

## EVIDENCE IN CRIMINAL ACTION INADMISSIBLE

Transcript of Land Fraud Cases Ruled Out.

## DECISION FAVORS DEFENSE

Contention of Attorneys for Willard N. Jones in Suit Brought by Government Is Upheld.

United States Judge Wolverton yesterday ruled that under the Federal statutes in the trial of all actions at law the only mode provided for introducing testimony is through direct examination, so that the right of cross-examination shall be preserved to litigants. The only exception is in case of depositions taken as provided by the same statute.

The question was raised and the ruling was made in the trial of the suit between the Government against Willard N. Jones for the recovery of \$12,600 damages for 1440 acres of timberland alleged to have been fraudulently acquired by Jones in 1901-2 by inducing old soldiers to file on the land and subsequently transfer it to him.

### Witnesses Are Now Dead.

United States District Attorney Haney offered as evidence transcripts of the testimony of six of the nine ex-soldiers whose claims he is allowed to have obtained wrongfully, which was given at the trial of Jones and other defendants in 1905 when they were prosecuted for operations involving the same lands. These entries have since died.

Introduction of this evidence was resisted by Jas. Bowerman and John H. Hall, counsel for Jones, on the ground that, although the action on trial was virtually between the same parties as was concerned in the criminal trial of 19 years ago, the civil suit involved different subject matter and for that reason testimony admissible at the former trial was not pertinent to the latter.

### Former Evidence Rejected.

United States Attorney Haney and his assistant, Barnett H. Goldstein, argued that the rejection of the proffered evidence would deprive the Government of important evidence that would be available had not the witnesses died. Following the ruling of the court, the prosecution sought to prove through Miss Fleming, court reporter, what the same deceased witnesses testified regarding the same matter in the criminal trial. This was also denied by the court upon the objection of the defense.

Through the testimony of B. S. Hunter and Oliver I. Connor, veterans of the Civil War, and two of the nine entrants on claim, alleged to be bona fide, the contention of Jones or his agents Mr. Haney sought further to connect Jones up with the alleged irregular transactions. The testimony of both witnesses in material respects was identical with that of John S. Wells, the Government's chief witness, although both witnesses admitted on cross-examination that they eventually disposed of their land to a third party.

Two widows of ex-soldiers testified to taking up claims. These claims were sold to third parties.

### Widows Induced to File.

Over the objection of the defense, the court admitted the testimony of Mrs. March, widow of an old soldier. The purpose of Mrs. Miller's testimony was to support the Government's contention that prior to the time the nine entries upon which the pending suit hinges, Jones and his agents were actively seeking to induce soldiers' widows to file on claims under the same lands. This was an arrangement the latter employed in dealing with the old soldiers themselves.

All her dealings, she testified, were carried out with Potter, who at the time was acting as Jones' attorney.

She admitted on cross-examination that she was not by nature the type who could either retain the land, upon receiving the funds he had advanced, or she could dispose of the land to anyone else, subject to the mortgage. This particular claim was later cancelled and Mrs. Miller relinquished it to the defendant with the result that Potter lost the \$200 final payment he advanced.

## HUNS ARREST PASHA PARTY

New Turkish Government Decals Vigorously With Young Turks.

GENEVA, Dec. 4.—(Hava.)—The new Turkish government is proceeding vigorously against the Young Turk party of Enver Pasha. The German government, at the request of the Turkish government, has arrested Enver Pasha, Talaat Pasha, Djemal Pasha, Nasim Bey and Chukri Bay, prominent members of the former Turkish government, who fled recently to Berlin.

In Constantinople, the Ottoman government has arrested 200 prominent Young Turks. The Turkish Legation at Paris has begun a search for certain Young Turk leaders known to be in Switzerland.

## PAIN, PAIN, PAIN, STOP NEURALGIA

Rub Nerve Torture, Pain and All Misery Right Out With "St. Jacobs Liniment."

You are to be pitted—but remember that neuralgia torture and pain is the easiest thing in the world to stop. Please don't continue to suffer; it's so needless. Get from your druggist the small bottle of "St. Jacobs Liniment," pour a little in your hand and gently rub the "tender nerve" or sore spot, and instantly—yes, immediately—all pain, ache and soreness is gone.

"St. Jacobs Liniment" conquers pain—it is perfectly harmless and doesn't burn or sting the skin. Nothing else gives relief so quickly. It never fails to stop neuralgia pain instantly, whether in the face, head or any part of the body. Don't suffer!—Adv.

## How Fat Actress Was Made Slim

Many stage people now depend entirely upon Marmola Prescription Tablets for reducing and controlling fat. One clever woman loses 10 pounds a month and 10 pounds a week by using this new form of the famous Marmola Prescription and now, with the help of Dr. Edwards' Liniment, keeps her weight just right. All druggists sell Marmola Prescription Tablets. Order them in care of Dr. Edwards. Get them by sending price direct to the Marmola Co., 864 Woodward Ave., Detroit, Mich. If you have not tried them do so. They are harmless and effective—Adv.

## OFFICIAL CASUALTY LIST

(Continued from First Page.)

**Died of disease—**

Donohue, C. J. (Sergt.), Logansport, Ind.  
McGrath, Robert L. (Mech.), Lafayette, Ind.  
Morgan, Frank (Sgt.), Marion, Ind.  
Nicholson, E. (Cook), Chillicothe, Ind.  
Dougherty, John, Carbon, Ind.  
Bedwell, Everett, Pleasantville, Ind.  
Hicks, Cleo, Evansville, Ind.  
Jones, Charles S., Temple, Ind.  
Goodfellow, Leo L., Evansville, Ind.  
**Wounded in action—**

Pleider, Merrit (Lly.), Saratoga, Ind.  
Foley, James D., Indianapolis, Ind.  
Purcell, John W., Indianapolis, Ind.  
Reilly, John V., Floyd Knob, Ind.  
**Missing in action—**

Allison, Harry W., Bloomington, Ind.  
Byron, John H., Fair Crossing, Ind.  
Smith, Vern, Linton, Ind.

**MISSOURI.**

**Died of wounds—**

Brown, F. P. (Lieut.), Cedar Rapids, Iowa.  
McKim, E. (Sgt.), Marshalltown, Iowa.  
Long, Roy (Corp.), Mt. Pleasant, Iowa.  
Hunting, W. H., Ute, Iowa.  
Dunn, G. A., Waukon, Iowa.  
Bright, C. C., Sioux Rapids, Ia.  
Brandt, A. F., Postville, Ia.  
Michels, A. H., Bellevue, Ia.  
Geddes, C. A., Kellerton, Ia.  
Garay, Charles G., Tipton, Ia.  
Baker, John Arthur, Sioux City, Ia.  
Crichton, William, Grinnell, Ia.

**Died of accident—**

Hicks, R. H., Deaver, Colo.  
Givens, Hardine, Superior, Colo.  
Schoen, John, Colorado Springs, Colo.  
Raynor, John N. (Sgt.), Trinidad, Colo.  
Finke, F. H., Grand Junction, Colo.  
Schultz, James K., Lakewood, Colo.  
Vandermark, Otto, St. Marys, Colo.  
Stewart, Harry F., Trinidad, Colo.  
Teeter, H. L., Kalona, Ia.  
Presley, H. C., Poiter Valley, Colo.  
Kitzmiller, W. E., Los Angeles, Calif.  
Finger, Percy, Poiter Valley, Calif.

**COLORADO.**

**Died of wounds—**

Batchelder, William H., Galt, Calif.  
Braman, Michael J., Vallejo, Calif.  
Clegg, John, Josephine, Calif.  
Duchett, Clayton T., Los Angeles, Calif.  
Grooms, Denver L., Whittier, Calif.  
Taylor, C. E., Thompson, San Francisco, Calif.  
Taylor, L. L., Kellington, Calif.  
Presley, H. C., Poiter Valley, Calif.  
Kitzmiller, W. E., Los Angeles, Calif.  
Finger, Percy, Poiter Valley, Calif.

**CONNECTICUT.**

**Killed in action—**

Spiro, Rafael, Torrington, Conn.

**Died of wounds—**

Seelye, George, New Haven, Conn.  
Divines, Soron, Hartford, Conn.  
Pardee, A. O., New Haven, Conn.  
Oberman, Jerome, Torrington, Conn.  
Taylor, Robert, New Haven, Conn.  
Aren, Gaten, Shelton, Conn.  
McEntarffer, George E., Fort Morgan, Colo.

**Wounded severely—**

Shaw, W. L., Denver, Colo.  
Sterns, Frank R., Buford, Colo.

**Missing in action—**

Callow, Robt. W., Lake Springs, Colo.  
Richards, Sam, Beyer, Colo.

**DELAWARE.**

**Died of disease—**

Thomas, Virgil, Harrington, Del.

**FLORIDA.**

**Died of wounds—**

Proctor, W. C., Naples, Fla.  
Harrington, George, Greers, Fla.

**Died of disease—**

Ferry, Frank L. (Lieut.), Miami, Fla.  
Carl, G. (Corp.), Jacksonville, Fla.  
Gifford, T. J., Noma, Fla.  
Murphy, J. J., Miami, Fla.  
Albert, Waterdown, Fla.  
Hester, James, Bradenton, Fla.

**Missing in action—**

Hendry, Thomas, Fla.

**GEORGIA.**

**Killed in action—**

Montgomery, Chas. (Lieut.), Atlanta, Ga.

**Died of wounds—**

McCurdy, Ernest P. (Corp.), Augusta, Ga.

**Died of disease—**

Wilkes, Milton (Corp.), Savannah, Ga.  
Chancey, E. J., Patterson, Ga.  
Cochran, J. E., Stone Mountain, Ga.  
Mathis, Willis, Milan, Ga.  
Fleary, William D., Fry, Ga.  
Eller, Jessie, Summerville, Ga.

**MISSING IN ACTION.**

Jones, Henry E., Cornelia, Ga.

**Died of disease—**

Ogden, W. E. (Lieut.), Valdosta, Ga.  
Proctor, Edward G. (Corp.), Vidette, Ga.  
Bryant, J. C. (Corp.), Macon, Ga.  
Cochran, J. E., Stone Mountain, Ga.  
Mathis, Willis, Reynolds, Ga.  
McCurtney, Oscar B., Canoe, Ga.  
Jordan, William D., Brewton, Ga.  
Foster, W. E., Phenix City, Ga.  
Walker, Frank L., Athens, Ga.

**MISSISSIPPI.**

**KILLED IN ACTION.**

McCurdy, Ernest P. (Corp.), Jacksonville, Fla.

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