

LAYS FOUNDATION FOR PROSECUTION

Heney Is Moving With Much Caution.

BUILDS UP HIS CASE SLOWLY

Hall and Mays Trial Making but Little Progress.

DEFENSE FIGHTS EACH STEP

Few Witnesses Examined and Session Largely Given Up to the Reading of Letters Said to Show Conspiracy.

The Government yesterday continued laying the foundation of the case against John H. Hall and Edwin Mays. Heney introduced some 50 letters, written from June, 1900, to September, 1902, by Hall, Mays, Loomis, Stratford and Putnam. More such letters will follow today.

Hall objected earnestly to only one letter, written by Secretary Hitchcock to Special Inspector A. R. Greene, directing Greene to investigate the fences. Heney's purpose is to show that this investigation was prompted by settlers, who had appealed vainly to Hall to act against the fences.

The steps in the Government's evidence of conspiracy will be about as follows:

First—To prove Hall and Mays had frequent knowledge from protesting settlers of the fences as early as March, 1900.

Second—That Stelwer, Zachary and Hendricks caused various persons to file on land for their company, in order to complete the company's enclosure of public land.

Third—That Hall and Mays took no steps to prosecute the offenders, though they had full knowledge of the fencing and the conspiracy for more than three years.

At this stage, Stelwer is expected to testify about the alleged understanding by which Hall and Mays were not to prosecute him and his associates. One of the terms of this alleged agreement was Stelwer's vote for Putnam.

George Brownell is expected to testify that Hall promised to immediately from land-fraud prosecution for his withdrawal from the contest for Hall's office.

In the Hall-Mays conspiracy trial Judge Hunt this morning will rule on the admissibility by the Government of a letter from Secretary Hitchcock, of the Interior Department, to A. R. Greene, then Special Inspector, in which Greene was instructed to proceed to Wheeler County and make an investigation of the alleged illegal fencing of the public lands by W. W. Stelwer et al.

Illegal fences or to prosecute the guilty parties. The significance of these letters as relating to the case will be further shown by the Government when it proceeds to show the relations between Hall and the indicted Special Agents.

Another Link in Chain.

The second step towards forging the conspiracy chain will be furnished in the testimony that will be given by various persons who entered on lands bordering on the Butte Creek grazing lands, which were afterwards acquired by Stelwer's company for the purpose of completing the inclosure of Government land. These witnesses are expected to testify that they settled on the lands not for their own use and benefit, but at the instigation of Stelwer et al. of the Butte Creek Land, Lumber and Livestock Company, to whom they sold their land as soon as they had received their patents in accordance with a pre-arranged understanding with the officers of the corporation. In this way the conspiracy charge will be established against Stelwer, Hendricks and Zachary. Previous to this has been accomplished, the Government expects to associate Hall and Mays with the conspiracy by proving that while they had full knowledge of the unlawful fencing for more than three years, they took no steps to prosecute the offenders criminally. It will further be shown that the fences complained of were not removed until after the settlers had taken their complaint by petition to Secretary Hitchcock, of the Interior Department, who assigned Special Agent Dixon to make an investigation. In this connection it is probable that Stelwer will take the stand to testify as to the existence of an understanding that existed between him and his associates on the one side and Hall and Mays on the other, by which they were not to be prosecuted criminally for violations of the land laws. George C. Brownell may also be called as a witness in support of the charge that Hall declined to prosecute him for his connection with the land-frauds of the State in consideration of his retirement from the race for the appointment of District Attorney to succeed Hall.

Much Preliminary Testimony.

Because of the large amount of preliminary testimony that must be produced by the Government before the material evidence against Hall and Mays can be developed in the trial, Witness Putnam, the Wheeler County rancher who labored untiringly for several years before breaking up the combination, remained on the stand all day, and when Court adjourned until 10 o'clock this morning Heney had not completed his direct examination of the witness. Putnam's testimony related entirely to correspondence between himself and Hall or Mays or between himself and Special Agents Loomis and Stratford. Over 50 of these letters have already been introduced and Heney has a large number yet to offer.

In a letter bearing date of June 4, 1900, which was introduced Putnam wrote to Hall and informed him that various persons were about to make filings on public lands in violation of the law. He charged in his letter that the entrymen had not only failed to reside on their claims, but had made no improvements other than the erection of a shack 12x14, which was uninhabitable, and the construction of a fence which completed the enclosure of the grazing land complained against.

Mays was connected with the alleged conspiracy yesterday for the first time by the introduction of correspondence between himself and Putnam in which Mays had replied that the complaint would receive "early and careful attention in an effort to straighten it out in a manner satisfactory to all concerned." In one of his letters to Mays, Putnam had written that "there is stronger evidence of fraud in these homestead entries (referring to those inspired by the Butte Creek Company) than that on which Durrant was hanged." In a later letter, dated March 4, 1901, written by Putnam to Mays, the writer complained that unless the smaller stockmen in the vicinity of Fossil were granted some relief soon from the existing monopoly of the grazing land, they would either have to sell their cattle or go elsewhere.

Failed to Investigate.

After having had considerable correspondence with E. D. Stratford, a special agent, who had promised on a number of occasions to visit Fossil and had as many times failed to put in an appearance, Putnam on September 22, 1900, again wrote to Hall notifying the District Attorney that Stratford had not made the investigation and urging that the matter be hastened along, for the reason that the weather was getting bad and unless the work was done soon it would have to be abandoned for another year.

"The land sharks (referring to the officers of the Butte Creek Company) claim to have 'seen' one Government agent who has refused to come to Fossil at all," wrote Putnam in this letter. "One of my neighbors who had been asked to go in with the others and file on some of the land across which fences were to be constructed by the Butte Creek Company, told them he was afraid the law would get after him, but they had assured him that they had 'fixed' the agent from the Land Office, and nothing was to be feared. If they are in the business of buying off agents, let's give them a chance to buy by the whole." In his answer, Hall informed Putnam that he had turned Putnam's letter over to the Interior Department and would have to wait until they had acted before he could do anything. Hall also referred Putnam to Special Agent Stratford, who was then connected with the Roseburg Land Office.

Hall Asks for Names.

Replying to a later letter of a similar character from Putnam, Hall asked Putnam for a list of persons and corporations who had allegedly fenced public lands, saying that he would write them a "sharp" letter and tell them what the law was. In this letter Hall said he had set his eyes on a man who had been selected to visit Fossil and investigate the complaint reported by Putnam.

Witness testified that Special Agent Loomis first visited Fossil in June, and again in July, 1902, when affidavits were signed by both Putnam and a neighbor, W. B. Shepard, alleging the illegal fencing of Government land by the Butte Creek Company. Affidavits were also signed by Putnam and Shepard declaring that the entrymen on the different claims sought to be acquired for the Butte Creek

TAFT IS SURE OF OHIO DELEGATION

Half Counties Assure Him Majority.

FORAKER A MERE GUERRILLA

Ashamed to Show Weakness by Making Fight.

BUT ONE COUNTY DIVIDED

Senator Refuses to Run Ticket There—Nearly Every County Declares for Taft—Legislature Working on Primary Law.

COLUMBUS, O., Jan. 17.—(Special.)—With just half the counties of the State heard from, the Taft forces are assured more than 600 delegates in the State Convention, or far more than necessary for control. In the majority of cases resolutions have been passed endorsing W. H. Taft, and in all but three the State call has been followed without question. Champaign, Holmes and Meigs Counties declined to call primaries, but in every case the declarations were for Taft, the objection to the primaries being on the ground that there would be no opposition and the expense would be useless.

Opposed in Only One County.

In only one place is there known opposition to the Taft primary ticket, and that is Lake County, where Mr. Beldler will have a rival ticket in the field. The Taft forces will be marshaled by Representative S. D. Shankland, and it is said that Senator Foraker has declined to file the required consent for the use of his name at the head of the Beldler ticket, as this showing of having only one ticket in the whole State would not be flattering to him.

Foraker Men Only Guerrillas.

The Taft people already say that the Foraker warfare is now only of the guerrilla kind, in which the attempt is merely to harass the cause of Taft and to gain all the concessions possible. The attitude of the counties is reflected strongly in that of the Legislature now in session. It is evident that any effort to nullify the primary election bill through to carry out Mr. Foraker's compact with certain Democrats will meet with firm opposition in the House. The committee on elections, will meet next Wednesday for the purpose of arranging for public meetings on the subject. The three bills pending are to be referred to that committee and all persons interested

KEEP HER STORY FROM THE PUBLIC

Jerome Moves When Evelyn Testifies.

CALLS HERS HORRIBLE TALE

Sensational Move Interrupts Thaw Trial.

THAW'S MOTHER A WITNESS

Weak From Illness, She Repeats Narrative of His Strange Conduct. Nurse and Others Testify to Insanity of Defendant.

NEW YORK, Jan. 17.—A series of surprises brought the Thaw trial near a crisis today. Both Evelyn Thaw, the wife, and Mrs. William Thaw, the mother of the defendant, were on the witness stand and just as the former was about to relate anew the story of her life as she told it to Thaw in Paris in 1902, District Attorney Jerome arose and said that in the interest of public morals all persons except those interested in the case should be excused from the court room during what he called the recital of a "horrible tale." This included representatives of newspapers, as well as the public generally. Martin W. Littleton, of the defense, joined in it to shield the young woman from curious eyes, and said that, so far as the right to an open hearing was concerned, he was ready to waive that point in any ironclad manner the court might suggest. Proceedings were suspended until next Monday morning, when Justice Dowling, who is presiding, will announce his decision.

MANY ALARMIST RUMORS

POPE PIUS' GOUT SETS ITALIAN TONGUES BUSY.

Severe Attack Causes Audience to Be Postponed, but There is No Danger.

ROME, Jan. 17.—Various alarming rumors were in circulation this afternoon regarding the health of Pope Pius. They were to the effect that his holiness had suffered a stroke of apoplexy, that he had had a bad fainting spell, and that disease of the heart from which he suffered had suddenly grown worse. The reports were more alarming in character than those circulated when Pope Pius, a few days after his election, fainted in the Pauline Chapel while celebrating his first pontifical mass. All were greatly exaggerated, however, as the Pope is only again suffering from gout. The attack began last night, and by morning had become so acute that, by the advice of his physician, Dr. Petacci, his holiness postponed all the audiences that had been arranged for today and tomorrow. The doctor says that a few days of rest and of dieting will be sufficient to restore the Pope's health, as aside from the gout, he is in perfect condition.

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TORPEDO-BOATS JOIN THE FLEET

Uncle Sam's Armada Makes Fine Show.

LIVELY SCENE IN RIO HARBOUR

False Report of Disaster Mystifies Officers.

GARDEN PARTY A SUCCESS

Over 3000 Persons Entertained by Brazilian Naval Club—Flotilla to Sail for Buenos Ayres After Four Days.

RIO DE JANEIRO, Jan. 17.—The American battleship fleet was joined today in the harbor of Rio Janeiro by the torpedo-boat flotilla, numbering six vessels, which arrived from Pernambuco and anchored near the 16 big battleships at 3:45 o'clock in the afternoon. The flotilla left Pernambuco January 13, and met with good weather on the voyage to this port. Some delay was occasioned by the machinery of the Lawrence, but a few hours sufficed to make repairs. Lieutenant-Commander Cone reports the health of the men of the torpedo flotilla as generally good, though there are some cases of malaria among them. The vessels in his command will sail for Buenos Ayres after coaling, probably about January 21.

Great Array of Warships.

Never before were so many warships anchored in this part at one time. Besides the great fleet of 16 battleships swinging idly at anchor, with their white sides shining in the brilliant sunlight of a perfect day, there were the fleet of Brazilian warships, the cruiser Bremen and finally late in the afternoon came the six American torpedo-boat destroyers to swell the great fleet. Scores of small boats ran to and fro between the warships and the shore, carrying thousands of men who had been granted leave for the day, while the officers were still being fed by the government, the city and the people of Rio. Nothing occurred to break the absolute peacefulness of the scene in the harbor, and the enjoyment of the men ashore.

False Report of Disaster.

There was considerable surprise and not a little amusement among the officers of the battleship fleet, as well as among the people of Rio, over numerous inquiries called here from the United States during the day for information regarding a reported disaster to the battleship Connecticut, Admiral Evans' flagship. At first the inquiries were mystifying to those to whom they were addressed, as the rumor of a mishap to the Connecticut did not originate here, and at the time frantically were being telegraphed from the United States all the ships of the fleet were lying peacefully in the harbor in plain view from the shore. Finally it became clear that the rumor of an accident originated in the United States.

Had Never Known Parallel Case.

Mr. Jerome asked many questions as to the ideas of irrationally the witness entertained and then started to inquire as to whether she had ever before observed anyone very much in love with a chorus girl, when Justice Dowling interrupted to say there was nothing in evidence so far as to any chorus girl. "Well," said the prosecutor, "had you ever before observed a young man who told you of a beautiful young woman who had been greatly wronged?"

Nervous, Moody Child.

Catherine Neill, an elderly woman, who was a nurse in the Thaw family for six years, and took charge of Harry K. Thaw when he was between 3 and 4 years of age, testified as to the childhood of the defendant. She described him as very nervous and moody. He would have nervous outbreaks which would end in complete collapse. His mouth would twitch and there were general facial contortions. The nervous outbreaks occurred during all of the years the nurse was in the employ of the family, causing her to reach the conclusion that Harry's mind was affected.

Thaw's Delusions in Jail.

While Mr. Thaw was sitting with anxious face ready for his examination, Mr. Littleton changed tactics and asked her to withdraw for the time being, to make way for Policeman Thomas F. Lynch, who was roomed at the Tompkins police station at the time Thaw was confined there following the shooting of White. Lynch repeated the testimony he

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