

WEINSTOCK ON THE STAND.

THE CENTRAL FIGURE IN THE "BEE" LIBEL SUIT.

Said He Had Nothing Whatever to Do With Von Arnold or His Schemes.

The Weinstock-McClatchy \$50,000 libel case was continued before Judge Hughes yesterday morning, and before the court had been in session five minutes there was a warm passage of words in which all the attorneys connected with the case took part, and which was only settled by the court after the talk between Attorney Johnson and Mettison had become personal to an extreme seldom reached in courts.

SHORT, SHARP WORDS.

The passage occurred over a question asked Angus Ross, who was the first witness called for the defense at the morning session, by which it was indirectly attempted to show that C. E. Leonard, who at the time referred to was a member of the Board of Trustees, was instrumental in having the gambling houses re-opened in the latter part of 1896 or the early part of 1897, after they had been closed by order of the Mayor.

In answer to preliminary questions, Ross testified that during the last three months of 1896 and the early part of 1897, he had conducted club rooms in Sacramento, at which gambling was sometimes indulged in. He knew C. E. Leonard.

Attorney Bruner asked the witness whether or not in the latter part of 1896 or the first part of 1897, the games were closed, and subsequently allowed to re-open by somebody in authority.

Attorney Johnson objected, stating that the prosecution was ready to accept any proof regarding Mr. Weinstock, but it had not been shown that Weinstock had been connected with Leonard. It made no difference to the prosecution what the standing of C. E. Leonard was in the community, and no attempt ought to be made to prove something against Leonard until he had been connected with Mr. Weinstock.

Judge Holl said it was not the intention of the prosecution to show that other people were corrupt, and that only evidence going to connect Mr. Weinstock with Leonard and others ought to be allowed. The prosecution did not intend to have anything to do with C. E. Leonard, as connected with the plaintiff, and evidence had been offered showing that there was such a connection.

Judge Hughes inquired of Judge Holl whether the article in the "Bee" did not say that Weinstock was a shield and blackmailer, and whether charges were not made first, that there were hoodlums and blackmailers, and second, that the plaintiff did shield and protect them.

Attorney Bruner, for the defense, said he did not consider it necessary for the attorneys for the prosecution to outline a defense. Mr. Weinstock, he said, was not charged with any wrong by the article published, nor did it show that he had any improper knowledge of the matter, but it did show that he had been ill-advised when he appeared before the people as having suffered from the article.

Attorney Mettison inquired whether Leonard or Weinstock was prosecuting the case, and Attorney Johnson replied that Weinstock and not Leonard was the prosecuting witness. Mettison continued that it was the intention of the defense to connect Weinstock with the matter, or place it in such a light that the jury would conclude he was devoid of sense or reasoning. It would be shown that he would not stand in the position he now occupied—that of prosecuting witness.

When Attorney Mettison concluded, Attorney Johnson arose and said the plan outlined by the defense was not a fair way to try the case. "I will not be put in that position," retorted Mettison, springing to his feet. "I want to treat this court fairly, but I allow no man to say or intimate that I will not stand in the position he now occupies—that of prosecuting witness."

"You may assassinate, but you cannot intimidate," returned Attorney Johnson sarcastically, quoting Attorney Delmas, and then both attorneys began talking at the same time, and kept it up for half a minute. Mettison said he could protect himself at all times, and Johnson retorted that he was ready to do anything at any time.

A vigorous style of speaking was then adopted by both attorneys. He said he would allow no such scenes in court, and that if they were repeated he would severely punish the parties concerned. He should, he said, try the case fairly on its merits, and in deciding the point, said:

"I think, gentlemen, it is exercising a fair discretion on the part of the court to direct the defense that in presenting the evidence in the case that you first show that the plaintiff occupied the position in the community of protecting hoodlums and blackmailers. In other words you may show he was shielding and protecting certain individuals and thereafter show that those individuals were what you charged them with being."

The defense excused the witness Ross for the time being, but notified him that he might be called later on.

WEINSTOCK ON THE STAND.

Mr. Weinstock was the next witness called. He said he had known C. E. Leonard a long time—ever since he had been a candidate for Trustee. He knew Leonard in the latter part of 1895. Witness said he had also known John A. Sheehan seven or eight years, and knew him about February 19, 1897.

About that time Sheehan had spoken to him regarding a proposed newspaper to be started in Sacramento, which Mr. Von Arnold anticipated establishing. There had, however, been no conversation about the matter, and the witness did not respond to Sheehan's statement, Von Arnold and a man named Schuman were present.

The witness testified that from February 19th, he did not see Sheehan until after the 25th of February. On or about February 1st or 2d the witness received a letter signed by Von Arnold, but did not meet him until he was introduced by Sheehan about the 19th of the same month.

Attorney Mettison demanded the letter, and after a short wait it was produced in court. Witness found the letter lying on his desk on his return from lunch, and the marks showed that it had come through the mail.

Attorney Mettison here offered in evidence, and read the letter written to Mr. Weinstock from San Francisco on February 1, 1897. The letter set out a figure in the former libel case brought

by Mr. Weinstock against the proprietors of the "Bee." It refers to the article in the newspaper in Sacramento, to conducting a big gaming house, and speaks suggestively of Mr. Weinstock's name in connection with the Mayoralty. The letter, it will be remembered, was indorsed in pencil, "compared by V. S. etc."

On February 2d witness had received another brief communication from Von Arnold, inquiring whether the former letter had been received, and stating that the writer would be delayed another week. This, too, was read.

The witness said that on February 27th he had sent a telegram to Von Arnold in which he said he knew nothing about the matter referred to in the letter, and did not understand the proposition. Witness again said that on February 28th he had held no conversation with Sheehan, but that the latter had spoken respecting the establishment of a newspaper in Sacramento by Von Arnold.

At the same time, the witness said, Von Arnold had spoken about the libel property, but had said nothing about conducting a gaming house there. The witness said he had been interviewed by Reporter Brown of the "Bee" on the 27th or 28th of February, but that he had not told him that Von Arnold had in the conversation referred to said anything about establishing a newspaper or starting a concert hall.

A MATTER OF DATES.

The witness testified that about the 18th or 20th of March, 1897, he had made notes of the matter partly from memory and partly from newspapers on file and later received from Von Arnold. He referred to a copy of the notes and fixed the dates of publication by it. He received a note from Von Arnold on February 27th, to the effect that he was sick at the Western Hotel, and wanted to see the witness on business. The witness had replied, owing to a press of business he could not spare the time to visit Von Arnold, but might find it possible to answer any questions in writing. The letters were put in evidence.

The witness identified the letter received on the same day from Von Arnold, which stated that the writer had received a letter from his brother in Chicago respecting the establishment of a daily newspaper. He wished to use the name of the witness as an incorporator of the business, and stated that John Weinstock would be connected in the undertaking. The witness had replied in a note to Von Arnold the same day, that the contents of his letter had been a surprise to him, as it was the first intimation he had had that his name had been connected with the enterprise, and he could not imagine on what authority it had been so used. John Weinstock, the reply stated, was a good man. It closed with the wish that the enterprise might succeed. These letters also were admitted in evidence.

THE PART OF LEONARD PLAYED. The witness further testified that on February 27th C. E. Leonard had visited his place of business, and urged him to interest himself in the establishment of the proposed newspaper. Leonard might have said that he wished the witness would think about the proposition, but he could not recall the precise language. What the witness did recollect was that Leonard had persistently insisted that he interest himself in the establishment of the proposed daily newspaper, and that the witness had declined to interest himself in the matter, and said that he neither could nor would interest himself therein. To the best of his recollection the witness had not intimated to Leonard that he would take the matter under advisement.

On March 11th, the witness continued, in answer to questions propounded by Attorney Mettison, Sheehan, Von Arnold and a man named Casey called on him, and Sheehan said Von Arnold had received a check from his brother in Chicago for \$50,000 as a fund to establish the proposed daily newspaper. The witness declined to have anything to do in the matter and told Von Arnold he believed him to be a detective in the employ of the "Bee." Von Arnold had laughed and left, saying he had an appointment with his physician.

On March 11th, Mr. Brown, a "Bee" reporter, had called on the witness and the latter had shown him a letter purporting to have been written in San Francisco by Von Arnold on March 11th. Brown, who said he knew Von Arnold's handwriting, gave it as his opinion that the letter had not been written by the "Bee." Von Arnold had laughed and left, saying he had an appointment with his physician.

At 12 o'clock a recess was taken until 1:30 o'clock p. m. Mr. Weinstock again took the witness stand at the afternoon session, and testified that he had no recollection as to whether or not at the time of the conversation with Leonard, the latter had said that Sheehan was to be at the head of the proposed newspaper.

Attorney Bruner reverted to the diary sent by Mr. Weinstock, in which was notes of the matter, and asked him to produce it.

Attorney Johnson said there had been no order made for the witness to produce the diary in court, and the court agreed with him. Thereupon the attorney for the defense made a formal demand that the diary be produced this morning.

Continuing, the witness said in answer to Attorney Mettison, that on March 9th Sheehan had told him that he was to be general manager of the proposed newspaper, but that he had not said that Leonard was to be one of the incorporators. The witness said he had not read all of the matter published in the "Bee" between the issues of March 4th and March 20th, as there had been so much that it became nauseous to him. Some of the articles he had read, others he had merely skimmed over.

WEINSTOCK'S "RECORD-UNION" ARTICLE.

The witness, in answer to a question, said he had made the statement that appeared in the "Record-Union" on the 21st of March, 1897, in which appeared the name of the witness, and that he had filed against the proprietors of the "Bee." Attorney Mettison offered a copy of the "Record-Union" of the date named as evidence.

Judge Holl for the prosecution objected to admitting the paper in evidence, and wished to know whether it was to be put in mitigation or justification.

Attorney Mettison said the defense wished it introduced for all purposes, both in mitigation and justification. The court admitted the article in evidence, and the witness testified that in submitting the statement in question to the "Record-Union" he had not attempted to try the case out of court. Attorney Bruner read the article, including both complaint and statement.

After the statement had been read, Mr. Weinstock, in answer to questions, said he wrote it at his office and at his home. After writing it he submitted it to his attorneys, who might have suggested some unimportant changes. The complaint was formulated before the statement was written. He read the published statement to his attorneys, and thought they had suggested some minor changes, and read the letter written to Mr. Weinstock from San Francisco on February 1, 1897. The letter set out a figure in the former libel case brought

THE SHEPLAR DIVORCE CASE.

JUDGE JOHNSON DENIES THE WIFE'S PETITION.

He Thought the Parties Could Get Along as of Yore if They Try.

The divorce proceeding of Mary L. E. Sheplar against Frank M. Sheplar occupied all of yesterday's session in Judge Johnson's court, and was warmly fought on both sides. The charge was desertion and failure to provide.

The testimony showed that at one time Sheplar was quite well off, but that he had frittered away a valuable farm property and for a long time had to depend on his employment as a cattle-buyer for a market firm. That position he lost upward of a year ago in consequence of a change in the firm. Since that time he had not, he claimed, been able to procure employment.

In the meantime Mrs. Sheplar had been obliged to do sewing in order to support the family, and she alleges that her husband had not earnestly tried to obtain employment. There were many details in the complaint of Sheplar's shortcomings as a man of family. The plaintiff was represented by H. G. Soule, and the defendant by A. J. Bruner.

Judge Johnson, in summing up the case, traversed the main points in the testimony, and while he found much to criticize and condemn in the course of Sheplar, he said there was nothing to support the charge of desertion, as he had not, apparently, abandoned his home of his own choice. Cruelty was not alleged in the complaint, but if it had been he might have found much to sustain such a charge.

As to Sheplar's failure to provide for his family, the court said it appeared he had done so for some twenty-seven years, though of late years he had not been as considerate in that respect as he should have been. He had frittered away money the same way as was applied to the care and maintenance of his family. But for the past year, as shown by the evidence, he had not been able to obtain employment at his calling, and leaving aside his former acts it did not appear that he was to blame for his idleness the past year.

In conclusion, Judge Johnson said he did not think sufficient grounds had been shown on which to grant a decree of separation. The defendant had expressed a willingness and desire to provide for his family if he could only obtain employment, and it was the opinion of the court that he should be given a chance to do so.

An order was therefore made refusing a decree, but the defendant was required to pay at least \$5 per month in the way of alimony to his wife.

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The usual symptoms are a full or bloating sensation after eating, accompanied sometimes with sour or watery risings, a formation of gases, causing pressure on the heart and lungs and difficult breathing; headache, fickle appetite, nervousness and a general played out, languid feeling.

There is often a foul taste in the mouth coated tongue, and if the interior of the stomach could be seen it would show a slimy, inflamed condition.

The cure for this common and obstinate trouble is found in a treatment which causes the food to be readily, thoroughly digested before it has time to ferment and irritate the delicate mucous surfaces of the stomach.

To secure a prompt and healthy digestion is the one necessary thing to do, and when normal digestion is secured the catarrhal condition will have disappeared.

According to Dr. Harlanson, the safest and best treatment is to use after each meal a tablet, composed of Diastase, Aseptin, Pepsin, a little Nux. Golden Seal and fruit acids.

These tablets can be found at all drug stores under the name of Stuart's Dyspepsia Tablets, and not being a patent medicine, can be used with perfect safety and assurance that healthy appetite and thorough digestion will follow their regular use after meals.

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