

MATTOX IS GONE!

(Continued from Page Five.)

"Well," said Mrs. Hatch, "We have seen darker hours than this and have come out all right."

"But this is very dark."

"I have a presentiment," said she, "that it will end all right."

"Have you seen Anna Edwards' letter to the EAGLE?" to Mattox.

"No, I'll get it from Mr. Burrows."

Mrs. Hatch: "Poor girl she had a rough time of it. I did not know they had taken her to jail till I read it."

"Don't you think she did a foolish act?"

"Yes, certainly, the more so because when a girl is in a dining room, girl, people talk about her."

By this time Mattox had the letter and had read it nearly through.

He then read over some passages out loud and said: "She was a woman of nerve."

"Was it not unfortunate for you that she made a scene?"

"Perhaps, I can't tell. I am sorry she did it."

"For her, Clyde?" said his mother.

"Yes, for her, I am sorry she had to pay that fine. If it had not been for the influence of the court I never had her pay it."

"Some other woman paid it for her."

"Yes, but no doubt as poor as herself," said the mother "and" added the son "she will not lose by it."

"You never knew her?"

"No I never knew her. She might have passed through the jail here but I can not recall her."

WHAT ABOUT THAT NOTE?

During the interview two boys came to look at Mattox, left when he asked them if they desired anything. A negro looked from the window from the corridor and Mrs. Hatch asked him what he wanted.

"Nothin'."

Then don't stand there," and he moved a few feet away.

"You are from Texas?"

"Yes, but people here in Kansas think we all hate the negroes and are desperadoes out we are not."

"I would like you to say that I never, as far as I can recollect, knew Anna Edwards," said Mattox.

"Has the EAGLE given her a fair hearing?"

"Yes, but it has created adverse public opinion."

When the reporter did withdraw he was unable to leave as Tura Key Burrows had come out and locked the door. During the fifteen minutes that he was out Clyde came to the door of the entry leading from the corridor to the sheriff's department. As he leaned against the door to deliver a small note which he had in his hand it could be easily seen how he could get through a seven-inch opening.

HE MAY BE IN WICHITA.

"I knew there was something like this coming," said Deputy Marshal George Walker.

"I said as much last night."

"What do you mean?"

"This has been planned for weeks."

"What makes you believe so?"

"I can't say now. I will later. It was not exactly as I expected it would be."

"You will not give your reasons?"

"I can not."

"Do you believe Mattox will be captured?"

"Not without a hard, bitter fight."

"Then he will be captured in your judgment?"

"Yes, some day he will be killed—such men always are."

"Where, in your judgment, is he tonight?"

"He may be right here in Wichita. There are many sympathizers who will harbor him. I would not be surprised if he were right in this town now. If he is he will be low for a time and then make away for Mexico."

"Why Mexico?"

"Because this is where his partner in the crime, a refugee named Eley, is now. Clyde will join him."

HAD ESCAPED ONCE BEFORE.

"What leads you to believe that he is in hiding in Wichita?"

"Because in December, 1899, he did the same thing in Oklahoma City. At that time he had been indicted for this crime. He heard that his bondsmen had asked to be released from his bond. Mattox disappeared. After five weeks he appeared suddenly again in Oklahoma City. He had never left the town. He had been secreted in a dark cellar. For three weeks after that Mattox wore a bandage over his eyes. They had been in the dark so long that the light of the sun blinded him."

SAYS HE CAPTIONED BURROWS.

Deputy Marshal McMurray took Clyde Mattox after the verdict to the jail. Mr. Murray was seen last night by a reporter for the EAGLE. Like the rest, he was dumfounded.

"When did you take Mattox to the jail?"

"It was shortly after noon, I think."

"To whom did you turn him over?"

"To Turkey Burrows."

"Did you say anything to him?"

"Yes, I did."

"What?"

"I said, 'Burrows, you must exercise extraordinary precaution or that fellow will get away from you.'"

"I met made you say that?"

"I noticed that Burrows did not put him into the cell but let him loose in the corridor."

"Was Mattox particularly cast down, on his trip to the jail?"

"No."

"Is he still in town?"

"No, I think he has gone. He must have had his horses placed. He has gone. This is a coxer."

"Will he be taken?"

"Never alive. Thirty-six men, that is excepting one, have pronounced him a murderer. He will murder again."

LEGAL STATUS OF THE CASE.

Colonel Johnson, chief attorney in the defense of Mattox, was called upon.

"What do you know about the escape of Mattox?"

"I know that he has escaped and I also know that I do not want the honor of arresting him. It will be no easy matter to recapture him."

"What is the legal status of the case under the present conditions?"

Colonel Johnson ran his fingers through his black curls and looked far away. "I really don't know what the status of the case is. This escape has mixed things all up until we hardly know where we are at. I was lucky enough today to file a notice for a new trial and I shall go ahead with it, as far as I can, as if nothing had happened. The escape of a prisoner between conviction and sentence, or between conviction and the hearing of a motion for a new trial, is a very unusual thing. I hardly think that a motion for a new trial can do him much good unless he comes into court during the present term, and he is not likely to do this."

EXPLANATION OF BURROWS.

Jailor Charlie Burrows was seen by a reporter for the EAGLE and he said:

"I spoke to W. W. Hays this afternoon

KNOCKED THEM OUT

JUDGE REED SUSTAINS THE POSITION OF RECEIVER LEVY.

He Held That a Court of Equity Could Take Charge of the Assets of an Insolvent Partnership and Distribute Them Equally Among the Creditors.

The district court passed upon the Whitaker packing house case, as it is commonly called, yesterday.

The questions involved were first the right of the receiver to dissolve the attachment, it being contended that the receiver as such had no such right. The court decided that the receiver had such right; that the duties of the receiver were not simply that of a custodian but that he had the right to protect his possession when controverted by a motion to dissolve attachments. The court also decided that a court of equity should be authorized to take charge of the assets of an insolvent partnership and distribute its assets among its general creditors, notwithstanding the general law of assignment.

It became a hotly contested question if there existed a partnership in this case and the court held there was a partnership and that the attachment should be dissolved and the assets distributed equitably among all of the creditors.

In 1889 the wholesale packing house was built and the board of trade contributed \$150,000 to it in money and law. The hard times came on and the company, consisting of Michael McEneaney and John Whitaker, found they were insolvent and owed \$600,000. The assets were the packing plant and about \$175,000 in meats. They came here on Jan 6 and applied for the appointment of a receiver and W. W. Levy was appointed. The next day the National Bank of Commerce of St. Louis attached the plant and stock for the payment of \$50,000, and a few days later Jerome Berryman of Kansas City attached for \$30,000 more, claiming to hold a lien against the company. The next day Mr. Levy as receiver filed motions to dissolve attachment in both cases on the ground that the attachments were run after his appointment as receiver and the property being in the hands of a receiver could not be attached. Afterward by leave of the court, the National Bank of Commerce and Berryman filed their intervening petitions setting forth and claiming that there was no partnership existing between McEneaney and Whitaker; that the court had no right to appoint a receiver and that the receiver was collusively and fraudulently appointed, and prayed that the court should dissolve the attachments and order the receiver to pay the National Bank of Commerce and Berryman the amount of \$80,000, first out of the funds in the hands of the receiver. The receiver answers the claims of the National Bank of Commerce and Berryman and asked that his appointment be sustained and that the receiver pay funds in his hands equally among all the creditors with the exception of Berryman and that the latter be denied any judgment whatever. All the other creditors who had not attached also filed their cross-petitions, asking that all the property be divided equally among the creditors and that the receiver be appointed, and prayed that the court should dissolve the attachments and order the receiver to pay the National Bank of Commerce and Berryman the amount of \$80,000, first out of the funds in the hands of the receiver. The case occupied three days in its trial and was very interesting. The attorneys were Stanley and Hume for Mr. Levy, the receiver; J. M. Holmes of St. Louis, representing the general creditors; A. L. Hirsch of the city, representing some foreign creditors; and Bentley & Ferguson and Judge Robinson of Kansas City representing the attaching creditors.

HELD FOR CONTEMPT.

Ed Neff refuses to testify on his attorney's advice.

Ed Neff was arraigned for contempt of court at the district court yesterday. In the case of the Home National Bank of Elgin, Illinois against S. G. Neff to recover a debt. A garnishment was served on W. W. Morris on the ground that Morris had in his possession a stock of boots and shoes and the goods were the property of Neff and liable for his debts. The plaintiff sought to take the deposition of Neff to be used in evidence in support of its garnishment. Neff under the advice of his attorneys refused to testify on the ground:

First, That the notary public Miss Dodge, before whom the deposition was being taken had no jurisdiction, for the reason that the deposition in support or garnishment could only be taken before an officer specifically designated by the court under the garnishment law of 1889.

Second, upon the ground that the depositions were being taken before the depositions had been completed between the plaintiff and the garnishee.

When Mr. Neff refused to testify the notary public issued a commitment and for a moment he was committed to the custody of the sheriff but immediately applied for his release and the part of the judgment which was issued returnable Jan. 22, 1904, at which time the question of taking the deposition will be passed upon by Judge Reed.

The issuing of other papers for the commitment of Mr. Neff to the custody of the sheriff were for the settlement of a legal question only and should not, says Mr. Neff, be merely nominated in the custody of an officer.

MUSIC AND DRAMA.

"JEWELL" COMES TONIGHT.

No one need be told that the play "Jewell" will repay all who attend it tonight.

Mrs. Toler has written numerous plays that have been acknowledged to be splendidly sustained in action, elevating in sentiment and spirited in dialogue.

"Jewell" is no exception. It has its story and that story is told with great dramatic tact and wit.

Little Opal Street, who promises much in a dramatic way, takes the part of "Jewell," a lovable character, and those who have witnessed the rehearsal say that she fills the role admirably. The remainder of the cast of characters is made up of amateur actors and actresses who will surpass all their former efforts, tonight. The cast is:

Henry Earl.....Mr. O. G. Robinson

Alfred Warwick.....Prof. J. S. Griffin

Max Blom.....Mr. W. H. Stiles

Lawrence Van Dorn.....Mrs. J. E. Bennett

Dora Earl.....Mrs. Ed. Woodcock

Donna Earl.....Miss Gladys Caldwell

Little Opal Street.....Miss Gladys Caldwell

Madame Van Dorn.....Mrs. J. E. Bennett

Miss Mims.....Mrs. J. E. Bennett

Two'd Cross the Ocean.

many, many times, if you could put packages of Pearline that have Hundreds of in a line all the been used. Think millions of pack- ages, to mill- ions of differ- ent women; each one of these women probably just as particular about her washing as you are.

They've no fault to find with it but are using more and more of it every day; doesn't all this move you to try it for yourself, and see if you won't be just as well pleased? Crossing the ocean is easier, and quicker, and safer, than it was fifteen years ago. So is washing clothes. The latter is due to Pearline.

Send it Back

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