

BREACH BETWEEN NOLAND AND PROSECUTING ATT'Y

T. E. YORK AGAIN SAYS NOT GUILTY

PLEADS TO FORGERY CHARGE
MADE AGAINST HIM

WILL ASK FOR A CONTINUANCE

Attorney O'Neill Objects to Having
This Case Set for Trial Before
the Other One Against Him

In the circuit court Wednesday Thaddeus E. York pleaded not guilty to the charge of forgery that had been brought against him by the grand jury.

The trial of York on the first charge that had been brought against him, that of securing some \$8,965.25 from Fred Melrose by means of a certificate of deposit, had been set for tomorrow morning, and District Attorney Kuykendall requested that the forgery trial be set for the same date and that it be heard first.

C. M. O'Neill, attorney for York, rose to his feet and said:

"May it please the court. The indictment of the State against F. B. Houston on the charge of forgery is now before the court, and the district attorney desires that the case be set for trial before the case which has already been brought against him. I wish to state that the defendant has some rights before the court, that he has a right to have respected. I have but recently come into the case, and am making all the effort possible to have them ready for trial. I am not seeking to hinder the court, and will make all due haste and diligence in preparing the cases for trial.

"There are matters and evidence necessary for the case that cannot be procured except through depositions. They are in foreign states, and it will take time to secure them. I give notice that a continuance will be asked for. I make this statement so that the state may be prepared."

Judge Noland then set the forgery case for tomorrow morning to precede the other case. "I set it at that time so that you may make your showing for a continuance."

Attorney O'Neill then stated that the defendant would resist the change in the order of trial.

So tomorrow morning will see the first of York's struggle for liberty. Welch Pleads Not Guilty

The first case called, after Deputy Mark L. Burns had declared the circuit opened, was that of the State against George Welch, whom the grand jury had brought an indictment against, charging him with murder in the first degree for shooting Fred Alexander.

After telling Welch to stand up, Judge Noland said to him:

"You are charged by the grand jury with murder in the first degree, Mr. Welch, what is your plea?"

Welch replied: "Not guilty."

District Attorney Kuykendall said that the state was ready to proceed with the trial, and was willing to have any date set for the case to be heard.

H. M. Manning, who had been appointed attorney for Welch, said:

"If the court please, I do not see how I can be ready for the trial of this case for ten days, and possibly longer. I have had a great deal of work on hand so far and considering the gravity of the charge I would like further time in which to prepare for the case. As soon after the ten days are up I will meet with the district attorney and the court and have a date set for the trial."

The court acquiesced in the desire of Mr. Manning, and the date for the hearing of the case against Welch will be set some time later.

MILLERS MUST STOP BLEACHING FLOUR

WASHINGTON, D. C., August 3.—Millers must stop bleaching flour, pending adjudication by the higher courts, or stand criminal prosecution for each shipment made in interstate commerce, according to a decision reached here today at a conference between officials of the departments of agriculture and justice.

COMMAND IS RESTORED TO COLONEL AMES

Had Been Implicated in the Lieutenant Janney Suicide Scandal

MANILA, August 1.—Lieutenant Colonel Robert F. Ames, who was court-martialed following an investigation of the suicide of Lieutenant Clarence M. Janney at his home, has been released from arrest and restored to the command of the Twelfth Infantry, U. S. A.

The findings of the court martial have not been published here, but it is understood that the accused was reduced twelve numbers.

Mrs. Janney, widow of the suicide, who was a witness at the court martial, has sailed for Hong Kong, en route for her home in San Francisco. She was Madeline McKissick.

Ames was charged with conduct unbecoming an officer and to the prejudice of military discipline. He was arrested on orders from Washington following the receipt there of the report of the board of inquiry which investigated the death of Lieutenant Janney.

Janney shot himself after a quarrel with his wife while the two were dinner guests of Ames. The quarrel was said to have started over the discovery that his wife had given Ames a champagne cooler that had belonged to her husband.

WOMEN BECOME SUSPICIOUS

FRIEND OF MRS. CRIPPEN GAVE
POLICE CLEW

Appearance of Mile. Leneve at Ball
With Murdered Woman's Jewelry
Aroused Suspicion

TACOMA, Wash., August 3.—Mrs. Cecilia McCarthy, a member of the London Music Hall Ladies' Guild, who, with two sisters, is appearing at a local theater, said:

"When Doctor Crippen told us many weeks after his wife's sudden disappearance that she had died in Los Angeles, we did not believe it, and secured evidence which finally started the Scotland Yard officials at work. We knew Belle Elmore Crippen very well. She was the honorary treasurer of our guild, and worked hard, refusing any salary for what she did.

"On February 3 the committee of the guild received a note purporting to have come from her, stating that she had been cabled to come to America, and that we had better elect a new treasurer, as she would remain a long while.

"Early in April Dr. Crippen attended a benevolent fund dance with Mile. Leneve. She was wearing Belle's diamonds, and that shocked us. Finally we wrote to Los Angeles, inquiring whether there was any record of Belle having died, and received a reply that there was no such record. Previous to this we had asked the Scotland Yard officials to take up the matter. When the Los Angeles dispatch came they renewed their activity. If they had done so earlier Dr. Crippen would have been in the toils sooner."

POLITICAL REFUGEES ARE RELEASED FROM PRISON

FLORENCE, Ariz., August 3.—Senors Magon, Villareal and Rivera, the Mexican political agitators who have been in prison in Los Angeles, and also in the territorial prison here, were released from confinement from the penitentiary here today. Their case has attracted a great deal of attention, and it was their confinement in the jails of this country that furnished the basis for the lecture which has been given by Mrs. Dorothy Johns, the socialist orator.

GILLET GRIEVED TO HEAR OF WARREN'S DEATH

SACRAMENTO, August 3.—Governor Gillett was surprised and sorrowed at the death of Trustee Warren. He refused to state what bearing it would have on the case. He said "It would hardly be proper to discuss that fact at present." It is believed that he will soon appoint a trustee who is in accord with his feelings relative to the Van Llew case.

Question of Veracity Involved in the Controversy

ROW IS OUTCOME OF LIQUOR CASES

OPTIONISTS DENY THAT THEY
AGREED TO MINIMUM
SENTENCE

DISTRICT ATTORNEY SAYS THEY DID

Court Turns Down the Agreement
and Imposes a Heavy Fine and a
Jail Sentence on Carl Reed and
G. T. Shaw.

Like a clap of thunder from a clear sky there came Wednesday a breach between District Attorney Kuykendall and Circuit Judge Noland that bordered on the sensational. It had its foundation in a purported agreement between the district attorney, the judge and Horace Manning, attorney for Carl Reed and G. T. Shaw, the liquor men who Monday pleaded guilty to the charges of violating the local option law.

Monday afternoon it was rumored on the street that an agreement had been reached between the court and the district attorney to the effect that if the men pleaded guilty to all of the charges they would be sentenced on one of them, this sentence to embrace a fine of \$250 and ten days in jail. It was further stated that this agreement was reached after a conference between the district attorney and the local option people. It was this latter fact that furnished the foundation for the breach between Judge Noland and Mr. Kuykendall.

As soon as the local option people heard that they had agreed to anything except that the men plead guilty and the court use its own discretion as to the punishment to be inflicted, they called on Judge Noland and asked if the rumor had any foundation in fact. Judge Noland informed them that he had been advised by the district attorney that they had asked, or agreed, to the imposition of a fine of \$250 and ten days' imprisonment, and that that official had recommended to the court that such a course be followed. That he, as judge, felt that inasmuch as the local option people had spent their money in pushing the prosecutions and securing the evidence they were entitled to at least a hearing in the matter; and further, since they had agreed with the district attorney as to the punishment and that official had recommended it, he felt that he ought to follow the precedent in such cases and do as the prosecuting attorney recommended.

Judge Noland was then informed that there was absolutely no agreement whatever. The judge sent for Mr. Kuykendall and acquainted him with what he had learned. The district attorney stated that such an understanding had been had with the local option people, and that he had made no misrepresentations to the court. This was flatly contradicted by J. M. Platts and Dr. W. L. Leonard, who were present at the conference. Judge Noland then stated that whatever action he would take on the matter would be announced from the bench when the men were called before the court for sentence.

At 9:30 Messrs. Reed and Shaw were summoned before the court and asked if they had anything to say why the sentence of the court should not be passed. They answered in the negative. "Has the state's attorney anything to say at this time," asked the court. Mr. Kuykendall arose, and addressing the court, said:

"The state has no desire that the extreme penalty be imposed upon these men. An agreement has been reached between those furnishing the evidence and the state, and which is recommended to the court, that if

they plead guilty to all of the charges they shall be sentenced only on one of them, the others remaining over them in the nature of a suspended sentence. The main object of this prosecution is to drive these men out of the business in which they are engaged, namely the sale of intoxicating liquors, until such time as they may be permitted to engage in the traffic under the law. I do not ask that a jail sentence be not imposed. A jail sentence should most certainly be imposed, and in addition such fine as in the judgment of the court will best serve the ends of justice. In one case this is the second offense, in the other it is the first. A term of imprisonment should be imposed, because a fine alone will not have a deterrent effect in preventing similar infractions of the local option law. The state, therefore, would like to see a jail sentence imposed in the joint case to which they have pleaded guilty, and that sentence in the other cases be suspended, so as to provide against their again violating the local option law."

Taking up the case, Judge Noland said:

"The court will state that the sentence that was to be imposed and which was indicated to the counsel, Mr. Manning, for the defendants, will not be followed. The parties interested in this prosecution deny that any agreement was reached as to what sentence should be imposed and the court is not going to have its hands tied by a promise about which the district attorney—"

"Mr. Platts did agree to such a sentence, and the district attorney stated all of the facts to the court," broke in Mr. Kuykendall.

"Mr. Platts flatly denies it, and the court—"

"That is a matter between the court and Mr. Platts," cut in Mr. Kuykendall. "The understanding stated to the court was agreed to by Mr. Platts."

"The court will advise the defendants that they will be granted permission to withdraw their plea of guilty, if they so desire. The court will not have its hands tied as to the penalty that is to be imposed. Gentlemen, what is your decision?"

Attorney Manning asked for a ten minutes' recess to permit of his consulting with his clients, which was granted. At the expiration of that time they came into court and stated that they would let their plea of guilty stand. The court then sentenced Carl Reed to twenty-five days in the county jail and a fine of \$350. If the fine is not paid he is to serve one day in jail for each \$2 of the amount. G. T. Shaw was sentenced to twenty days in jail and a fine of \$300. If he fails to pay his fine then he will have to serve one day for each \$2 of the amount involved.

QUEEN TO QUIT MADRID

Wife of Spain's King to Visit Relatives on Isle of Wight

COWES, August 3.—Within a day or two Queen Victoria will arrive in the Isle of Wight, to visit her relatives at Osborne cottage. She needs a rest badly, for Madrid has been full of anxiety of late for the Spanish royal family. She will remain about a month, and will be accompanied by her three children, but unless the situation clears in Spain, King Alfonso will not be able to leave Madrid before the end of the month.

Queen Victoria's visit is to be purely private throughout, but she will visit Windsor in order to lay a wreath on the tomb of the late King Edward, and she will probably spend a few days in her old home in Kensington palace. It is expected that during her stay King Alfonso will extend a formal invitation to the King and Queen of England to pay him a state visit to Madrid.

CRIPPEN CONFESSES THAT HE MURDERED HIS WIFE

QUEBEC, August 3.—Inspector Dow intimated today that Dr. Crippen had confessed that he had murdered his wife. Dow declined to discuss the details of the crime.

BOY TELLS FALSEHOOD TO SHIELD GIRL FRIEND

Shot by Little Comrade While They Were Playing "Soldier"—Playmates Tell of Accident

YONKERS, N.Y., August 1.—Dying of a bullet wound in St. John's hospital George Pelham, 6 years old, has sturdily insisted that the injury which brought him there was self-inflicted. After a careful examination the hospital physicians announced, however, that the course of the bullet made it impossible that the boy could have shot himself.

Some of the playmates were closely questioned, and the story was got from them. He had been shot, they said, by a girl friend, Mildred Baxter, 7 years old, and rather than get her into trouble, as he thought, he had determined to take the blame upon himself.

Several of the children left alone for the afternoon had decided to play soldier, and George appointed himself captain.

The others armed themselves with toy rifles and cap pistols, but Mildred could find no weapon, so George went upstairs and got his father's revolver. "It's all right," he said; "it isn't loaded."

But when the command to fire was given there was a flash and an explosion, and the little captain fell with a real bullet in his breast.

ATTORNEYS SENT TO JAIL

SENTENCED FOR CONTEMPT BY
JUDGE LAWLOR

Refuse to Cease Talking When the
Court Orders Them to Do So, and
Get Five Days in Prison

SAN FRANCISCO, August 3.—Three of the leading attorneys of this city were sentenced to five days in jail for contempt of court for replying to Judge Lawlor today, when he intimated that District Attorney Fickert had followed the lead of the attorneys for the defense in the Pat Calhoun alleged bribery cases.

When the case came up for hearing Judge Lawlor remarked that the disappearance and continued absence of "Big Jim" Gallagher, the ex-supervisor, was because of some agreement between the attorneys, and scored them yesterday for not producing the witnesses. He reviewed the whole history of the case in detail, and when he had finished Stanley Moore, one of the attorneys for the defense, arose and started to reply. Judge Lawlor ordered him to quit. Moore continued to talk, and the judge ordered him sent to jail for five days. His father, A. A. Moore, arose and also tried to reply, and he was told to stop, but kept on. He also was given into the custody of the sheriff for five days for contempt of court.

Then J. J. Barrett, another attorney, got up and denounced Judge Lawlor, and said that he had taken the case out of the province of the law and mixed it up in the political affairs. He refused to stop, and said that the primaries were approaching, and that the judge's action was traceable to that fact. He also got five days in jail for contempt of court.

Pat Calhoun then arose and began a harangue, telling Judge Lawlor that he thought the whole thing was an outrage, and that the case was being delayed by his enemies with the connivance of the court. He declared that the whole matter was disgraceful, and that the men should be proud to go to jail as the attorneys had done for contempt.

Judge Lawlor got up, left the bench and walked from the room. Calhoun continued his wild talking for a few minutes, and then sat down. Judge Lawlor returned and continued the case.

LOSES FOUR FINGERS IN SAUSAGE MACHINE

While Joe Miller, an employee of J. Konop, was engaged on Monday in feeding meat into a sausage machine his right hand caught in the rolls and before he could stop them four fingers were badly mutilated. He was taken at once to the office of Dr. Hamilton, where it was found necessary to entirely amputate the damaged digits.

GRAND JURY IS INVESTIGATING

CONDUCT OF DISTRICT ATTORNEY
IN PRICE CASE

JUDGE ELLIOTT IS THE PROSECUTOR

Witnesses Are Being Examined, But
What the Trend of the Examination Is Is Unknown

The grand jury has again taken up the investigation of District Attorney Kuykendall's conduct of the Price case, and the work of examining witnesses was begun Wednesday. Judge Elliott was appointed by the court to represent the interests of the state, the fact that Mr. Kuykendall was under fire having disqualified him to act in this particular case. It is understood that a large number of witnesses are to be subpoenaed, and that the matter will be probed to the bottom.

The investigation has stirred public opinion to its very depth. It is such an unusual proceeding that the keenest interest is being manifested in it by the public, and the outcome will be watched by the people generally.

Since the examination has begun it has started a crop of rumors that other matters will be taken up by the grand jury, and many mooted questions definitely disposed of. Whether this is a fact or simply the outgrowth of an aroused public sentiment remains to be seen. It is realized that there is nothing of persecution connected with the present investigation, and no matter what the outcome, it cannot but be accepted as the performance on the part of the grand jury of its public duty.

VATICAN EXPECTS CAN. ALEJAS TO BE DISMISSED

Pope Ignores the Pleas of the Cardinals for a Less Antagonistic Attitude

ROME, August 3.—Pope Pius X is confident that King Alfonso will eventually be forced to dismiss Premier Canalejas and appoint a clerical premier. He is ignoring the appeals of a majority of the cardinals for a less antagonistic attitude by the Vatican, and it is reported privately that he is advised that the Spanish clericals are not prepared for war. The clericals are hurling defiance at the crown. Premier Canalejas believes that they will not resort to the sword until they have been defeated by other measures.

TWO ARE KILLED PLAYING WITH GUNS

PITTSBURG, Pa., August 3.—Accidental shots ended two young lives here. Albert Sutter, while removing the cover from a new shotgun to exhibit the weapon, accidentally pulled the trigger and let the full charge go into the face of his chum, Vernon Craham, aged 15, who was instantly killed.

Harry Cryster, aged 5, shot his 3-year-old sister, Marcella, when he picked up a revolver from a rural mail cart in which they were playing.

"Harry shot me, but don't tell mamma, 'cause she's sick," exclaimed the little girl, when her grandmother, Mrs. Eugene Steel, carried her into the house. The child died half an hour later.

CLAIM BODY IS THAT OF MRS. CRIPPEN

New Evidence Secured That Police
Assert Makes Positive Proof as
to Its Identity

LONDON, August 3.—Scotland Yard officials declare there is no doubt regarding the identity of Mrs. Crippen's body. New evidence has been secured that makes proof positive. Arthur Newton, a noted criminal lawyer, who is representing Doctor Crippen, denies that there is any proof that the body is that of Mrs. Crippen.