

## SCHECK DEFENSE HIT SEVERE BLOW

Court Throws Out Its Trump Card in Giving Jury Instructions.

## CONSPIRACY RULED OUT

No Act Sustaining Charge Against Albert Schenk Shown—Circumstantial Evidence Admitted as to Poisoning Charge.

WHEELING, W. Va., Jan. 23.—The end of the trial of Laura Farnsworth Schenk is now in sight. It is expected the case will be in the hands of the jury by Wednesday noon.

Apparently the greatest blow yet sustained by the defense was struck this morning, when, on motion of Prosecutor Handlan, the evidence of Mrs. Jane Hedges was ruled out. It was this witness who testified that Albert Schenk had said he would "leave no stone unturned to rid the family of John O. Schenk's wife."

The defense played its trump card in Mrs. Hedges, relying upon her evidence to prove that members of the Schenk family had conspired against Mrs. Schenk. This evidence given by Mrs. Hedges was ruled out on the ground that no overt act suggestive of a conspiracy had been attributed to Albert Schenk or other relatives.

The state apparently scored again when instructions to the jury were offered. The state offered ten instructions, all of which were given. The defense offered 24, 13 of which were stricken out.

Th instructions submitted by the defense and ruled out related principally to two subjects—circumstantial evidence and the reputation of two witnesses—Dr. J. W. Myers and Miss Eleanor Zwickler. It was asked that the jury return a verdict of acquittal if it has not been shown definitely that Mrs. Schenk put the poison in her husband's medicine, or if it is shown that she did not do the work herself.

This was rejected, as the state contended that such instructions would prevent any circumstantial evidence being taken into consideration. The instruction in relation to character of witnesses was overruled on the ground that the unreliability of the witnesses had not been shown.

## KITES TO FLY FROM SHIPS

Experimental Flights Will Be Made From Cruiser's Deck.

SAN FRANCISCO, Jan. 23.—Samuel F. Perkins has secured permission from Captain Fox of the armored cruiser Pennsylvania to make a number of experimental flights from the deck of the war vessel in his man-carrying kites. The Pennsylvania will sail from this port tomorrow for the Santa Barbara channel where the flights will be made. During the aviation meet here Lieutenant Elvin Hunt was detailed to assist Perkins in flights with the man-kite but the conditions did not prove favorable and the attempts to fly were abandoned.

Rain prevented the conclusion today of the local aviation meet. The only attempt to fly was made by Mr. Portney, an Oakland amateur, and was unsuccessful.

## BUTLER MADE CHAIRMAN

Education Trustees Act Despite Protest of Mrs. Young.

NEW YORK, Jan. 23.—Nicholas Murray Butler, president of Columbia University, was elected chairman of the board of trustees of the National Educational Association in a special meeting in the Manhattan Hotel today, despite the protest of two members of the board that the meeting was irregular and the election illegal.

Ella Flagg Young, of Chicago, president of the association, is one of those who refused to attend, and it is predicted that the contest will be fought out at the next national convention. The real subject of controversy is a fund of \$135,000 on deposit in a Chicago bank.

## UTAH BANK IS DEFUNCT

State Examiner Assumes Charge of Salt Lake Institution.

SALT LAKE CITY, Jan. 23.—State Bank Examiner C. A. Glazier today assumed charge of the affairs of the Utah Bank Company's banks at Lehi and American Fork, Utah.

The two institutions closed their doors this morning. Heavy demands upon the banks, a steady withdrawal of deposits and inability to realize promptly on the assets are the causes assigned for the suspensions.

## CHARGE IS \$32,000 THEFT

Sheriff Takes Prisoner Back to Ellsworth, Kansas.

BAKERSFIELD, Cal., Jan. 23.—Sheriff Broadshaw, of Ellsworth, Kan., left here last evening with M. E. Church, who he wanted there to answer to the charge of embezzling \$32,000 from the Hollywood, Kan., bank.

Church was arrested at Taft about two weeks ago by Sheriff T. A. Baker on information furnished by Sheriff Bradshaw.

## JURY GETS KETCHEL CASE

Walter A. Dibley and Goldie Smith Will Learn Fate Soon.

MARSHFIELD, Mo., Jan. 23.—The case of Walter A. Dibley and Goldie Smith, charged with murdering Stanley Ketchel, champion middleweight pugilist of the world, shot here October 15, are in the hands of the jury.

The final arguments of all attorneys in the case were completed shortly before 10 o'clock tonight.

Steel Wire Price Too Low.

NEW YORK, Jan. 23.—E. H. Gary, chairman of the United States Steel Corporation, said today that the recent advance of \$1 a ton in steel wire prices by the American Steel & Wire Company, a subsidiary of the steel corporation, was because the previously prevailing price was too low to insure a reasonable margin of profit.

## NOVELIST, SHOT FOR UNKNOWN CAUSE YESTERDAY.



DAVID GRAHAM PHILLIPS.

## NOTED AUTHOR HIT

Six Bullets Fired Into David Graham Phillips.

## ASSAILANT ENDS OWN LIFE

Young Member of Old Maryland Family Who Had Bothered Author With Many Appeals Not Known to Have Grudge.

(Continued From First Page.)

National Arts Club, was snatching through the sunshine for an hour with his friends. A policeman stood not 100 yards away. Two foot passengers had just passed the club as Phillips was seen approaching it.

Nobody saw anything of Goldsborough, who was walking in a direction opposite from Phillips. There was no argument as they met, no quarrel, no opportunity for self-defense.

Satisfied that the pistol glinted in the sunshine, a thin haze of powder spurt from the muzzle and the pater of the shots punctuated the air with great rapidity. Phillips staggered, but did not fall. He lurched against the iron railing that surrounds the clubhouse yards, with one hand to his body and the other grasping support.

The policeman and the two bystanders came up on the run. At the same moment three members of the club—Newton James, Frank Davis and Frederick Evans—rushed down the steps and carried Phillips into the clubhouse.

"Graham, what happened?" asked Evans. Phillips was conscious and suffering intensely.

"He shot me in the bowels," he answered. "Don't bother with him. For God's sake get a doctor."

It was some time before an ambulance arrived and in the meantime the club members were trying to identify the dead man. In the pockets were cards bearing his name and the address 1331 K street, Washington, D. C. He carried \$250 in cash, a membership card in the American Federation of Musicians and two manuscripts of short stories.

Goldsborough of Old Family.

William E. McCoombs, secretary of the Princeton Club, recognized the man as Pittsburgh Goldsborough, of an old and respected Maryland family, he said. Word came from Washington confirmed the identification and added that Goldsborough was a Harvard graduate, McCoombs corrected that. He said that Goldsborough had entered Harvard with the class of 1901, but left college at the end of his freshman year.

After the arrival of the coroner the body was taken to a police station, where it was further identified by Algonquin Lee, secretary of the Rand School of Social Science, where Goldsborough lived. Lee said Goldsborough came here last November and took rooms at the school. He was not a student and mingled little with the members of the institution.

He Had Bothered Phillips.

Harrison W. Phillips, David Graham's younger brother, said that Goldsborough had been bothering David with letters and telephone calls for a month or six weeks, but his brother had never been able to learn what the man's grievance was. He thought perhaps they had met at some socialist gathering and that Goldsborough had insisted Phillips ought to "do something for the cause."

Caroline Fervet, Phillips' sister, who lived with him at the National Arts Club, thought her brother Harrison must be mistaken. She doubted if David had ever met the man, although she, too, said he had been bothered with notes and telephone calls in the morning. One of the members of the Princeton Club said that when Mr. Phillips was asked who shot him he answered, "I don't know."

David Graham Phillips was born in Madison, Ind., October 31, 1867, and graduated first from Depauw University and later from Princeton, with the class of '87. The first literary work he did was as a reporter for the New York Sun, which he left to become an editorial writer on the New York World.

While still with the World he published in 1891 his first novel, "The Great God Success." It brought him good royalties and he resigned from newspaper work to devote his time to fiction and magazines. For a time he wrote many editorials for the Saturday Evening Post, or Philadelphia, as well as writing special articles. He was unmarried.

Mr. Phillips was a painstaking but

methodical worker and his books followed one another with regularity at the rate of two a year. He did most of his work in the early morning before lunch, and usually composed standing up at a high desk. His daily stint was done and he was just strolling about for a little recreation when he was shot. His principal works are "Her Serene Highness," "A Woman's Venture," "Gold- en Pieces," "The Master Rogue," "The Cast," "The Plum Tree," "The Social Secretary," "The Deluge," "The Reign of Guilt," "The Fortune Hunter," "The Second Generation," "Light-Fingered Gentry," "Ed Wilbur," "The Fashionable Adventures of Joshua Craggs," "The Hungry Heart."

## FATHER CAN'T UNDERSTAND IT

Young Goldsborough's Father Knows No Reason for Shooting.

WASHINGTON, Jan. 23.—Mingled with the grief over the suicide of his son, Pittsburgh C. Goldsborough, who shot David Graham Phillips today in New York, is the astonishment of the father, Dr. Edmund K. Goldsborough, of this city, and his family at the tragedy.

"I can't understand it," said Dr. Goldsborough. "Why, he wrote his mother only yesterday and seemed as well as ever. He was to have visited here next month at the wedding of my daughter, Frances, whose fiancé was his chum. I don't know that he was acquainted with Mr. Phillips. He may not have liked his writings, but we know no possible reason for the shooting."

Pittsburgh Goldsborough was the eldest son of the family and unmarried. He was born in Washington in 1875.

A theory that Goldsborough harbored against Phillips because of the latter's characterization of a violinist in a recently published novel gained credence among members of the dead man's family tonight.

While not professing to know whether Phillips had ever met Goldsborough, members of the family admitted that unpleasant relations had existed between the two men on account of Phillips' writings.

Goldsborough was jealous of his art, and he was not a musical person. Certain points of resemblance to himself in the Phillips character sketch are believed to have been noted by Goldsborough.

## GOLDSBOROUGH IS HIGHSTRUNG

Thought He Was Losing Mind, He Told Pittsburgh Musician.

PITTSBURGH, Jan. 23.—Pittsburgh C. Goldsborough, who shot David Graham Phillips in New York today, was a violinist with the Pittsburgh Orchestra up to the time it disbanded last March. He displayed a highly nervous temperament during his residence here.

W. T. Mossman, the former manager of the orchestra, said that about a year ago Goldsborough disappeared and the police were asked to search for him. Then a letter was received in which the young man said he was in a sanitarium in New York.

"He was witty, wrote poetry and was a deep student of palmistry," Mr. Mossman said, "but he was very high strung. Previous to his disappearance he came to my office one day after a long walk in the park, looking haggard and worn, and said:

"I guess I am losing my mind." I talked him out of that notion and he soon appeared calmer. He was one of the best educated men I ever met."

## CARS SINK IN EAST RIVER

Submerged Rock Punctures Float That Is Being Towed.

NEW YORK, Jan. 23.—Seven freight cars, loaded with valuable merchandise and perishables, lie at the bottom of East River today, as the result of an accident.

They were being towed on a float from the yards of the New York, New Haven & Hartford Railroad to Brooklyn. The float was punctured by a submerged rock in Hell Gate. The loss is \$28,000.

## Obscene Letter-Writer Arrested.

VANCOUVER BARRACKS, Wash., Jan. 23.—(Special.)—Henry J. O'Donnell, of this post, has been arrested and taken to the Federal jail in Tacoma, charged with sending obscene and indecent letters through the United States mail.

O. C. Riches, postoffice inspector, was here personally to question O'Donnell.

## Solves A Deep Mystery.

"I want to thank you from the bottom of my heart," wrote C. B. Rader, of Lewisburg, W. Va., for the wonderful double benefit I got from Electric Bitters, in curing me of both a severe case of stomach trouble and of rheumatism, from which I had been an almost helpless sufferer for ten years. It suited my case as though made just for me. For dyspepsia, indigestion, jaundice and to rid the system of kidney poisons that cause rheumatism, Electric Bitters has no equal. Try them. Every bottle is guaranteed to satisfy. Only 50c at all druggists.

## OPATHS EMBELLISH SOLDIER'S MARRIAGE

"General Elliott Cursed My Son," Testifies Mother of Major Davis.

## LANGUAGE BAD, SHE SAYS

Woman, on Behalf of Boy, Travels From Japan to Philadelphia and Is on Witness Stand Twenty-Two Minutes.

PHILADELPHIA, Jan. 23.—"I went to Washington to see Major-General Elliott about transportation to Guam. He told me my son was no good, inefficient, lazy and not fit for a discharge to the Marine Corps. He said, 'damn him, I will get him before the court and get his commission.'"

Thus testified Mrs. Elva D. Davis, mother of Major Henry G. Davis, of the United States Marine Corps, who is being tried by courtmartial at the Philadelphia yard. He is charged with insubordination. Most of the charges are preferred by Major-General Elliott. Mrs. Davis also testified that after her interview with General Elliott she wrote to the Secretary of the Navy and obtained the transportation to go to see her son in Guam.

"I wrote the Secretary of the Navy that this was the worst brainstorm General Elliott had had in years," she continued. "I told him his language was so vile that officers and friends of officers were afraid to call on him."

"I talked to General Elliott as if he were a child. He was rude and his language was offensive and he used bad language toward me. The interview was very short, very strong and very insulting. I became hysterical when General Elliott said my son was immoral and worthless. Throughout he showed animosity toward my son."

Judge-Advocate Leonard asked Mrs. Davis if she had not kicked the waste basket while she was in General Elliott's office.

"Curious to state, I did not. For once I controlled my temper," she says in part.

Mrs. Davis, who traveled from Japan to testify for her son, was on the stand only 22 minutes. She was brought here to give testimony tending to show that Major-General Elliott had long persecuted Major Davis on trivial matters in order that he might have him dismissed from the Marine Corps.

## FLEET NEEDS CANAL FORTS

General Board of Navy Says Defenses Would Aid in War Time.

WASHINGTON, Jan. 23.—Fortification of the Panama Canal is needed, in the opinion of the general board of the Navy, of which Admiral Dewey is president. This board was asked for an opinion on the subject by the United States fleet.

"The general board believes the proposed fortifications at the terminus of the isthmian Canal would be invaluable in the event of a war with the United States fleet from one side to the other through the canal in the face of an opposing fleet. The function of the fortifications in the canal is to prevent the enemy from attacking the canal at its terminus as it is at any fortified place from which a fleet may have to issue in the face of an enemy's fleet."

The statement was made by Rear-Admiral Robley D. Evans, retired, in which it was said no amount of fortification of the canal would render it of real value.

The general board of the Navy had been declared or when war was known to be inevitable.

## OFFICIAL IS NOW ACCUSED

(Continued From First Page.)

nation for State's Attorney of Vermilion County at the primaries preceding the November election by the incumbent, John H. Lewman; William G. Brown, appointed two weeks ago on the Election Commission of Danville; seven others said to be chiefly ward and precinct workers.

After the testimony of these men, the following were ordered by the grand jury subpoenaed to tomorrow: P. J. Leary, son-in-law of Speaker Cannon and president of the Danville National Bank; W. J. Parrett, manager of the Commercial News; J. C. Moorehouse, who was a candidate for election to the office of clerk of the Danville National Bank; Frank W. Jones, City Attorney of Danville, campaign manager for Sheriff Shepard and named by the two newspaper men as having admitted buyers of vacant lots and "good things," if the reporter would not go before the grand jury; W. C. Thompson, ex-County Treasurer; four others, said to be ward and precinct workers.

Admissions of Bribery Told.

Frankberger's testimony brought out the full story of the interview that he professed to have had with Jones. The conversation, which the newspaper man, backed by his colleague, Martin, told the grand jury he had with Jones, was approximately as follows:

Frankberger—"We have come to see you about this election business. Jones (smiling)—Be careful. I have a lot of things to do. I am not looking for the shot-gun, Mr. Jones."

Frankberger—"I got the old man (the reporter's father-in-law) this morning and he was telling me about your election-day office run. Peter Senichar, a confederate, showed him your poll list."

Jones—"Yes, yes, I didn't do it any more. Martin—Mr. Jones, did you have a list of bought votes and the amounts paid for them?"

Jones—"Yes, I had a partial list of those, but I haven't got it any more. I have it in my pocket. Can you remember the names of any of the voters on the list?"

Jones—"Well, I could not remember the names of any of the voters on the list. Jones—Not right off, but I might have a few of those fellows whose memories could be refreshed on this thing."

Father-in-Law Tells Secret.

This conversation, said Frankberger, took place about 10:15 A. M. Saturday at Jones' office.

The newspaper man explained to the grand jury the reference in the alleged conversation to the "old man," and supposed "election-day office" as the latter's shop. The "old man" referred to, Frankberger testified, was his own father-in-law, H. M. Martin.

Mr. Martin, who is not related to the newspaper man of the same name, has a butcher shop in the second precinct of the Seventh Ward. This is what Frankberger told the jury translated there, his authority for such a state-

ment being, according to his testimony, the statement of the father-in-law.

Jones engaged the rear room of the shop as an election office, it being two doors (40 feet) from the polling booth. Here, said the witness, Jones personally met voters on election day, instructed them how to vote, and it was testified, paid them for their votes.

Martin, said his son-in-law (the witness today), told the latter he knew this happened because he scraped off some paint on the glass panel of the door and looked through. Two weeks ago or thereabouts, the witness said his father-in-law told him, Jones showed the butcher the alleged poll list he had used to check off the voters he is charged with having bought. Martin, seeing his name at the bottom, said the witness, erased it, even though the notation "35 office rent" was made after the name.

It was this information which Frankberger testified today he took to Jones' office Saturday and with which he obtained the alleged confession.

The City Attorney has denied absolutely that he confessed to such action and said he would tell the truth if asked by the grand jury. His statement was followed by a subpoena issued today.

Isaac Woodward, foreman of the grand jury, said:

"We have our instructions to go into this and we're going as far as we can go, if it takes all Spring. We'll find out about these alleged confessions."

Judge E. R. E. Kimbrough, who instructed the grand jury to clean up the voting situation, has left the path wide open, having caused it to become known he will hold as immune all vote-buyers, if they confess, and will be reasonably lenient with vote-sellers, if they will confess at once.

## 60 Indicted in Vote Frauds.

CAMDEN, N. J., Jan. 23.—The grand jury which has been investigating alleged frauds committed in this city at the last election, reported today and 60 indictments were voted.

## LORIMER HAS DEFENDER

GAMBLE SAYS ENOUGH CLEAN VOTES CAST TO ELECT.

South Dakota Senator Says This Fact and Absence of Direct Guilt Suffice to Exonerate.

WASHINGTON, Jan. 23.—Supporting the findings of the majority of the subcommittee on privileges and elections, which investigated the election of Lorimer of Illinois, Gamble of South Dakota, himself a member of that subcommittee, today addressed the Senate.

In order to invalidate the title of Lorimer to membership, Gamble held it would be necessary to show:

"That in his election he directly participated in one or more acts of bribery, or had knowledge of or sanctioned and encouraged such act, or acts of bribery."

"That by corrupt practices through bribery a sufficient number of votes was secured in his interest and actually voted for him, and that the number so secured was sufficient to change the result of the election."

"Not even by the prosecution in the case declared by Gamble, 'was it claimed that Lorimer, directly or indirectly, participated in any corrupt practice and no evidence was adduced to connect him with the most remote degree with bribery.'"

The Legislature of Illinois was held up by the speaker as a body in which the public interest is involved. It has been shown by any evidence worthy, in the opinion of Gamble, of belief that such funds had been used for the election of a United States Senator.

"I feel," said the speaker, "that if Senator Lorimer be guilty as regards these practices and a sufficient number of votes of the membership who voted for him were not tainted, or corrupted, then he should not be made to suffer as a result of a general practice which appears to have been in vogue throughout the recent legislative sessions, affecting matters of legislation solely and dissociated from the election of a United States Senator."

The speaker then read the vote cast in the election and argued, citing authorities, that even the exclusion of the votes cast for Lorimer and alleged to have been tainted would yet leave Lorimer a clear majority of one.

## ALL MAIL CARS TO BE OF STEEL

House Puts Time Limit on Wooden Cars—Clerks' Demands Defeated.

WASHINGTON, Jan. 23.—The House of Representatives today, after an extended discussion, adopted a provision in the postoffice appropriation bill that after July 1, 1916, all mail cars used on interstate railroads shall be of steel construction.

The new provision does not affect the acceptance of equipment now under construction or contracts under plans approved by the Postmaster-General. This was far as the postoffice committee desired to go, but it was the sense of the House that a definite time limit as to use of wooden cars should be fixed.

Representative Madden of Illinois offered the amendment as to 1916 and it was adopted.

The House also adopted a committee amendment providing that no wooden mail car shall be placed ahead of a steel car in any train.

An amendment to the postal bill offered by George of Iowa, limiting the hours of work by railway mail clerks to 155 hours in four weeks, was defeated.

An amendment offered by Martin of

## Hood's Sarsaparilla

Is the World's Greatest Blood Purifier and Strength-Giver. It builds you up. Accept no substitute, but insist on having Hood's, and only Hood's.

If effects of its great cures, not simply because it contains sarsaparilla, but because it combines the utmost remedial values of 20 different ingredients.

Get it today in usual liquid form or chocolate tablets called Sarsatabs.

Webb's

AND VISITING CARDS

W. G. SMITH & CO.

Washington Bldg., 4th and Washington



## All Figures Are Improved by W. B. Corsets

—Good corseting is the really essential basis for fashionable dress. You can't expect good lines if you simply go into a store and pick out any corset, at random, without regard to its fitness for your own figure.

—No matter what type of figure you represent, you are sure to find its perfect prototype in one of the many styles of W. B. Corsets.

—W. B. Reduso Corsets for plump figures, W. B. Nuform Corsets for all degrees of slender and average figures.

—Ask the fitter to aid you in selecting the right model for your figure.

—If it be a W. B., your lines will reflect undeniable smartness and grace.

—We have a full assortment of models from \$1.00 up.

Reduso Models \$3.00 Up Nuform Models \$1.00 Up

Tipman Wolfe & Co.

Merchandise of Merit Only

South Dakota allowing overtime pay to railway clerks, was ruled out on a point of order.

The committee provision in the bill granting travel allowances to railway clerks, not to exceed 75 cents a day, also went out on a point of order.

## COMMITTEE KILLS CLAIMS BILL

Democratic Congress Saddled With South's Demand for \$3,000,000.

WASHINGTON, Jan. 23.—The Democratic 62d Congress will be charged up with an extra \$3,000,000 appropriation for war claims as the result of the action of the House committee on claims today.

The committee provision in the bill granting travel allowances to railway clerks, not to exceed 75 cents a day, also went out on a point of order.

The bill is largely made up of claims from the South on account of deprivations in the Civil War, and there are many provisions in it for individual spoliation claims by the subcommittee caused a lively session in the committee and finally defeated the proposed legislation. The Democrats say the bill will be passed in the next Congress with the French spoliation amendment eliminated.

## STEEL TRUST INQUIRY ASKED

Representative Stanley Urges Passage of Resolution.

## DOCTORS ADVISED OPERATION DECIDED TO TRY GREAT KIDNEY REMEDY.

I want to tell you in a few words what Dr. Kilmer's Swamp-Root did for me, believing that my testimony may do some other suffering person a great deal of good.

About six years ago, I was dangerously ill, consulted three doctors, all of whom said I had kidney trouble. One of the doctors analyzed my urine and reported that I had it