

DRAWN NET CLOSE IN THE HALL CASE

Honey Cross-Examines Former Attorney.

LETTERS SHOW FAVORITISM

Settlers Promptly Prosecuted for Illegal Fencing.

BIG OFFENDER IGNORED

No Steps Taken by Hall as Federal Prosecutor to Curb Butte Creek Corporation's Wholesale Operations at Same Time.

LAND-FRAUD TRIAL IN BRIEF.

Government begins introduction of letters to show that Hall promptly prosecuted individual settlers who had from 200 to 400 acres of Government land located in Gilliam and Wheeler Counties in 1901 and 1902, but neglected to institute proceedings against the Butte Creek Company, which had an inclosure of about 20,000 acres of public land in the same vicinity.

Another letter is introduced contradicting Hall's testimony in that it shows that the investigation of unlawful fences in Harney and Lake Counties in 1902 was made on the application of Special Inspector Greene, and not on Hall's initiative.

Honey's cross-examination of Hall will occupy greater part of today's session. Arguments cannot be made and case will probably be closed late Monday afternoon or Tuesday.

Francis J. Honey's cross-examination of John H. Hall yesterday materially strengthened the case of the government. One letter, that will be followed by several others today, was introduced by Honey showing that Hall in 1901 and 1902, when frequent complaints were being received against the Butte Creek Company, took immediate and effective steps towards prosecuting settlers who had from 200 to 400 acres of Government land inclosed.

The consideration of the Brown case had not been finished when court adjourned to reconvene at 10 o'clock this morning. Aside from the correspondence with Attorney-General Knox, letters were introduced from John G. Saxton, a settler showing that he had reported the alleged unlawful inclosures by Brown to Hall prior to the time that Greene officially reported the case to the Department of the Interior, and nearly a year before Hall made application to the Attorney-General for a special agent to be assigned to him for the special purpose of investigating and reporting on the complaints against Brown.

The cross-examination of Hall will be resumed this morning and will probably last all day. By holding a night session last night, Judge Hunt, after a conference with Honey and Judge Webster, thought it might be possible to conclude.

What Hall Had Sworn To.

On direct examination, Hall had testified that he took the initiative in causing an investigation of conditions in those counties, and had contended that his action was responsible for the removal of the fences complained of. This correspondence was intended further to discredit the testimony of Hall, who, on cross-examination in the afternoon, had represented that it was the policy of the Interior Department not to be too active in prosecuting persons for illegally fencing Government lands.

Honey, by this correspondence and other letters that will be introduced before the examination is concluded, proposes to establish the fact that the Interior Department always took immediate steps to cause the prosecution of all violators of the fencing law, when such violations were called to its attention.

During the afternoon, Honey confined his questions on cross-examination of the ex-District Attorney, to a discussion of the anti-fencing act of 1850, and Hall's interpretation of its provisions and requirements of himself as a prosecuting officer of the Government. As the attention of Hall was repeatedly called to the alleged violations of the fencing laws by the Butte Creek Company, Honey insisted on knowing why the prosecution did not proceed to remove the fences or to punish the violators of the statute.

Hall Explains System.

In answer Hall explained that it had been the practice of the District Attorney's office always to refer complaints alleging unlawful fencing to Special Agents attached to the Interior Department, and that no action was taken by the District Attorney until a report had been made by the Special Agent who had been assigned to investigate the specific violations.

the indictment and for that reason were both relevant and competent.

The letters introduced last night related to a case of unlawful fencing in Gilliam County in the early Summer of 1901, at the same time and in the same vicinity where the fences of the Butte Creek Company were being complained against. In May, 1901, Jay Bowerman, United States Commissioner at Bandon, reported to Hall the case of a rancher who had an enclosure of about 250 acres of Government land.

Look Action Promptly.

Later an affidavit, reciting the facts of the enclosure, together with a description by which the land could be identified, was forwarded to Hall and the correspondence shows that he then notified D. L. Ebbert, the settler, that the fence must be removed. Ebbert responded informing Hall that the fence enclosed growing crops and he asked to be allowed to maintain the fence until he had harvested his crops, agreeing at that time to remove the fence.

This was agreed to and in the Fall of the same year, Bowerman notified Hall that Ebbert had not kept his promise. Hall then wrote Ebbert and gave him five days in which to remove the fence under threat of both civil and criminal proceedings. The fence was removed.

In connection with the consideration of these letters, Honey called to the attention of Hall that Bowerman was the law partner of H. H. Hendricks, a member of the Butte Creek Company, but Hall professed not to have had knowledge of the fact at the time.



Louise de la Ramee, "Ouida," Famous Novelist, Who Died in Poverty.

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RUEF DENIES ALL DOUBLE DEALING

Says Prosecution Violates Pledge.

ALWAYS READY TO TELL TRUTH

Would Testify to All He Told Grand Jury.

NO CHANCE TO NEGOTIATE

Too Closely Guarded to Have Opportunity to Dick with Defendants—Says Langdon Wants Him at Mercy.

SAN FRANCISCO, Jan. 30.—Abraham Ruef in open court this morning denounced as untrue the statement of District Attorney Langdon that he had been in communication with the other defendants in the United Railroad case and tonight issued a statement in which he repeated his denial of his alleged double-dealing; charged the prosecution with violating its solemn word of honor and written pledges; accused the District Attorney of trying to force him into absolute compliance with certain demands by securing his conviction and then, under promise of leniency, to compel him to testify; reiterated that he had kept faith and asserted that he was now and always had been willing to testify to the truth as he had done before the grand jury.

Theory of Langdon's Purpose.

Ruef's statement forms the third chapter in the now famous immunity controversy and is as follows:

It is evident from the various newspaper articles which had their inspiration in the District Attorney's office, that the prosecution in violating their solemn word of "honor" and their written pledges to me, are proceeding upon the theory that, if they can get a jury to find me guilty on this indictment which they had expressly agreed to dismiss, they can then, under promise of leniency, force me into absolute compliance with certain demands.

I assert to the people of San Francisco, and I can furnish the indisputable corroboration of men of the highest repute and integrity, that I have fully kept and performed, both in letter and in spirit, my part of the immunity agreement. I do not intend to make a full statement now but there are two things which I desire to establish clearly in the public mind as to both of which misrepresentations are being made.

First, I have always been and am now ready to keep my part of the contract with the prosecution and to testify fully and completely to the truth, and the whole truth, in all matters. I have always been and am now willing and ready to testify to the truth as I did before the grand jury, and have always been and am now willing to testify to the truth as I did before the grand jury, and have always been and am now willing to testify to the truth as I did before the grand jury.

Second, relative to the District Attorney's intimation that his action in breaking his solemn word of "honor" was partially because he had "learned" that I was dickering with the other side, I positively assert, and stand ready to prove beyond any possible doubt, that from the date of the immunity contract until the sudden and unexpected action of the District Attorney in breaking his pledges, I have never directly or indirectly conferred with or communicated with any of the other defendants in these actions.

Could Not Confer With Grifters.

Not only would I not have done so for reasons of personal security and personal protection, but had I desired so to do, it would have been physically impossible to do so. I have at all times had from five to eight of Mr. Burns' private detective force in charge of me under the designation of "deputy editors." Almost every breath I have drawn, every word I have spoken, every move I have made, have been daily reported by them not to Mr. Blazy, the editor, but to Mr. Burns, the privately paid detective of the prosecution. With rare exceptions, in the case of my attorneys and certain ministers of religion, no visitor has been allowed to see me except in the presence and hearing of those men, and only such visitors have been admitted as Mr. Burns granted the deputy editors permission to see me. Moreover, I have never told any person, even my attorneys, anything which would be of the slightest value to any defendant.

For example, I have never told nor spoken to any one to whom the prosecution had already made disclosure of the existence of

COMING MESSAGE CAUSES GUESSING

It May Be Aimed To Overshadow Hughes.

THEORY OF REACTIONARIES

Suggest Plan to Cause Third-Term Stampede.

ROOSEVELT FIGHTING MAD

Purpose to Spike Guns of Adversaries, but Friends Resent Revival of Third-Term Talk.

WASHINGTON, Jan. 30.—(Special.)—Senators and Representatives and politicians in general are speculating with great interest upon the message which will go to Congress from the White House tomorrow. The tip has gone around that the document will go into affairs affecting politics, and politics far beyond the mere question of employers' liability. There is a report that this message is to be the first of a series which the President will send to Congress in the next few months and that the set in its entirety may have a marked effect on the National campaign now running its preliminary course.

Wall Street Highly Excited.

Wall street telegrams received here today by local brokers purporting to give a summary of the communication to be made to Congress have excited in keying everybody to a high state of excitement anticipatory of the publication of the full message.

In Congressional circles the speculation has taken various forms. Senator Lodge, closest to the Administration of any of the members of the upper branch, maneuvered deftly today to keep the Senate from taking the usual week-end recess from Thursday until Monday, as had been planned. He succeeded, but only to arouse much curiosity as to why Friday must be the time fixed for the sending of the message, when it was known that the document had been in print for several days.

May Aim to Spike Hughes' Guns.

Members of Congress with some inkling of the character of the message pointed to the coincidence in the time fixed for its publicity and the keynote speech to be made by Governor Hughes, of New York, before the New York Republican Committee. Mr. Hughes is expected to inaugurate his platform as a candidate for the Presidency in his address tomorrow night, or at least to give for the first time some idea of his views on National questions. Some politicians charged that President Roosevelt, by getting in a few hours ahead of the Governor, would present some matters of country-wide interest that would cast a shadow upon the simultaneous reports of what the latter had to say in the next morning's papers.

Revive Third-Term Bogey.

Certain anti-Roosevelt and anti-Taft interests profess to see in the developments an intention on the President's part to go into the race for the nomination himself. Within a day or two reports have appeared in anti-administration quarters to the effect that third-term talk was reviving, and that, if Mr. Taft could not

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JEROME'S PLEA IS BASED ON LOGIC

Sneers and Malice Give Way to Cold Facts.

WOULD ACCEPT COMPROMISE

Suggests Two Minor Verdicts to Thaw Jury.

KIND WORDS FOR EVELYN

Prosecutor No Longer Defends White's Name, but Declares Woman Was Victim of Circumstances and Degenerates.

NEW YORK, Jan. 30.—William Travers Jerome, representative of the people, made a masterly plea today that justice be done in the case of Harry Kendall Thaw. "Vindictiveness, sneers, insinuations, all were lacking; logic, analysis and a calm consideration of the facts were their substitutes. It was no blind appeal for the vengeance of the law that Mr. Jerome addressed to the jury, but ever and always there was the note of fairness, even at times of mercy.

The year that has elapsed since the first trial had wrought a wonderful and startling change in the prosecutor. No longer attempting to shield the name of Stanford White, he accepted the story told by Evelyn Nesbit Thaw as true—all but the drugging, and he made frank confession to the jury that the velvet swings and mirrored rooms of the studio house described by the girl were indeed a miserable reality. No longer attacking Evelyn Thaw as a skilled adventuress, Mr. Jerome pleaded for the girl because she never had had a chance for any of the higher, cleaner, sweeter things of life.

Thaw and White Denounced.

The climax came, however, when Mr. Jerome denounced both Thaw and White in one breath and classed them as "two degenerates quarreling over a woman," and the woman, this prosecutor declared, knew no more—had been taught no more by the world—than to play one against the other until in jealous rage, in blind hatred, in vengeance of "an undeniably gross wrong done to his wife," Harry Thaw shot and killed the architect.

The case will go to the jury tomorrow morning and Thaw may see his fate before the sitting of another session. Justice Dowling will begin his charge as soon as court convenes at 10:30 o'clock. He postponed the reading of his instructions until tomorrow in order that the jury might have all day for consideration of the evidence before being locked up in the stuffy little room.

Suggests Two Minor Verdicts.

District Attorney Jerome turned a willing ear to the testimony of insanity, and emphasized it in a number of instances. He admitted that Thaw had always been physically weak, and at times his mind had been unstrung. And while at no point was there the direct offer of compromise in the prosecutor's speech, there was notably an indication that he would not feel that justice had been "misdirected" if a verdict of some lesser guilt than murder in the first degree should be the culmination of the jury's deliberation. Mr. Jerome carefully explained the elements that enter into a verdict of primary murder, the penalty of which is death, and then he pointed the way to two other findings which he declared were possible under the circumstances. In first degree murder, the District Attorney said, the killing must have been the result of both intent and deliberation; in the second degree murder, he said, the intent to effect death remained, but premeditation must have had no part.

TORPEDO FLOTILLA OFF AGAIN

Sails From Buenos Ayres After Much Entertainment.

BUENOS AYRES, Jan. 29.—The flotilla of American torpedoboots, under the command of Lieutenant Cone, on its way from Hampton Roads to Magdalena Bay, sailed from this point at 9 o'clock this morning for Punta Arenas after a stay here of four days.

CHINA TAKES THIS VIEW OF FLEET'S MOVEMENT.

BERLIN, Jan. 30.—Bishop Henning, special vicar of South Shantung, who is visiting Germany, says that the departure of the American fleet of battleships for the Pacific Coast is looked upon in China as something more than a pleasure cruise; serious reasons are thought to be behind this move.

ORIENTALS GO TO PUNTA ARENAS TO INSPECT SQUADRON.

PUNTA ARENAS, Jan. 30.—Two Japanese came ashore here from the British steamer Brita. They are supposed to be present in Punta Arenas for the purpose of observing the passage of the American fleet.

WEST VIRGINIA INDORSSES BRYAN.

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