THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

FORTY-NINTH YEAR. WEDNESDAY, MARCH 1, 1899, SALT LAKE CITY, UTAH. NUMBER 84.

TESTIMONY IS ALL IN.

Arguments by Attorneys, in Relation to the Bribery Charge, are Heard Today.

WILL BE FINISHED TONIGHT.

Senators Aquila Nebeker and D. H. Peery, Jr., Representative Callister, and Mr. D. W. Thomson Testify Before the Committee at Today's Session.

A sigh of relief went up from those who have been in daily attendance at the bribery investigation proceedings when it was announced, shortly after 10 o'clock this morning, by counsel on both sides, that there would be no further testimony taken. Arguments were then begun, the committee limiting the time to three hours on each side. Judge Dey opened for the prosecution, occupying an hour and a quarter in argument. At 11:45 an adjournment was taken until 2 o'clock.

The investigation proceedings commenced promptly at 10:30 this morning. At the request of members of the committee, Aquila Nebeker, president of the State senate, was called to the witness stand. Mr. Nebeker, in answer to Mr. Stewart, said he met Representative Isobel in the Walker House a few weeks ago and talked with him about the senatorial situation. The effect of the conversation was, so witness understood, that the sum of $1,000 would be paid anyone who would vote for A. W. McCune. Perry had told witness he, too, so understood it. Mr. Isobel's own language, witness's about repeated phrases being made. He did not intend to be discourteous to the committee by failing to put in an appearance yesterday afternoon. As a friend of Judge Dey wanted to put him in possession of all the features of the senatorial contest.

Senator Peery was then called and said he remembered the conversation referred to by the last witness. Isobel told Nebeker that he had heard that McCune was going to pay $1,000 per head for votes. Only knew of it as a rumor. So far as witness knew Mr. McCune never made an offer to purchase anyone's votes.

D. W. Thomson, a resident of Belpin, was next examined. Witness stated he had talked with Representative Callister relative to the senatorial question. It was at Mr. Callister's room at the White House a few days before Law made his charges. Witness wanted to see the deadlock broken and suggested to Callister that it would be all right for him to vote for a Democrat, as he cared no election mainly to Democratic votes. He suggested that Callister vote for Frank J. Cannon and Callister told witness that was his intention. The conversation drifted along until the money proposition was reached. Witness said he asked Callister if he thought it wrong to vote for one of the Democrats provided he was paid $100 or $1,000 for it. Callister, witness said, replied by saying that it would be better for the man elected to give the money, or after the vote had been cast. He told him the man wouldn't have to "fix." said Thompson. (Laughter.)

Mr. Stewart, witness said, was not mentioned in connection with the proposition. He was not working personally for Cannon. He was helping Cannon to any of the Democratic candidates. Had done no work whatever for McCune. Was at McCune's headquarters last night and about a month ago. He went there last night at the request of Alma Greenwood. Saw Mr. Thurman there, who asked him what statement he had made to Callister, and he had been approached by someone offering McCune. Did not know that any money had been used in the interest of any of the senatorial candidates. He came to the city on the 26th of January, more for pleasure than anything else. It was his custom to spend a month or so in the city each winter. He was a Democrat in politics. Did not Vote in the Cannon election. Talked to old witness he was going to make a statement to the committee. Stated in the conversation at the White House Thompson said he told Callister that Dey would be asked to make a statement regarding what he had said about buying votes. Callister and witness were together Friday. Did not come to the city in the interest of any candidate. Did not recall having said to Callister he could get Law to vote for Cannon. If he did say it he was only giving expression to an opinion he had formed. He had spoken to Law about the senatorship. Had seen the cartoons of McCune and his barrel in the Tribune and Herald. Had read the money proposition. Believed Callister an upright and fair-minded man. Did not think he would willfully make a false statement, but thought, like all men, he could be mistaken in some things. Was positive he did not tell Callister he could get $2,000 or $4,000 for his vote. He did ask Callister to support a Democrat and named Frank J. Cannon. Had never heard Cannon was obtaining money for votes. Was never at Kings or Powers headquarters. Would not remember anyone telling him that McCune was using money. Some one might have made such a statement, but he couldn't recall who it was. Met McCune for the first time last night. It was at McCune's headquarters. McCune asked him if he had made the statement attributed him to Callister. Nothing else of any interest was said. Knew R. W. Sloan. Had known him a few years. Talked with Sloan a few times since he came to the city, but no reference was made by either to the senatorial fight. No influence had been used to get witnesses to work for McCune. Excused.

MR. CALLISTER RECALLED.

Representative Callister was recalled; said he did not state to Mr. Thomson that he would vote for Mr. Cannon; he said to him that Judge King was his first, and Frank Cannon his second choice; had never said to Thomson that he would vote for a consideration; stated to Thomson that he would take money after voting would be as bad as to accept it beforehand; would consider it accepting a bribe; was excused.

MR. MCCUNE RECALLED.

Mr. McCune was recalled and stated that he had not intended by the statement he had put out to the effect that Mr. Thurman was one of his men, to reach Mr. Thurman, who was working for his election, but was only his attorney. Mr. Thurman had not taken any part in politics in the senatorial contest.

SENATOR WHITNEY RECALLED.

Senator Whitney made the following statement:

Yesterday afternoon I had a conversation with Senator Frank J. Cannon, as to whether he had authorized his brother Joseph to consult with me or whether he had himself made the negotiations. My answer was and is that he himself had first made the arrangement, which was completed by his brother.

The difference was only on the one point, and each was willing that the other should have it his way.

TESTIMONY CLOSES.

All the witnesses having been heard, the arguments were begun. By previous agreement, each side is to occupy not more than three hours in argument.

JUDGE DEY'S ARGUMENT.

Judge Dey made the opening argument for the prosecution. He said in part: I take a deep interest in the outcome of this case, because it concerns the honor of the State and of the American Senate.

It is well to understand the principles of law which underlie the case. For more than two centuries the courts of England and of this country have entered bribery in politics to a broader scope than as acts which are punishable as crimes. Bribery in its broad sense is any and every unlawful influence which would promote the interests of any individual at an election.

The speaker then read extensively from the decision of the court in the case above referred to.

I have selected the case of Newell vs Purdon, Vol. 2, Michigan supreme court reports, which decided the law in relation to bribery. Had Mr. McCune been elected on that Saturday by the exact number of votes necessary, and had it been shown that any one of those votes had been secured by means that would be punishable as bribery, but of amount to the using of undue influence to secure that vote, the election would have been declared void upon certain issues which, nevertheless, might not have amounted to a criminal act. The case referred to was the election of a county judge, with a salary of $1,000. Newell did not take money and bribe people, he issued a circular in which he said he was willing to return $400 of that salary to the county. This was held to be bribery, though not criminal bribery and not punishable as a crime. Had Mr. McCune not offered to bribe any one, he would have been guilty of bribery in the criminal sense. Bribery is bribery in the giving or taking of a reward for public office.

First, as to the charge made by Mr. Law. Let us first look at the situation of the parties, of Mr. Law and Mr. McCune. Mr. McCune came to this State by the expenditure of large sums of money, that he began as assume a burden of debt when a young man, by his own admission, his expenses in this campaign may amount to $15,000. A man who has expended money, would be be so poor as careless as not to use money to buy one vote if he could it? If such a proposition had been proposed to him, he would have been employed in the past we should never have had our Brooks, our Cannon, or our Kearns in the senatorial contest. I have no fault to find with the contestants we shall never have a Thurman.

We turn to Mr. Law. I ask what motive could he have, young man as he is, thus to destroy his reputation? His application was not attacked, the very fact that this had not been done, Mr. Mc Cune could not be done. On Monday Mr. McCune heard that Law night vote for McCune. Next we find Mr. McCune and Mr. Law sitting and dining together on Tuesday evening. Then they go to McCune's headquarters and talk over the matter. Bribes Mr. Law into the private room. On the following Friday Sloan talking with Mr. Law about the money. Mr. Law's vote, by using the term "bugum," and then took it back, and the further fact that Mr. McCune said to Callister that he all would do under these circumstances, not meeting. Mr. Law did what we would do under the circumstances, not meeting. Mr. Law did what we would do under the circumstances, a member of the Legislature, and a lawyer of ability. Mr. Johnson. And what attitude did Mr. Johnson put him? He referred him to guardians of the city, who saw that it was simply a boy who were asked to bribe, and that it was necessary to have a plan to catch the criminal? Does not our government use such means to detect crimes, by decoy letters and other artifices.

McCune next talks with Law over the telephone; tells him not to talk anything over the telephone that he did not wish to be heard. He met Law and asked him to speak more plainly and he would do for him. Law asked what he would do for him. What does McCune answer? "I won't do it—I have votes enough to elect me without yours." By inference, Mr. McCune was willing to go to a private room somewhere. Later we find them together crossing the street and saying, Law if you vote for me don't vote for me at the roll call, vote for the other one. Does not that show McCune intended to dictate when, how, and where Law should vote? Did he not also send Senator Christensen to Lester Taylor to say, "Do not vote for me on roll call, but change your vote afterwards. Do not these circumstances speak for themselves that was more than common?

Next we find them on the street meeting shaking hands. Only what a high sense of honor! Mr. McCune shaking hands with this man, after he had been insulted by the offer of a vote for $5,000. In that handshake, I don't see anything strange in the fact that Law's two fingers were bent; it must be as if any money were to pass.

Next, Mr. McCune sends his headquarters hears of the charge, and sends word that Law offered to sell him his vote and he told him to go to hell. But did he tell him that? I would to God he had told him that there in the street when he had the opportunity, but he only said, "I have votes enough already."

Next he says to a "News" reporter that he was never alone with the man. But we have seen he was alone with him in the drug store and in the corridor. There was time enough to hear and accept the proposition. Taking all the circumstances into consideration, his meeting the street with Law, his shaking hands as they parted. What is there in all the circumstances that falls to indicate that McCune actually put into Law's hand the $5, as Law relates?

Mr. McCune says he was practically certain of election this day. If there was no anxiety for votes, why do we find Sloan, working hard, Christensen working hard, Mr. McCune hunting up of the members at the home of Mr. Thatcher? Why did not Mr. McCune publicly denounce the attempt to bribe Law over the telephone, by telling him he did not want his vote? Why did he not call Law to meet him? Why did he take some one with him? Many were there that he could have taken.

The speaker here reviewed the evidence given by W. G. Nebeker, by C. M. Jackson, by Mr. Callister and by Mr. Thomson, showing what it in each case tended, according to his view, to strengthen the chain of evidence. Does that Mr. McCune's money was being used to effect his election.

Adjourning the committee, he said in conclusion:

You are not here to punish, but to say whether or not you are fit to be entrusted with the gift of the State? Do not take chances, if not criminal, at least reprehensible. Are those methods to be the general work of future Utah? If they are, then adjourn this court and go to the highest bidder. Whatever your judgment may be, whatever the determination of this court, preserve the honor of Utah.

At the conclusion of Judge Dey's argument, the committee adjourned till 2 p. m. today.

JUDGE DICKSON'S ARGUMENT.

At 2 p. m. Judge Dickson began his argument for the defense. He said: I shall confine my remarks to the Law case, leaving the other charges to some of the men in my colleagues. My first object is to call your attention to some salient features of the case. We would not repeat Mr. Law to admit under cross-examination that he did not accept the money that Mr. McCune would admit that he had given the money to Mr. Law even if he had done so.

This case is of peculiar interest to me in this State. Some of you have been supporting Mr. McCune by your ballots. Some have been supporting other candidates. It is highly necessary, gentlemen, that you be quite sure of the motives of one of the other, for our prejudice makes and affects our judgment, and it is difficult for any individual to be impartial where we have ourselves taken sides. Men's passions become inflamed by contest of this kind, till it is so difficult to lay aside our prejudice as it is to decide with absolute fairness. Wherever differences exist, we should be fair to ourselves, to this State, and above all to your own consciences. These remarks have been prompted by some things that have been said by Mr. Evans, in which he seemed to impugn the fairness, if not honor, of members of this committee.

Judge Dickson was speaking as the "News" went to press.

MR. IVINS EXPLAINS.

Tells of His Conversation With Senator Whitney—No Reflection on Mr. Hughes.

Salt Lake City, Feb. 28, 1899.

Editor Deseret News:

Regarding the report in this evening's "News" of a statement made by me, in which he is quoted as having testified that I told him I could have accept Hughes if he would withdraw, I state "I deem it proper to make a brief statement:

I was called to the witness stand on Wednesday afternoon Feb. 22, and examined upon something like two hours. Just at the close, I was asked if I had said to Mr. Hughes, on Monday, or any other time, that I would accept Hughes if he would withdraw. Running evening in question, after a conversation with Representative Jacobs, that I should be willing to give $5 dollars of McCune's money or something to that effect. This was objected to by Mr. Hughes' counsel, and though I announced my willingness to answer, but it was deemed improper to answer.

The next morning I was called again, and the testimony of Mr. Hughes was read to me, and I was asked if I remembered it, that it was hearsay. My statement as to any conversation with Mr. Hughes was that it was direct.

Now as to Senator Whitney's remarks reflecting on me.

On leaving the committee room last Wednesday evening, I came up town with Mr. Whitney, Mr. Hughes, Mr. Porter, who had been present during some part of the examination, and another Mr. Porter, who I think was also running in town, joined us. On the way I simply discussed the mode of procedure in the examination, giving a third party's statement regarding a conversation had with me and not present. Mr. Hughes said to me, "I want to get to go to. It not having then been ruled out. As I was outside the committee room when what Mr. Hughes said I did not hear his statement, but senator Whitney quoted a remark of Mr. Hughes to the effect that I had said I could have had a thousand dollars of Mr. Hughes money. Thereupon I simply said to the Senator that I could have expected that the remarks made by my testimony been admitted and that would have swept or kept Mr. Hughes out of the room. I did not call his attention to Mr. Hughes, but here only on the point that my testimony would have swept first and that if the conversation were wanted I would have given it in the heat of my resolution and that would have excluded Mr. Hughes from proceeding no to the case, my point being simply that the one who gave the conversation should be the one to testify to it.

At no time before or since have I said to Senator Whitney what the nature of my testimony would have been.

On reading this statement tonight to Senator Whitney he agreed with me that it was practically correct and that he had misunderstood my phrasing and its significance.

EDWARD O. IVINS.

FILIPINOS WORK LIKE BEAVERS.

Rebels are Very Active Throwing up Earthworks.

INTEND TO MOUNT BATTERY

Insurgents Extremely Busy Digging Trenches in Front of Malabon Church Recently Demolished.

Manila, March 1, (3 p. m.)—The rebels are very active at Caloocan and Malabon. They evidently intend to mount a battery in front of the Malabon church, destroyed by the fire of the United States monitor Monadnock on February 27. They can be seen throwing up earthworks for rifle and emplacements.

At 5 p. m. there was the usual dispatch firing yesterday evening and today, but only one casualty resulted and is in the case of Private Parks, company K, California volunteers.

The Nebraska volunteers at the reserve had a slight brush with a small body of the enemy this morning. The rebels scattered in the brush after the first volley. The U. S. transport Tacoma has arrived here without the loss of a horse or a mule.

The Negro commissioners have entertained several American officers and British subjects at their hotel to return for the compliment paid them by Aguinaldo. Colonel Wheaton, Major Cook, Major Wade, Major Bell, Major Lyon, Major Hoff, Major Hoff, Major Lyon, Major Bell, Major Wade, Major Cook, Major Wheaton, Major Wade, Major Cook, Major Wheaton, Major Wade, Major Cook, Major Wheaton