history of the will case in detail, reviewing it from the first contest over the admission of the sealed letter in New Haven before the superior court.

Counsel for Mr. Bryan, when asked tonight if the case would be taken any higher said that it would not be.

### BRYAN DECLINES TO COMMENT.

Milwaukee, Wis., March 9.—The dispatch from Hartford, Conn., announcing the decision of the supreme court in the Philo S. Bennett will case was read to Mr. Bryan over the telephone late tonight. Mr. Bryan had no comment to make further than that he presumed that the decision just rendered ends the contest.

### PLAGUE IN INDIA.

In a Few Years Has Swept Off  
Nearly 3,000,000 People.

Calcutta, March 9.—The deaths from the plague last week numbered 34,000. Statistics show that the deaths from bubonic plague in India within a few years reached nearly 3,000,000. In 1903 the mortality from the plague alone was 350,000. The number of deaths recorded last week, while extraordinary, is not unprecedented.

The infection recently spread to Burmah, where it is making rapid strides. This season of the year always favors its spread. The Indian government is making every effort to eradicate it, destroying by burning whole sections of towns, and segregating the inhabitants. But owing to the climate and the sanitary condition of the outlying districts and native sections of the towns it is difficult to cope with the epidemic, which breaks out continually at fresh points.

The deaths are said to be 90 per cent of those infected. As a result of the plague the labor supply for the manufacturing centers has seriously depreciated. So long has the plague existed in India that the native population regard it casually.

The Lancet recently announced the probable appointment of a commission composed of scientific investigators, who will assist the plague department of India in the work of eradication. Since the outbreak at Bombay in 1906 that town has not been free from the plague, which has ravaged the entire presidency and is gradually spreading throughout India. The victims are chiefly natives.

### Indians See President.

Washington, March 9.—Francis M. Leupp, commissioner of Indian affairs, presented to the president the five Indian chiefs who participated in the inaugural parade last Saturday. They were Geronimo, Arapahoe, Quanaah Parker, Comanche, Hollow Horn Bear, Rosebud Sioux, American Horse, Brule Sioux, and Little Plume, Blackfoot.

## WOULD LEGISLATE ADAMS OUT OF OFFICE

Resolution Introduced in the  
Colorado Legislature With that  
End in View.

### STATE SUPREME COURT DECIDES

An Opinion from That Body Sought  
—Contest Will be Deferred Un-  
til Answer is Received.

Denver, Colo., March 9.—The joint legislative convention has sought an opinion from the state supreme court on the question whether it has the power to declare the office of governor vacant and what the effect of such action would be, and the decision of the Peabody-Adams gubernatorial contest will be deferred until the court's answer is received.

Senator Morton Alexander, a member of the contest committee, was allowed this afternoon to amend his report, which favored the seating of Lieut.-Gov. Jesse A. McDonald as governor, in such a way that if he now adopted by the joint convention, Gov. Adams will be legislated out of office.

Alexander's amended report declares that there was no legal election for the office of governor held in the state last November, but the resolution declaring Lieut.-Gov. McDonald "the legal, duly qualified governor of the state" is omitted, and the following is substituted:

"Resolved, That the action of the joint assembly in declaring Alva Adams elected governor be hereby rescinded and revoked, and that a vacancy be declared in the office of governor."

Under the constitution the adoption of the Alexander resolution would seem to have the effect of continuing former Gov. James H. Peabody in office, his successor having not been elected. That question, however, will be submitted to the supreme court for adjudication before a vote is taken on any of the reports now before the joint assembly.

In the meantime the allegations of Senator Richard W. Morgan in regard to bribery were held in abeyance. The committee which has charge of the investigation of this matter held a brief meeting this afternoon, after which Senator Arthur Combs, its chairman, announced that at the request of the attorneys on both sides an adjournment had been taken, subject to the call of the chairman, or practically until the governor's term (angle had been straightened out).

As soon as the joint convention met this afternoon Senator Alexander asked unanimous consent to amend his report, and he read the report as he wished it amended. This change of front came as a thunder-clap to the Democrats, and they asked for and obtained a recess of fifteen minutes for consideration of the matter.

After the recess objection was made to allowing Senator Alexander to amend his report in the manner indicated. On motion, however, the amendment was allowed by a vote of 64 to 32, one Republican voting with the Democrats in the negative.

Senator L. G. Campbell, a Republican, at once submitted a resolution to submit to the joint assembly the questions of the right of the joint assembly to adopt the Alexander report and if it should be adopted what its effect would be, especially as to whether the governor of Colorado. This resolution was adopted and the joint assembly took a recess until tomorrow morning.

### CAPT. KIRKHAM.

Secy. of War Taft Declines to  
Accept His Resignation.

Washington, March 9.—Secy. Taft has declined to accept the resignation of Capt. George W. Kirkham, Twenty-fifth infantry, now under trial by court-martial at Fort Niobrara, Neb., on charges of scandalous conduct. The court has taken a recess until May 19 to await the arrival of certain evidence from the Philippines. Additional charges of a serious character have been recently filed at the department against Capt. Kirkham and these will be referred to the present court for consideration in connection with the original charges.

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I had a bad case of La Grippe about ten years ago which left my Lungs so weak that I have been troubled more or less every winter since until I used FOLEY'S HONEY AND TAR, which cured me completely and my Lungs no longer trouble me.—J. H. BROWNING, D.D.S., Orrick, Mo.

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